

# FEDERAL REGISTER



VOLUME 23

NUMBER 228

Washington, Friday, November 21, 1958

## TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10790

AMENDMENT OF EXECUTIVE ORDER NO. 10530,<sup>1</sup> PROVIDING FOR THE PERFORMANCE OF CERTAIN FUNCTIONS VESTED IN OR SUBJECT TO THE APPROVAL OF THE PRESIDENT

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that subsection (c) of section 1 of Executive Order No. 10530 of May 10, 1954, entitled "Providing for the Performance of Certain Functions Vested in or Subject to the Approval of the President," be, and it is hereby, amended to read as follows:

"(c) The authority vested in the President by section 7 of the act of August 2, 1946, ch. 744, 60 Stat. 808, as amended (5 U. S. C. 73b-3), to prescribe regulations with respect to the availability of appropriations for the departments for expenses of travel of Government personnel (including new appointees), transportation of their immediate families, and transportation of their household goods and personal effects, as authorized by the provisions of that section, as amended."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,  
November 20, 1958.

[F. R. Doc. 58-9755; Filed, Nov. 20, 1958; 11:26 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### VETERANS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, subparagraph (9) is added to paragraph (a) of § 6.322 as set out below.

§ 6.322 *Veterans Administration*—(a) Office of the Administrator. \* \* \*

<sup>1</sup> 19 F. R. 2709, 3 CFR, 1954 Supp., p. 55.

(9) Chairman of the Planning and Evaluation Board.

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

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] WM. C. HULL,  
Executive Assistant.

[F. R. Doc. 58-9697; Filed, Nov. 20, 1958; 8:51 a. m.]

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, § 6.347 (a) is added as set out below.

§ 6.347 *National Aeronautics and Space Administration*. (a) One administrative assistant to the Director of Planning and Evaluation.

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

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] WM. C. HULL,  
Executive Assistant.

[F. R. Doc. 58-9696; Filed, Nov. 20, 1958; 8:51 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

#### Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 5, Barley]

#### PART 421—GRAINS AND RELATED COMMODITIES

##### SUBPART—1958-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

###### PAYMENTS

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modify Stabilization Service published in 23 F. R. 3492, 5317, 6174, 7876, and 8439 containing specific requirements for the 1958-crop barley price support program are hereby amended as follows:

1. Section 421.3086 (h) is amended by adding the following counties and rates of payments per bushel:

COUNTY	CALIFORNIA	Amount per bushel (cents)
Inyo		\$0.01
Santa Barbara		.01

\*No payment will be made where purchasers of barley under loan have been made by producers with Soil Bank Certificates.

2. Section 421.3086 (h) is amended as follows:

#### CALIFORNIA

Modoc County rate of payments increased from one cent per bushel to two cents per bushel. Siskiyou County rate of payment increased from five cents per bushel to seven cents per bushel.

#### IDAHO

Latah County rate of payment increased from five cents per bushel to six cents per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1447)

Issued this 18th day of November 1958.

[SEAL] CLARENCE L. MILLER,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[F. R. Doc. 58-9695; Filed, Nov. 20, 1958;  
8:51 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

#### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### ORDER AMENDING ORDER REGULATING HANDLING

§ 953.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on June 30, 1958, upon proposed amendment of the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence

introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as amended and as hereby further amended, regulates the handling of lemons grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the lemons covered thereby; and

(5) All handling of lemons grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) Additional findings. It is hereby found, on the basis hereinafter indicated, that good cause exists for not postponing the effective date of this order beyond that hereinafter specified (60 Stat. 237; 5 U. S. C. 1001 et seq.). The provisions of this order establish a new method for the computation of the prorate bases and allotments of handlers and authorize limitations on the sizes of lemons handled. Shipments of lemons are currently being made from all Districts of the production area and are subject to volume restrictions; and this order should be made effective as soon as practicable so that the benefits therefrom may be made available to producers and handlers at the earliest possible time. The provisions of this order are well known to handlers. The public hearing in connection therewith was held at Los Angeles, California, on June 30, 1958, and the recommended decision and the final decision were published in the FEDERAL REGISTER on September 16, 1958 (23 F. R. 7137), and October 10, 1958 (23 F. R. 7859), respectively. Copies of the provisions of this amendatory order were made available to all known interested parties, and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective time hereof.

(c) Determinations. It is hereby determined that:

(1) The agreement amending the marketing agreement regulating the handling of lemons grown in California and Arizona, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the lemons covered by this order) who, during the period November

1, 1956, through October 31, 1957, handled not less than 80 percent of the volume of lemons covered by the said order, as hereby amended; and

(2) The issuance of this order, amending the aforesaid order, is favored or approved by producers who participated in a referendum on the question of its approval and who, during the determined representative period (November 1, 1956, through October 31, 1957), produced for market at least two-thirds of the volume of lemons represented in such referendum.

It is, therefore, ordered: That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Amend § 953.4 to read as follows:

§ 953.4 Lemons. "Lemons" means all varieties of lemons grown in the production area.

2. Amend § 953.7 to read as follows:

§ 953.7 Handle. "Handle" means to buy, sell, consign, transport, or ship lemons (except as a common or contract carrier of lemons owned by another person), or in any other way to place lemons, in the current of commerce between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of California, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of Arizona. The term "handle" does not include (a) the sale of lemons on the tree; (b) the transportation of lemons to a packinghouse within the production area for the purpose of having such lemons prepared for market; or (c) the transportation of lemons to a storage within the production area under such rules and regulations as the committee, with the approval of the Secretary, may prescribe.

3. Amend § 953.12 to read as follows:

§ 953.12 Lemons available for current shipment. "Lemons available for current shipment" means (a) with respect to Districts 1 and 3, all lemons as measured by the tree crop, and (b) with respect to District 2, the total quantity of lemons which has been delivered to the handlers in such district during the preceding 20-week period.

4. Add, after § 953.13, the following new sections:

§ 953.14 Tree crop. "Tree crop" means the total quantity of lemons on the trees as determined by the committee.

§ 953.15 Production area. "Production area" means the State of Arizona and that part of the State of California south of the 37th Parallel.

5. Delete the provisions of §§ 953.20 through 953.23 and substitute therefor the following:

§ 953.20 Establishment and membership. There is hereby established a Lemon Administrative Committee consisting of thirteen members, for each of



whom there shall be an alternate member who shall have the same qualifications as the member. Eight of the members and their respective alternates shall be growers. Four of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations. One member of the committee and an alternate of such member shall be nominated as provided in § 953.22 (f). The eight members of the committee who shall be growers are referred to in this part as "grower" members of the committee and the four members who shall be handlers, or employees of handlers, or employees of central marketing organizations are referred to in this part as "handler" members of the committee.

§ 953.21 *Term of office.* The term of office of committee members and alternate members shall be a period of two years beginning on November 1 of each even numbered year except that the term ending on October 31, 1960, shall begin on the date designated by the Secretary. Members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

§ 953.22 *Nominations.* (a) The time and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization, or the growers affiliated therewith, which marketed more than 60 percent of the total volume of lemons during the fiscal year in which nominations for members and alternate members of the committee are submitted, shall nominate four grower members, four alternate grower members, two handler members, and two alternate handler members of the committee. At least one of the nominees for member or alternate member shall be a grower in District 1, and at least one of the nominees for member or alternate member shall be a grower in District 3.

(c) All cooperative marketing organizations which market lemons and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate two grower members, two alternate grower members, one handler member, and one alternate handler member.

(d) All growers who are not affiliated with a cooperative marketing organization which markets lemons shall nominate two grower members, two alternate grower members, one handler member, and one alternate handler member.

(e) When voting for nominees, each grower shall be entitled to cast one vote which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. The votes of cooperative marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of lemons handled during the current fiscal year to the end of the month preceding the month in which such nominations are made.

(f) The members of the committee selected by the Secretary pursuant to § 953.23 shall, by a concurring vote of

at least seven members, nominate a member and an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler), or of a central marketing organization.

§ 953.23 *Selection.* From the nominations made pursuant to § 953.22 (b) or from other qualified growers and handlers, the Secretary shall select four grower members of the committee and an alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. At least one of the growers so selected shall be a grower of lemons in District 1 and at least one such grower shall be a grower of lemons in District 3. From the nominations made pursuant to § 953.22 (c) or from other qualified growers and handlers, the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 953.22 (d) or from other qualified growers and handlers, the Secretary shall select two grower members of the committee and an alternate to such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 953.22 (f) or from other qualified persons, the Secretary shall select one member of the committee and an alternate to such member.

6. Delete § 953.28 and substitute therefor the following:

§ 953.28 *Procedure.* (a) Seven members of the committee shall constitute a quorum and any action of the committee shall require seven concurring votes. Insofar as practicable, the growers of lemons in Districts 1 and 3 who were selected to membership on the committee shall attend, and serve as member at, each meeting of the committee to consider regulations applicable to lemons shipped from the respective district.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes to cast shall be confirmed promptly in writing. If an assembled meeting is held, all votes shall be cast in person.

7. Delete paragraph (j) of § 953.31 and substitute therefor the following:

(j) To prepare and mail as soon as practicable after the close of each fiscal year an annual report to the Secretary and to each handler and grower who makes a request therefor, which report shall cover the operations of the previous fiscal year and contain at least a complete review by prorate districts of (1) the weekly regulatory operations and lemon movement during the fiscal year as conducted under the marketing policy established pursuant to § 953.50, and (2) the data upon which prorate bases are determined; and

(k) With the approval of the Secretary, to reapportion the number of

grower members or handler members on the Lemon Administrative Committee who are nominated pursuant to § 953.22. Any such changes shall be based, insofar as practical, upon the proportionate amount of lemons handled by the respective types of marketing organizations; *Provided*, That each grower group described in § 953.22 shall be entitled to nominate at least one grower and one handler member together with their respective alternates.

8. Amend § 953.50 to read as follows:

§ 953.50 *Marketing policy.* Each year prior to the recommendation for regulation for prorate Districts 1 and 3 and not later than November 15 in the case of District 2, the committee shall hold for each of said districts a marketing policy meeting and shall thereafter submit to the Secretary its marketing policy for such district. Such marketing policy shall contain the following information: (a) The available supplies of lemons in the prorate district, including estimated quality and composition of sizes; (b) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of; (c) a schedule of estimated weekly shipments to be recommended to the Secretary during the ensuing season; (d) level and trend of consumer income; (e) estimated supplies of competitive citrus commodities; and (f) any other pertinent factors bearing on the marketing of lemons. In the event that it becomes advisable to substantially modify such marketing policy the committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this section.

9. Amend § 953.53 by deleting paragraphs (b) through (g) and substituting therefor the following:

(b) Such application shall be substantiated by such information as the committee may require. With respect to each such application filed by handlers in Districts 1 and 3, it shall include at least (1) the name and address of the grower or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of lemons available for current shipment by the applicant; (2) an accurate description of the location of each such grove or portion thereof, including the number of acres contained therein, and (3) an estimate of the total quantity of lemons available for current shipment by the applicant in terms of a unit of measure designated by the committee.

(c) Such application shall include only such lemons available for current shipment which the applicant controls (1) by having legal title or possession thereof, or (2) by a bona fide written contract or agreement under which the applicant has authority to handle or has contracted to buy such lemons. If an applicant controls lemons pursuant to subparagraph (2) of this paragraph, he shall submit to the committee a copy of each type of such contract or agreement to the committee, together with a statement that no other types of such



contracts or agreements are used, and shall maintain a file of all original contracts or agreements evidencing such control which shall be subject to examination by the committee.

(d) If the quantity of lemons available for current shipment by any handler is increased or decreased by the acquisition or loss of the control required by paragraph (c) of this section, such person shall submit promptly a report thereon to the committee upon forms made available by it, which report shall be verified in such manner as the committee may require.

(e) If any handler gains or loses control of lemons as required by paragraph (c) of this section, there shall be a corresponding increase or decrease in the quantity of lemons available for current shipment by such handler. If it is determined by the committee that any handler who has lost control of lemons as required by paragraph (c) of this section has handled a quantity of such lemons less than the quantity that could have been handled under the allotments issued thereon, the quantity of lemons available for current shipment by such handler shall be adjusted by deducting therefrom, over such period as may be determined by the committee, a quantity of lemons equivalent to the quantity upon which allotments were issued but which were not utilized thereon.

(f) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the handler who submitted such report a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in the establishment of a smaller or a larger quantity of lemons available for current shipment than that to which a handler was entitled under this part, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission, or inaccuracy.

(g) Each week during the marketing season when volume regulation is likely to be recommended for a particular district, the committee shall compute the total quantity of lemons available for current shipment by each handler who has applied for a prorate base and for allotment in such district. On the basis of such computation, the committee shall fix a prorate base for each handler who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of lemons available for current shipment by each applicant in the particular district and the total quantity of lemons available for current shipment in such district by all such applicants. The committee shall notify the Secretary of the prorate base fixed for each handler and shall notify each such handler of the prorate base fixed for him.

10. Amend § 953.60 to read as follows:

§ 953.60 *Transfer of allotment.* Allotments may be transferred from one handler to another only in accordance with the provisions of §§ 953.59 and 953.63.

11. Amend the first sentence in paragraph (b) of § 953.62 to read as follows: "Any central marketing organization which, pursuant to paragraph (a) of this section, receives information from the committee regarding the prorate bases and allotments applicable to the handlers for whom it markets lemons, and which arranges allotment transactions for or on behalf of such handlers, shall keep records, for a period of three years, which will accurately reflect all such allotment transactions, and such records shall be subject to examination by the committee and the Secretary."

12. Amend § 953.64 to read as follows:

§ 953.64 *Districts.* The production area shall be divided into three prorate districts, as follows:

(a) "District 1" shall include that part of the State of California which is south of the 37th Parallel and north of a line drawn due east and west through Gorman, California, but shall exclude that part of San Bernardino County located east of the 115th Meridian.

(b) "District 2" shall include that part of the State of California which is south of District 1, and west of a line drawn due north and south through White Water, California.

(c) "District 3" shall include the State of Arizona and that part of the production area not included in Districts 1 and 2.

13. Add, after § 953.64, the following new sections:

§ 953.65 *Recommendations for size regulation.* (a) Whenever the committee finds that the supply and demand conditions for sizes of lemons make it advisable to regulate in any prorate district the handling of lemons during any period, it shall recommend to the Secretary the sizes of lemons grown in such prorate district which it deems advisable to be handled during the said period. The committee shall promptly submit such findings and recommendations, together with supporting information, to the Secretary.

(b) In making its recommendations the committee shall give due consideration to the factors referred to in § 953.51 (b).

§ 953.66 *Issuance of size regulations.* Whenever the Secretary shall find, from the findings, recommendations, and information submitted by the committee, or from other available information, that to limit the handling of lemons by size in any prorate district would tend to effectuate the declared policy of the act, he shall fix the sizes of lemons grown in each such prorate district which may be handled during the specified period. When any such size regulation restricts the handling of a portion of a specified size, the quantity of such size that may be handled by a handler during a particular week shall be fixed as a percentage of (a) the weekly allotment issued to

such handler when volume regulation is in effect, and (b) the total weekly volume handled by such handler when volume regulation is not in effect. The committee shall be informed immediately of any such regulation issued by the Secretary and the committee shall promptly give adequate notice thereof to all handlers.

§ 953.67 *Exemptions from size regulation.* In the event lemons are regulated pursuant to § 953.66, the committee shall issue one or more exemption certificates to any producer who furnishes evidence satisfactory to the committee that he will be prevented by reason of such regulation from having as large a proportion of his lemons handled as the average proportion of lemons which may be handled by all other producers in the same prorate district. Such exemption certificate shall permit the respective producer to whom the certificate is issued to handle or have handled a percentage of his lemons equal to the percentage determined as aforesaid. Handling of lemons under exemption certificates issued pursuant to this section shall be subject to and limited by such regulations as may be effective under § 953.52 at the time of the respective shipment. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to producers. Such exemption certificates may be transferred to handlers when accompanied by lemons covered by such certificates.

14. Delete the second sentence of § 953.80 and substitute therefor the following: "The committee, with the approval of the Secretary, may establish minimum quantities and types of shipments which shall be free from regulation under this subpart; and may prescribe such safeguards as may be necessary to prevent lemons which are exempt from regulation pursuant to this section from entering channels of trade for other than the specific purposes authorized by this section."

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

Issued at Washington, D. C., this 17th day of November 1958. The terms and conditions of this order other than the amendment of §§ 953.12 and 953.53 shall become effective upon publication in the FEDERAL REGISTER. The amendment of §§ 953.12 and 953.53 shall become effective on November 30, 1958, as to Districts 1 and 3, and on January 18, 1959, as to District 2.

[SEAL]

TRUE D. MORSE,  
Acting Secretary.

[F. R. Doc. 58-9670; Filed, Nov. 20, 1958; 8:47 a. m.]

[Avocado Order 16, Amdt. 6]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

LIMITATION OF SHIPMENTS

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969),



regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the

FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of the Taylor variety of avocados.

It is, therefore, ordered, That the provisions of paragraph (b) of § 969.316, as amended (23 F. R. 4349, 5476, 6318, 7343, 7943, 8047), are hereby further amended by revising the dates appearing in Columns (4), (6), and (8) of Table I applicable to the Taylor variety so that after such revision the portion of such table applicable to such variety shall read as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Taylor.....	11-17-58	14 oz. 3 1/2 in.	11-24-58	12 oz. 3 1/2 in.	12-8-58	9 oz. 2 1/2 in.	12-20-58

The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., November 24, 1958.

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

Dated: November 18, 1958.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F. R. Doc. 58-9692; Filed, Nov. 20, 1958;  
8:50 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 7155]

#### PART 13—DIGEST OF CEASE AND DESIST ORDERS

##### RONAY FURS, INC., AND WILLIAM C. MULLEN

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements: Fur Products Labeling Act; § 13.155 Prices: Comparative. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 Formal regulatory and statutory requirements: Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition: Fur Products Labeling Act; § 13.1852 Formal regulatory and statutory requirements: Fur Products Labeling Act; § 13.1865 Manufacture or preparation: Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 48. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Ronay Furs, Inc., et al., Dallas, Tex., Docket 7155, Oct. 16, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Dallas,

Tex., with violating the labeling, invoicing, and advertising requirements of the Fur Products Labeling Act.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Ronay Furs, Inc., a corporation, and its officers, and William C. Mullen, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:  
1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of used fur, when such is the fact.

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact.

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce.

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder in handwriting.

(b) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with nonrequired information.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of used fur, when such is the fact.

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact.

(e) The name and address of the person issuing such invoice.

(f) The name of the country of origin of any imported fur contained in a fur product.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly in the sale or offering for sale of fur products, and which:

1. Fails to disclose:  
(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

2. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of their business.

D. Makes use of comparative pricing claims or claims that prices are reduced from regular or usual prices unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based as required by Rule 44 (e) of the rules and regulations.



By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 16, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F. R. Doc. 58-9663; Filed, Nov. 20, 1958;  
8:45 a. m.]

[Docket 7181]

#### PART 13—DIGEST OF CEASE AND DESIST ORDERS

##### UNITED STATES ASPHALT CORP. ET AL.

Subpart—*Advertising falsely or misleadingly*: § 13.155 *Prices: Discount savings*; § 13.205 *Scientific or other relevant facts*; § 13.240 *Special or limited offers*.  
Subpart—*Misrepresenting oneself and goods—Prices*: § 13.1800 *Discounts*.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, United States Asphalt Corporation (New York, N. Y.) et al., Docket 7181, Oct. 16, 1958]

*In the Matter of United States Asphalt Corporation, a Corporation, and Stanley Legum, and Alvin Legum, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors in New York City with misrepresenting the availability and price of their "Nevalak Asbestos Roof Coating" by misleading advertising letters advising prospects falsely of "substantial discounts" offered on purported overages from shipments to other purchasers in a particular locality.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 16 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondents United States Asphalt Corporation, a corporation, and its officers, and Stanley Legum and Alvin Legum, individually and as officers of said corporate respondent, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of roofing material or any other products in commerce, as "commerce" is defined by the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

1. That a certain sale of their product has been made to a purchaser in a specific locality, unless such is the fact;

2. That respondents have an overage or surplusage of their product in a certain area as a result of a certain sale, unless such is the fact;

3. That any amount is respondents' regular price for a product when such amount is in excess of the price at which respondents sell such product in their normal and usual course of business;

4. That any amount is a reduced price for a product unless it is less than the price at which respondents sell their product in their normal and usual course of business.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 16, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F. R. Doc. 58-9664; Filed, Nov. 20, 1958;  
8:46 a. m.]

[Docket 7197]

#### PART 13—DIGEST OF CEASE AND DESIST ORDERS

##### SKYE PUBLISHING CO., INC., ET AL.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1880 *Old, used, reclaimed, or reused as unused or new*.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Skye Publishing Company, Inc., et al., New York, N. Y., Docket 7197, Oct. 16, 1958]

*In the Matter of Skye Publishing Company, Inc., a Corporation, and Arthur Bernhard, Alan Sills and Robert Salomon, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging publishers of magazines in New York City with selling reprinted publications and magazine articles without clearly disclosing that they had been previously published.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 16 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondent Skye Publishing Company, Inc., a corporation, and its officers, and Arthur Bernhard, Alan Sills and Robert Salomon, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or dis-

tribution of magazines or any other publications in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling any reprinted magazine or other publication, unless the word "reprinted" or any other word or phrase stating with equal clarity that said magazine or other publication is a reprint, appears in clear, conspicuous type upon the front cover and upon the title page of the magazine or other publication, either in connection with the name of the magazine or in another position adapted readily to attract the attention of a prospective purchaser.

2. Offering for sale or selling any magazine or other publication which contains reprints of articles previously published, unless a statement which reveals that the article has been previously published, appears in clear, conspicuous type upon the title page of the magazine or other publication and upon the page where the article appears or in another position adapted readily to attract the attention of a prospective purchaser.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 16, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F. R. Doc. 58-9665; Filed, Nov. 20, 1958;  
8:46 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Dept. Reg. 108.382]

PART 41—DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 42—DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

#### MISCELLANEOUS AMENDMENTS

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations, are hereby amended in the following respects:

1. Paragraph (c) *Personal appearance* of § 41.9 *Application for nonimmigrant visas* is amended to read as follows:

(c) *Personal appearance*. Except as otherwise provided in this paragraph, every alien who makes application for a nonimmigrant visa shall be required to appear in person before a consular officer to execute Form 257. The requirement of personal appearance may be waived in the discretion of the consular officer in the case of any alien (1) who is within a class of nonimmigrants described in section 101 (a) (15) (A) or section 101



(a) (15) (G) of the act, (2) who is within a class of nonimmigrants who are eligible to receive diplomatic visas, (3) who is within a class of nonimmigrants classifiable under the visa symbol NATO-1, NATO-2, NATO-3 or NATO-4, or (4) who is a child under ten years of age. If a waiver of personal appearance is granted, the application form shall be completed by the consular officer from available information relating to the alien.

2. Paragraph (g) *Disposition of supporting documents of § 41.10 Documents required in connection with application for nonimmigrant visa; medical examination; police certificates* is amended to read as follows:

(g) *Disposition of supporting documents.* (1) When issuing a nonimmigrant visa to any alien, the consular officer shall return to the alien for presentation to the immigration authorities at the port of entry the original of all supporting documents furnished by the alien with his application, except police and medical certificates which shall be disposed of as provided in paragraph (e) of this section. The duplicate of each such document shall be retained at the consular office in the discretion of the consular officer or returned to the alien. If the duplicate is returned to the visa recipient an appropriate notation to that effect shall be made on the index card which contains the record of visa issuance.

(2) When refusing a nonimmigrant visa to any alien, a consular officer may return to such alien the original of all supporting documents furnished by the alien with his application. The duplicate of each document upon which the visa refusal is based and the duplicate of each document which indicates a possible ground of ineligibility to receive a visa whether or not related to the ground of refusal shall be retained at the consular office and filed with the memorandum of refusal. Duplicates of other documents may be returned to the alien in the consular officer's discretion.

3. Paragraph (b) *Form of nonimmigrant visa stamp of § 41.12 Procedure in issuing nonimmigrant visa* is amended to read as follows:

(b) *Form of nonimmigrant visa stamp.* The nonimmigrant visa stamp shall be in the following form or in such other form as may be prescribed by the Department:

(Title of office)	
[Seal]	(Location)
NONIMMIGRANT VISA ( )	
No. _____	Date _____
To: _____	
_____	
_____	
Valid for _____ applications for admission into the United States if presented before _____	
_____ Consul	

4. Paragraph (d) *Registration on or after December 24, 1952 of § 42.20 Immigrant waiting lists* is amended to read as follows:

(d) *Registration on or after December 24, 1952.* Except as provided in § 42.25 (b), the registration of a quota immigrant on a waiting list may be effected upon the basis of an application for registration properly executed by the immigrant and received in the mail room of the consular office from such immigrant, or by any clear indication of an intention to immigrate into the United States which was contemporaneously recorded in the files of an American consular office abroad or of the Department of State. When an application for registration is received at a consular office the date, as well as the hour and minute wherever practicable, of the receipt of such registration application form shall be noted thereon and shall constitute the registration priority under which the applicant's name shall be registered in the proper category on the appropriate waiting list.

5. Paragraph (d) *Photographs of § 42.30 Application for immigrant visa* is amended to read as follows:

(d) *Photographs.* Each applicant shall be required to furnish, with his application for an immigrant visa three identical copies of his photograph. The photographs shall reflect a reasonable likeness of the alien at the time they are furnished, be 1½ inches square, unmounted, show a full front view without head covering and be printed on a light background. Each copy of such photograph shall be signed by the person making an application in such a way as not to obscure the alien's features. One copy of such photograph shall be attached to Form 256a and another to Form 256b. The third copy shall be enclosed in a sealed envelope which shall be appended to Form 256a.

6. Paragraph (b) *Exceptions of § 42.36 Passport requirement for immigrants* shall be amended to read as follows:

(b) *Exceptions.* An immigrant within any of the following categories shall not be required to present a passport in applying for an immigrant visa:

(1) An immigrant who is a stateless person or an accompanying spouse or unmarried son or daughter under twenty-one years of age of such immigrant;

(2) An immigrant who is a national of, and is applying for an immigrant visa outside of, a communist-controlled country and who, because of his opposition to Communism, is unwilling to make application for a passport to, or unable to obtain a passport from, the government of such country;

(3) An immigrant lawfully admitted for permanent residence, who is returning to the United States from a temporary visit abroad unless such immigrant is applying for a visa in the country of which he is a national and the possession of a passport is required for departure from such country;

(4) An immigrant who is a member of the Armed Forces of the United States;

(5) An immigrant who is the parent, spouse, or unmarried son or daughter under twenty-one years of age, of a United States citizen unless such immigrant is applying for a visa in the country of which he is a national and the possession of a passport is required for departure from such country;

(6) An immigrant who is the spouse or unmarried son or daughter under twenty-one years of age of an alien lawfully admitted for permanent residence unless such immigrant is applying for a visa in the country of which he is a national and the possession of a passport is required for departure from such country;

(7) An immigrant who is qualified for and eligible to receive a first preference quota visa, or the accompanying spouse or unmarried son or daughter under twenty-one years of age of such immigrant unless such immigrant is applying for a visa in the country of which he is a national and the possession of a passport is required for departure from such country;

(8) An immigrant who has been pre-examined in the United States by the Immigration and Naturalization Service and who is applying for an immigrant visa in Canada;

(9) An immigrant who establishes that he is unable to obtain a passport, who is not within any of the categories specified in this paragraph, and in whose case the passport requirement imposed by this section or by the regulations of the Attorney General shall have been waived by the Attorney General and the Secretary of State, as evidenced by a specific instruction from the Department to the consular officer.

7. Subparagraph (2) of paragraph (a) *Grounds of revocation of § 42.44 Revocation of immigrant visas* is amended to read as follows:

(2) The consular officer obtains information establishing that the alien was otherwise ineligible to receive the particular visa at the time it was issued or that, subsequent to the issuance of the visa, a ground of ineligibility has arisen in the alien's case.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: November 10, 1958.

RODERIC L. O'CONNOR,  
Administrator, Bureau of Security  
and Consular Affairs.

[F. R. Doc. 58-9569; Filed, Nov. 20, 1958;  
8:45 a. m.]



# TITLE 24—HOUSING AND HOUSING CREDIT

## Chapter II—Federal Housing Administration, Housing and Home Finance Agency

### Subchapter A—General

#### PART 200—INTRODUCTION

Subchapter A of this chapter is revised to read as follows:

#### Subpart A—Origin and Establishment

- Sec.  
200.1 Creation.  
200.2 Status.  
200.3 Purpose.

#### Subpart B—Functions and Programs

##### IN GENERAL

- 200.5 Scope of programs.  
200.6 Application for lender approval.  
**HOME MORTGAGE INSURANCE**  
200.10 One- to four-family homes.  
200.11 Disaster damage to homes.  
200.12 Suburban and farm homes.  
200.13 Homes for servicemen.  
200.14 Homes for the elderly.  
200.15 Homes for Armed Services civilian employees.  
200.16 Other home mortgage assistance.

##### PROJECT MORTGAGE INSURANCE

- 200.20 Rental projects.  
200.21 Rental housing for the elderly.  
200.22 Housing for Armed Services military personnel.  
200.23 Investment insurance.  
200.24 Other project mortgage assistance.

##### COOPERATIVE HOUSING INSURANCE

- 200.30 Cooperative projects.

##### TRAILER COURTS AND PARKS INSURANCE

- 200.31 Sites and facilities for mobile homes.

##### URBAN RENEWAL INSURANCE

- 200.32 Residential rehabilitation.  
200.33 Residential relocation.

##### PUBLICLY CONSTRUCTED HOUSING INSURANCE

- 200.34 Miscellaneous type mortgages.

##### PROPERTY IMPROVEMENT LOAN INSURANCE

- 200.35 Title I.

#### Subpart C—Organization and Management

- 200.40 Commissioner.  
200.41 Administrative staff.  
200.42 Principal divisions.  
200.43 Zone Operations Commissioners.  
200.44 Field Office Directors.

#### Subpart D—Delegations of Basic Authority and Functions

##### DELEGATIONS TO PARTICULAR POSITIONS

- 200.50 Statutory authority for delegation.  
200.51 Acting Commissioner.  
200.52 Deputy Commissioner.  
200.53 General Counsel and Director of the Legal Division.  
200.54 Assistant Commissioner for Field Operations and Deputy.  
200.55 Zone operations Commissioners and Deputies.  
200.56 Field Office Directors and Assistants.  
200.57 Assistant Commissioner for Mortgages and Properties.  
200.58 Director of the Mortgage Insurance Division and Deputy.  
200.59 Director of the Property Management Division and Deputy.  
200.60 Director of the Cooperative Housing Division and Deputy.

- Sec.  
200.61 Assistant Commissioner for Technical Standards and Deputy.  
200.62 Director of the Architectural Standards Division.  
200.63 Director of the Appraisal and Mortgage Risk Division.  
200.64 Assistant Commissioner for Programs.  
200.65 Director of the Program Division.  
200.66 Director of the Research and Statistics Division and Deputy.  
200.67 Director of the Management Engineering Division.  
200.68 Assistant Commissioner for Administration and Deputy.  
200.69 Comptroller and Deputy.  
200.70 Director of Personnel and Deputy.  
200.71 Director of the Budget Division and Deputy.  
200.72 Director of the General Services Division and Deputy.  
200.73 Assistant Commissioner for Audit and Examination and Deputy.  
200.74 Auditor and Deputy.  
200.75 Director of the Examination Division and Deputy.  
200.76 Assistant Commissioner for Title I and Deputy.

##### DELEGATIONS TO COMMITTEES

- 200.85 Executive Board.  
200.86 Security Committee.  
200.87 Management Improvement Committee.  
200.88 Property Management Committee.  
200.89 Substantial Compliance Committee.

##### MISCELLANEOUS DELEGATIONS

- 200.95 Field Office Chiefs of Operations.  
200.96 Field Office Directors and Assistants.  
200.97 Zone Operations Commissioners and Deputies.  
200.98 Assistant Commissioner for Mortgages and Properties and Directors under his supervision.  
200.99 Assistant Commissioner for Field Operations and Deputy.  
200.100 Assistant Commissioners.  
200.101 Division Directors and their Superiors, the General Counsel, and Field Office Directors and Assistants.  
200.102 Classified Information Control Officer.  
200.103 Personnel Security Officer and Deputy.

#### Subpart E—Mortgage Insurance Procedures and Processing

- 200.140 Scope of subpart.  
200.141 Procedure in general.

##### APPLICATION FOR INSURANCE

- 200.142 Form and filing.  
200.143 Purpose and content.  
200.144 Fees.  
200.145 Technical analysis and underwriting processing.  
200.146 Acceptance, rejection and reconsideration.

##### COMMITMENT FOR INSURANCE

- 200.147 Issuance of commitment.  
200.148 Types of commitments.  
200.149 Terms and conditions.

##### INSURANCE ENDORSEMENT

- 200.150 Request for endorsement.  
200.151 Final review.  
200.152 Endorsement for insurance.

##### CLAIMS FOR LOSSES

- 200.153 Presentation of claim.  
200.154 Notice of default.  
200.155 Claim requirements.  
200.156 Settlement of claims.  
200.157 Debentures.  
200.158 Certificates of claim.

#### Subpart F—Property Improvement Loan Procedures and Processing

##### LOAN TRANSACTION

- Sec.  
200.165 Lender's application for insurance.  
200.166 Lending area.  
200.167 Credit investigation of borrower.  
200.168 Other requirements for a Property Improvement loan.  
200.169 Direct borrower loans.  
200.170 Loan through a dealer.  
200.171 Notice to borrower.

##### DISBURSEMENT

- 200.172 Disbursement of proceeds to dealer.  
200.173 Disbursement of proceeds to borrower.

##### REPORT AND RESERVE

- 200.174 Report of loans.  
200.175 Insurance charge.  
200.176 Insurance reserves.

##### CLAIMS FOR REIMBURSEMENT FOR LOSSES

- 200.177 Claims for payment.  
200.178 Amount of claim.  
200.179 Establishment of account.

#### Subpart G—Official Records

- 200.185 Availability of official records.  
200.186 Confidential official records.

#### Subpart H—Enforcement Remedies

##### REFUSAL OF PARTICIPATION

- 200.190 Authority of Director.  
200.191 Notice.  
200.192 Hearing, request.  
200.193 Hearing, time and place.  
200.194 Determination.  
200.195 Reclassification and reinstatement.

##### UNSATISFACTORY RISK DETERMINATION

- 200.200 Basis of action.  
200.201 Invitation to conference.  
200.202 Determination notice.  
200.203 Reinstatement.

##### TITLE I PRECAUTIONARY MEASURES

- 200.205 Basis of action.  
200.206 Inquiry, notice and explanation.  
200.207 Determination.  
200.208 Rescinding actions.

**AUTHORITY:** §§ 200.1 to 200.208 issued under sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703. Interpret or apply sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 907, 65 Stat. 301, sec. 807, 63 Stat. 570, as amended; 12 U. S. C. 1715b, 1742, 1750f, 1748f.

#### SUBPART A—ORIGIN AND ESTABLISHMENT

§ 200.1 *Creation.* The Federal Housing Administration (frequently referred to herein as the FHA) was created by the National Housing Act approved June 27, 1934 (48 Stat. 1246; 12 U. S. C. 1702) and amended by subsequent Acts of Congress.

§ 200.2 *Status.* The Federal Housing Administration is a constituent agency of the Housing and Home Finance Agency pursuant to the provisions of Reorganization Plan No. 3 of 1947, effective July 27, 1947 (61 Stat. 954; 5 U. S. C. 133y-16 note).

§ 200.3 *Purpose.* The Federal Housing Administration was established to encourage improvement in housing standards and conditions, to provide an adequate home financing system by insurance of housing mortgages and credit, and to exert a stabilizing influence on the mortgage market.



## SUBPART B—FUNCTIONS AND PROGRAMS

## IN GENERAL

§ 200.5 *Scope of programs.* The Federal Housing Administration does not make loans or build housing but operates insurance programs under provisions of the National Housing Act. The FHA provides insurance against loss on home and housing project mortgages and property improvement loans made by private lending institutions and also insures yields on investments in rental housing for families of moderate income where no mortgage financing is involved. The various insurance programs are outlined in §§ 200.10 to 200.34, and more particularly described in other parts of this chapter.

§ 200.6 *Application for lender approval.* An application for approval, as a mortgagee, as a loan correspondent or as a Title I lending institution is submitted on an appropriate form prescribed by the Commissioner. These forms may be obtained from any local FHA insuring office or from the Headquarters Office in Washington, D. C. When fully executed the form is submitted to the insuring office having jurisdiction for transmittal to the Headquarters Office, Washington, D. C.

## HOME MORTGAGE INSURANCE

§ 200.10 *One- to four-family homes.* (a) The FHA insures mortgages on one- to four-family homes. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on the ratio the loan bears to the appraised value of the property.

(b) The basic home mortgage insurance program is authorized under Title II, section 203 (b) of the National Housing Act and governed by regulations contained in Parts 221 and 222 of this chapter.

§ 200.11 *Disaster damage to homes.* (a) The FHA insures mortgages given to finance the replacement of homes destroyed or extensively damaged by major disasters. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on the ratio the loan bears to the appraised value of the property.

(b) This program is authorized under Title II, section 203 (h) of the National Housing Act and governed by regulations contained in Parts 221 and 222 of this chapter.

§ 200.12 *Suburban and farm homes.* (a) The FHA insures mortgages on single-family owner-occupied homes located in outlying areas and small communities, and on farm homes located on plots of land 5 acres or more in size adjacent to public highways. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on the ratio the loan bears to the appraised value of the property.

(b) This program is authorized under Title II, section 203 (i) of the National Housing Act and governed by regulations contained in Parts 221 and 222 of this chapter.

§ 200.13 *Homes for servicemen.* (a) The FHA insures mortgages on dwellings owned and occupied by servicemen on active duty with the Armed Forces or the Coast Guard. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on the ratio the loan bears to the appraised value of the property. Certification by the Secretary of Defense (or the Secretary of the Treasury, for Coast Guard personnel) is required to the effect that the serviceman requires housing and that he is and has been for more than 2 years on active duty.

(b) This program is authorized under Title II, section 222 of the National Housing Act and governed by regulations contained in Parts 225 and 226 of this chapter.

§ 200.14 *Homes for the elderly.* (a) The FHA assists persons 60 years of age or older who are seeking to purchase a home, by insuring mortgages on dwellings owned and occupied by such elderly persons. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on the ratio the loan bears to the replacement cost of the property. Where the mortgagor is 60 years of age or over, a corporation or person other than the mortgagor may make the required downpayment and become a co-signer standing good for continuing payments.

(b) This program is authorized under Title II, section 203 (b) of the National Housing Act and governed by regulations contained in Parts 221 and 222 of this chapter.

§ 200.15 *Homes for Armed Services civilian employees.* (a) The FHA insures mortgages covering sales of one- to four-family homes owned or occupied by civilian employees of the Armed Forces, or a contractor thereof, employed at military research and development installations. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on the ratio the loan bears to the appraised value of the property. Certification by the Secretary of Defense is required regarding the status of the mortgagor as a civilian employee at the installation, the mortgagor's need for housing, the need for housing accommodations for civilian personnel at the installation and the permanency of the civilian personnel. The Secretary of Defense may be required to guarantee the insured mortgages if the Commissioner determines that the housing is not an acceptable risk.

(b) This program is authorized by Title VIII of the National Housing Act and governed by regulations contained in Parts 292a and 293a of this chapter.

§ 200.16 *Other home mortgage assistance.* The FHA offers other types of home mortgage insurance assistance in connection with programs under other titles of the National Housing Act as indicated by §§ 200.30, 200.32, 200.33, and 200.34.

## PROJECT MORTGAGE INSURANCE

§ 200.20 *Rental projects.* (a) The FHA insures mortgages, including advances made during construction, on rental projects of eight or more units. The mortgage may not exceed \$12,500,000, except that it may be in an amount not to exceed \$50,000,000 if the mortgagor is a public agency or a limited dividend, redevelopment or housing corporation, restricted by Federal or State laws or regulations of a State banking or insurance department. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on a ratio the loan bears to the appraised value of the property.

(b) The basic rental housing project mortgage insurance program is authorized under section 207 of the National Housing Act. The regulations governing this activity are contained in Parts 232 and 233 of this chapter.

§ 200.21 *Rental housing for the elderly.* (a) The FHA assists in financing the construction or rehabilitation of rental housing for the elderly by non-profit organizations approved by the FHA as to financial responsibility. Such organizations, including fraternal orders, church groups, labor organizations and retired teachers' associations, may obtain FHA insurance on mortgages to finance rental housing projects specially designed for use and occupancy of persons sixty years of age or over. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on a ratio the loan bears to the replacement cost of the property.

(b) This program is authorized under Title II, sections 207 (b) and (c) of the National Housing Act and governed by regulations contained in Parts 232 and 233 of this chapter.

§ 200.22 *Housing for Armed Services military personnel.* (a) The FHA insures mortgages on rental housing for military personnel of the armed forces including the Coast Guard, built under contract between the Secretary of Defense (or the Secretary of the Treasury for Coast Guard housing) and the builder on land owned or leased by the Government at or near military installations. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed the lowest of the following: replacement cost; an average of \$16,500 per unit; or the amount of the successful bid.

(b) This program is authorized by Title VIII of the National Housing Act and governed by regulations contained in Parts 292a and 293a, of this chapter.

§ 200.23 *Investment insurance.* (a) In order to encourage investment in



debt-free rental housing for families of moderate income the FHA insures the minimum amortization charge of 2 percent of the established investment (including all approved costs prior to initial occupancy) and a fixed annual return on the outstanding investment in an eligible project.

(b) This program is authorized under Title VII of the National Housing Act and governed by Parts 290 and 291 of this chapter.

§ 200.24 *Other project mortgage assistance.* The FHA offers other types of project mortgage insurance in connection with programs under other titles of the National Housing Act as indicated by §§ 200.30, 200.31, 200.32, 200.33 and 200.34.

#### COOPERATIVE HOUSING INSURANCE

§ 200.30 *Cooperative projects.* (a) The FHA insures mortgages, including construction advances, on cooperative housing projects. The mortgagor may be a nonprofit cooperative ownership housing corporation or trust, the permanent occupancy of the dwellings being restricted to members of the corporation or beneficiaries of the trust (management-type project), or a nonprofit corporation or trust organized for the purpose of building homes for members (sales-type project) or a corporate investor that certifies to the FHA its intention of selling the project to a cooperative group within two years after completion (investor-sponsor project).

(b) The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage on project-type housing cannot exceed an amount computed under a statutory formula based on a ratio the loan bears to the replacement cost of the property. In the case of sales-type projects, provision is made for the release of the individual properties from the blanket project mortgage, and the insurance of the individual mortgage covering the individual dwelling with the principal amount limited to the unpaid balance of the blanket mortgage allocable to the individual property as of the date of the release.

(c) This program is authorized under Title II, section 213 of the National Housing Act and governed by regulations contained in Parts 241, 242, 243, and 244 of this chapter.

#### TRAILER COURTS AND PARKS INSURANCE

§ 200.31 *Sites and facilities for mobile homes.* (a) The FHA insures mortgages on trailer courts and parks. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on a ratio the loan bears to the estimated value of the property after the improvements are completed. The insurance applies to mortgages on sites and facilities but not on the trailers themselves. The court or park must have at least fifty spaces on one site designed for rental use for trailers or mobile homes and must meet minimum requirements designed to improve the living conditions of the occupants.

(b) This program is authorized under Title II, section 207 of the National Housing Act and governed by regulations contained in Parts 232 and 233 of this chapter.

#### URBAN RENEWAL INSURANCE

§ 200.32 *Residential rehabilitation.* (a) To assist in the elimination of slums and urban blight and the conservation of existing properties and neighborhoods or for disaster areas the FHA insures mortgages for financing the rehabilitation of existing salvable housing and the replacement of slums with new housing in areas for which, in other than disaster areas, urban renewal plans or urban redevelopment plans have been certified to FHA by the Housing and Home Finance Administrator. As a step preliminary to such certification the Administrator must have approved and certified a workable program designed for the entire community to eliminate slums and prevent the spread of urban blight, unless the plans were approved before the enactment of the Housing Act of 1954.

(b) The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on a ratio the loan bears to the replacement cost where the properties are approved for insurance prior to the beginning of construction or a ratio the loan bears to appraised value where the properties are not approved for insurance prior to the beginning of construction.

(c) This program is authorized under Title II, section 220 of the National Housing Act and governed by regulations contained in Parts 261, 262, 263 and 264 of this chapter.

§ 200.33 *Residential relocation.* (a) The FHA insures mortgages on low-cost housing for families from urban renewal areas or families displaced by reason of governmental action in a community that has a workable program for the elimination and prevention of slums and urban blight, or where a federally aided slum clearance and urban redevelopment project is being carried out. Also insurable are mortgages covering repair or rehabilitation or the construction of dwellings for rent if the mortgagor is a private nonprofit organization regulated under Federal or State laws.

(b) The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on the ratio the loan bears to the replacement cost or value of the property.

(c) This program is authorized under Title II, section 221 of the National Housing Act and governed by regulations contained in Parts 266, 267, 268 and 269 of this chapter.

#### PUBLICLY CONSTRUCTED HOUSING INSURANCE

§ 200.34 *Miscellaneous type mortgages.* The FHA insures mortgages financing purchases of certain types of permanent housing sold by Federal and State Governments, including the first resale. This program is authorized under

Title II, section 223 of the National Housing Act and governed by regulations set out in connection with each of the applicable insurance programs.

#### PROPERTY IMPROVEMENT LOAN INSURANCE

§ 200.35 *Title I.* The FHA insures financial institutions against loss on loans made to finance alterations, repairs and improvements to existing structures and the building of small new structures for nonresidential use. This program is authorized under Title I, section 2 of the National Housing Act and governed by regulations contained in Part 201 of this chapter.

#### SUBPART C—ORGANIZATION AND MANAGEMENT

§ 200.40 *Commissioner.* The Federal Housing Administration is headed by a Commissioner appointed by the President by and with the advice and consent of the Senate.

§ 200.41 *Administrative staff.* The principal administrative staff of the FHA includes the Deputy Commissioner, the General Counsel, and Assistant Commissioners, whose respective duties and areas of authority are indicated by their titles.

§ 200.42 *Principal divisions.* Various Divisions have been established in the Headquarters office at Washington, D. C. which are altered as programs, authority and duties are changed from time to time.

§ 200.43 *Zone Operations Commissioners.* The territory served by the Federal Housing Administration is divided into geographical zones or regions comprised of a group of field insuring offices. Each zone is headed by a Zone Operations Commissioner who is responsible to an Assistant Commissioner for the supervision, direction and coordination of all functions and responsibilities of the several offices within the regional jurisdiction established for the particular zone.

§ 200.44 *Field Office Directors.* Each of the insuring offices is managed and supervised by a Director who is the operating head thereof and the representative of the FHA in the territory served by the insuring office. The Director is also responsible for the administration of those of the various service offices or valuation stations established in his territory.

#### SUBPART D—DELEGATIONS OF BASIC AUTHORITY AND FUNCTIONS

##### DELEGATIONS TO PARTICULAR POSITIONS

§ 200.50 *Statutory authority for delegations.* (a) Section 1 of Title I of the National Housing Act provides in part as follows:

“ \* \* \* In order to carry out the provisions of this title and Titles II, III, VI, VII, VIII and IX, the Commissioner may establish such agencies, accept and utilize such voluntary and uncompensated services, utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees, and appoint such other officers and employees as he may find necessary, and may prescribe their authorities, duties, responsibilities, \* \* \*. The Commissioner



may delegate any of the functions and powers conferred upon him under this title and Titles II, III, VI, VII, VIII and IX to such officers, agents and employees as he may designate or appoint \* \* \*.

(b) Section 3 of Reorganization Plan No. 3 of 1947, effective July 27, 1947, provides in part as follows:

*Federal Housing Administration.* The Federal Housing Administration shall be headed by a Federal Housing Commissioner \* \* \*. There are transferred to said Commissioner the functions of the Federal Housing Administrator.

§ 200.51 *Acting Commissioner.* The Deputy Commissioner, the General Counsel and the Assistant Commissioner for Field Operations, in the order named, are designated by the Commissioner to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Commissioner" with all the powers, duties and rights conferred on the Commissioner by the National Housing Act, as amended by Reorganization Plan No. 3 of 1947, by any other act of Congress or by any Executive Order.

§ 200.52 *Deputy Commissioner.* To the position of Deputy Commissioner there is delegated the basic authority and functions to assist and to act with and for the Commissioner in the general administration of the Federal Housing Administration, in the determination of basic policy and in the general supervision, direction and coordination of all operations, activities and functions of the Federal Housing Administration, with full authority at all times to make any decision which the Commissioner is authorized to make and to issue any order which the Commissioner is authorized to issue.

§ 200.53 *General Counsel and Director of the Legal Division.* To the position of General Counsel and under his general supervision to the position of Director of the Legal Division there is delegated the following basic authority and functions:

(a) To interpret the provisions of the National Housing Act and to prepare and interpret the rules and regulations thereunder.

(b) To direct all litigation affecting the Federal Housing Administration and to sign, acknowledge and verify on behalf of and in the name of the Commissioner, all declarations, bills, pleas, answers and all other pleadings in any court proceedings which are brought in the name of or against the Federal Housing Commissioner, or in which he is named as a party.

(c) To act for the FHA in the drafting of legislation and in the provision of legal advice with respect to legislation pertaining to the FHA and its program.

(d) On behalf of the Commissioner to receive and accept service of all summons, subpoenas and other court processes directed to the Commissioner.

(e) To administer all matters pertaining to the determination of acceptability of title and the preparation of legal forms necessary to the work of the Administration.

(f) To direct the submission of cases to the Attorney General for appropriate legal action.

(g) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

§ 200.54 *Assistant Commissioner for Field Operations and Deputy.* To the position of Assistant Commissioner for Field Operations and under his general supervision to the position of Deputy Assistant Commissioner for Field Operations there is delegated the following basic authority and functions:

(a) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

(b) To develop and recommend policies and establish operating plans and procedures for the insurance of home mortgages.

(c) To be responsible to the Commissioner for the general supervision of all field operations of the Administration.

(d) To coordinate and have general supervision over the Zone Operations Commissioners responsible for program execution and activities in the field, the Standards and Procedures Coordinator, and the Mortgagee Approval Section.

(e) To approve or cancel the approval of financial institutions as approved mortgagees.

(f) To approve or disapprove the erroneous or inadvertent noncollection or refund of fees.

§ 200.55 *Zone Operations Commissioners and Deputies.* To the position of Zone Operations Commissioner and to each of them, and under their general supervision to the position of Deputy Zone Operations Commissioner and to each of them there is delegated the following basic authority and functions:

(a) To direct the execution of policies and programs and to supervise all activities of the Federal Housing Administration in the geographical region under his jurisdiction.

(b) To determine and report the effect of FHA policies, rules and regulations and the attainment of program objectives in the region under his jurisdiction, and to make basic policy and program recommendations with respect thereto.

(c) To establish regional policies consistent with and in furtherance of basic policies and programs established by the Commissioner.

(d) To recommend issuance or cancellation of contracts of insurance under Title I of the National Housing Act and the transfer of such contracts and the rights and benefits accruing thereunder between lending institutions.

(e) To recommend approval, disapproval or cancellation of the approval of financial institutions as approved mortgagees.

(f) To supervise all activities in connection with the Certified Agency Program, including the designation, qualification and certification of authorized agents, appraisers and inspectors. This authority may be subdelegated to Field Office Directors.

§ 200.56 *Field Office Directors and Assistants.* To the position of Field Office Director, and to each of them, and to the position of Assistant Field Office Director, and to each of them under the general supervision of the Field Office

Director having jurisdiction there is delegated the following basic authority and functions to direct and supervise all activities of the Federal Housing Administration in the geographical area under his jurisdiction.

§ 200.57 *Assistant Commissioner for Mortgages and Properties.* To the position of Assistant Commissioner for Mortgages and Properties there is delegated the following basic authority and functions:

(a) To act with the Commissioner and under his direction in the determination of basic policy and to be a member of the Executive Board.

(b) To be responsible to the Commissioner for coordination and general supervision of the Mortgage Insurance Division, the Cooperative Housing Division and the Property Management Division, including the functions of formulating policies and providing technical advice and guidance concerning all multifamily mortgage insurance and all mortgage servicing and property management and disposition activities of the Administration.

(c) To approve the sale and terms of sale of mortgages taken as security in connection with the sale of property conveyed to the Federal Housing Commissioner and to approve the modification in the terms of and authorize the foreclosure of insured mortgages and mortgages assigned to the Commissioner in exchange for debentures.

(d) To exercise the authority of the Commissioner as holder of the preferred stock in any corporation or under any regulatory agreement or other agreement made for the purpose of controlling or regulating a housing project on which there is a mortgage held or insured by the Commissioner.

§ 200.58 *Director of the Mortgage Insurance Division and Deputy.* To the position of Director of the Mortgage Insurance Division and under his general supervision to the position of Deputy Director of the Mortgage Insurance Division there is delegated the following basic authority and functions:

(a) To direct the activities of the Mortgage Insurance Division.

(b) To develop and recommend basic policies, programs and plans of operation and to provide technical and policy advice and guidance to all elements of the Administration concerning all multifamily mortgage insurance and all mortgage servicing activities other than cooperative housing.

§ 200.59 *Director of the Property Management Division and Deputy.* To the position of Director of the Property Management Division and under his general supervision to the position of Deputy Director of the Property Management Division there is delegated the following basic authority and functions:

(a) To direct the activities of the Property Management Division.

(b) To formulate procedures for the operation and management of all properties conveyed to the Federal Housing Commissioner.

(c) To develop and maintain a program for the management, operation and



disposition of all properties conveyed to the Federal Housing Commissioner and, as required, to operate and manage such properties in accordance with general policies promulgated by the Property Management Committee and approved by the Commissioner, including authority with respect to such property to:

(1) Approve all offers to rent or purchase, except that offers to purchase properties acquired as a result of multifamily housing operations and offers to purchase a group of five or more properties of any type shall be subject to the approval of the Property Management Committee.

(2) Make repairs, alterations and improvements.

(3) Execute such contracts, leases, assignments and instruments as may be necessary in the rental or sale of such properties other than deeds or other documents in connection with the conveyance of title, deeds of release, assignments or satisfactions of mortgages, deeds of trust or other liens taken as security in connection therewith.

(4) Authorize expenditures.

(d) To handle and dispose of claims of the mortgagee against the mortgagor or others arising out of mortgage transactions and assigned to the Commissioner in connection with home mortgage insurance operations.

**§ 200.60 Director of the Cooperative Housing Division and Deputy.** To the position of Director of the Cooperative Housing Division and under his general supervision to the position of Deputy Director of the Cooperative Housing Division there is delegated the following basic authority and functions:

(a) To direct the activities of the Cooperative Housing Division.

(b) To develop and recommend basic policies, programs and plans of operation and to provide technical and policy advice and guidance to all elements of the Administration concerning cooperative housing mortgage insurance activities.

(c) To provide technical advice and guidance to consumer groups concerning the organization, financing and management of cooperative housing projects.

**§ 200.61 Assistant Commissioner for Technical Standards and Deputy.** To the position of Assistant Commissioner for Technical Standards and under his general supervision to the position of Deputy Assistant Commissioner for Technical Standards there is delegated the following basic authority and functions:

(a) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(b) To be responsible to the Commissioner for coordination and general supervision of the Architectural Standards Division and the Appraisal and Mortgage Risk Division comprising the functions of establishing and maintaining standards, methods, procedures and techniques in the fields of architecture and engineering, construction cost, land planning, mortgage credit, valuation, the selection and rating of mortgage risk and

the provision of technical advice and guidance in these fields to all organizational elements of the Administration.

**§ 200.62 Director of the Architectural Standards Division.** To the position of Director of the Architectural Standards Division there is delegated the following basic authority and functions:

(a) To develop and maintain architectural and engineering standards, techniques and procedures.

(b) To develop and maintain methods, standards, techniques and procedures for construction cost estimation.

(c) To provide technical advice and guidance to all organizational elements of the Administration in the fields of architecture, engineering and construction cost.

**§ 200.63 Director of the Appraisal and Mortgage Risk Division.** To the position of Director of the Appraisal and Mortgage Risk Division there is delegated the following basic authority and functions:

(a) To develop and maintain standards, procedures and techniques for the valuation of property, determination of acceptability of mortgage credit, land planning and for the over-all determination of mortgage risk and the acceptability of mortgage risks for insurance.

(b) To provide technical advice and guidance to all organizational elements of the Administration in the fields of valuation, mortgage credit, land planning and risk determination.

**§ 200.64 Assistant Commissioner for Programs.** To the position of Assistant Commissioner for Programs there is delegated the following basic authority and functions:

(a) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(b) To be responsible to the Commissioner for the coordination and general supervision of the Program Division, the Research and Statistics Division, and the Management Engineering Division comprising the functions of coordination of the development and formulation for the approval of the Commissioner of basic programs and related policies and program planning and the appraisal of programs and program objectives, and the maintenance of a program of housing market analyses, housing statistics, advice and counsel on economic problems, conduct of actuarial studies, the provision of a complete actuarial service for all insurance programs, and the conduct of comprehensive management engineering surveys.

**§ 200.65 Director of the Program Division.** To the position of Director of the Program Division there is delegated the following basic authority and functions:

(a) To develop and recommend basic program plans and related policies.

(b) To maintain a continuing appraisal of the effectiveness of programs and policies.

(c) To assist and advise with respect to the development and evaluation of legislative proposals affecting the programs of the Federal Housing Administration.

**§ 200.66 Director of the Research and Statistics Division and Deputy.** To the position of Director of the Research and Statistics Division and under his general supervision to the position of Deputy Director of the Research and Statistics Division there is delegated the following basic authority and functions:

(a) To provide advice and counsel on economic problems.

(b) To maintain a program of housing market analysis.

(c) To maintain a program of housing statistics and statistics on the operations of the Federal Housing Administration.

(d) To conduct actuarial studies and provide complete actuarial service for all insurance programs.

**§ 200.67 Director of the Management Engineering Division.** To the position of Director of the Management Engineering Division there is delegated the following basic authority and functions:

(a) To direct comprehensive management engineering surveys of Washington and field operations and activities for the purpose of improving the efficiency, economy and effectiveness of operations and to develop specific recommendations for the accomplishment of these purposes.

(b) To assist in the development of the detailed plans and procedures for carrying out approved recommendations.

(c) To assist in, and to coordinate, the installation of approved recommendations.

(d) To evaluate the results of approved recommendations.

**§ 200.68 Assistant Commissioner for Administration and Deputy.** To the position of Assistant Commissioner for Administration and under his general supervision to the position of Deputy Assistant Commissioner for Administration there is delegated the following basic authority and functions:

(a) To act with the Commissioner and under his direction in the determination of basic policy.

(b) To be responsible to the Commissioner for the coordination and general supervision of the Comptroller's Division, the Personnel Division, the General Services Division, and the Budget Division comprising all accounting and fiscal activities and functions, all personnel policies, procedures, activities and functions, all administrative services, all budget activities and organization structures and related matters.

(c) To act for the Commissioner in approving the settlement of tort claims for and against the Federal Housing Commissioner and in the execution of releases or other instruments required in connection therewith.

**§ 200.69 Comptroller and Deputy.** To the position of Comptroller and under his general supervision to the position of Deputy Comptroller there is delegated the following basic authority and functions:

(a) To devise and establish accounting procedures and to administer the fiscal policies and activities of the Administration.

(b) To approve all expenditures and receipt vouchers necessary to carry out



the provisions of the National Housing Act.

(c) To certify that all required documents, information and approvals respecting each transaction are present; verify the accuracy of the computations, the consistency of the information included in the various documents; and determine that the transaction is in strict accordance with all applicable regulations, decisions and laws.

(d) To endorse checks for deposit or collection.

(e) To certify financial statements.

(f) To recommend investments for the insurance funds of the Federal Housing Administration, liquidation of investments and redemption of debentures and to maintain liaison with the Treasury Department in the execution of approved fiscal proposals.

(g) To certify as to delegations of authority by the Commissioner and as to the truth or accuracy of copies of original papers or documents in the possession of the Administration.

(h) To execute vouchers or applications and receipt for any payments received representing refunds of taxes or other payments made by the Commissioner in connection with property acquired under the provisions of the National Housing Act.

(i) To designate certifying officers and to revoke such designations, to execute and submit to the Treasury Department necessary statements and schedules with respect thereto, pursuant to Public Law 389, approved December 29, 1941, and the standards and procedures of the Secretary of the Treasury thereunder.

(j) To execute Certificates of Claim and certify the requisitions to the Treasury Department for the issuance of debentures.

(k) To maintain liaison with the General Accounting Office, Treasury Department and other agencies of the Government on accounting and fiscal matters and to collaborate with such departments and agencies in the formation of accounting and fiscal programs.

**§ 200.70 Director of Personnel and Deputy.** To the position of Director of Personnel and under his general supervision to the position of Deputy Director of Personnel there is delegated the following basic authority and functions:

(a) To be responsible for the development, establishment and operation of a comprehensive personnel program, including employment, selection and placement, standards, position classification, employee relations, training and incentive awards.

(b) To make appointments, promotions, demotions, transfers and reassignments of personnel, and to remove or separate personnel; to fix the administrative work week; to approve overtime work, and to prescribe rules and regulations regarding overtime.

(c) To act as the representative of the Federal Housing Administration with the Civil Service Commission and all Government agencies and other organizations with respect to personnel matters.

**§ 200.71 Director of the Budget Division and Deputy.** To the position of

Director of the Budget Division and under his general supervision to the position of Deputy Director of the Budget Division there is delegated the following basic authority and functions:

(a) To direct all budget activities of the Federal Housing Administration and to act as the Commissioner's representative in all budget matters with the Bureau of the Budget and with other Government agencies.

(b) To be responsible for the development and execution of the budget program, including the preparation of budget estimates and justification therefor; the preparation of requests for apportionment of funds and justification therefor; and the allotment of funds within the limits of appropriation acts, apportionments and other limitations.

**§ 200.72 Director of the General Services Division and Deputy.** To the position of Director of the General Services Division and under his general supervision to the position of Deputy Director of the General Services Division there is delegated the following basic authority and functions:

(a) To be responsible for a program of general services, including contracting and procurement, rental and assignment of office space, records management, telecommunications, printing and publication, administrative property control, mail and messenger, stenographic pool, travel service and library.

(b) To execute all contracts, incur obligations, and authorize expenditures for services and procurement, including brokers' agreements, contracts for performance on a fee basis of technical or professional consulting services and contracts for materials, equipment and services for the maintenance and operation of acquired properties.

(c) To execute all agreements for office space and collateral services throughout the United States, to obligate the Federal Housing Administration for the payment of rents and charges in connection therewith, and to negotiate and execute lease agreements for the field office space and services beyond the continental limits of the United States.

(d) To represent the Federal Housing Administration and maintain liaison with the General Services Administration and other Government agencies in all general services matters.

(e) To execute Certificates of Need in connection with space requirements in Federal Lease-Purchase projects.

(f) To issue travel orders and to authorize or approve transportation of household goods and personal effects.

(g) To dispose of personal property of the Federal Housing Administration other than that acquired under insurance contracts.

(h) To issue orders for publication of notices and advertisements in newspapers, magazines and periodicals.

(i) To provide logistic, communications and other necessary services, including the maintenance of indispensable records at the relocation center in connection with the Civil Defense program. Issues necessary Civil Defense identification for Headquarters and

Field. Approves emergency relocation sites for Field Offices.

**§ 200.73 Assistant Commissioner for Audit and Examination and Deputy.** To the position of Assistant Commissioner for Audit and Examination and under his general supervision to the position of Deputy Assistant Commissioner for Audit and Examination there is delegated the following basic authority and functions:

(a) To be responsible to the Commissioner for the coordination and general supervision of the Audit Division and Examination Division comprising the following functions:

(1) The maintenance of a continuing comprehensive fiscal audit program, both internal and external, including audit of mortgagees, mortgagors, and rental brokers for the purpose of providing the Commissioner with continuing assurance of the soundness and integrity of operations; conformity with applicable laws, regulations, policies, standards, and procedures;

(2) The maintenance of a continuing independent check on operations of the Federal Housing Administration for adherence to statutory and regulatory requirements and established procedures, policies, standards and management practices; the evaluation of attainment of objectives;

(3) The recommendation of investigation and action by responsible authorities in cases of suspected violation of statutes or contract terms.

(b) To act for the Commissioner in the determination of noncompliance with statutes, including the criminal statutes, rules, regulations, policies, procedures and instructions governing FHA operations and participants in FHA programs; to direct remedial action; and to clear, expedite, coordinate and provide liaison with respect to investigation requests to, and investigative reports from, the Office of the Administrator, Housing and Home Finance Agency.

(c) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

**§ 200.74 Auditor and Deputy.** To the position of Auditor and under his general supervision to the position of Deputy Auditor there is delegated the following basic authority and functions:

(a) To be responsible for a continuing audit of the fiscal accounts of the Administration, including the fiscal accounts of the field offices, and the accounts of approved mortgagees not under governmental supervision, to determine compliance with the supervision requirements of the administrative regulations.

(b) To conduct audits of mortgagees and mortgagors participating in the insurance programs of the Administration, including on-site examination of fiscal records and accounts of such mortgagees and mortgagors.

(c) To conduct audits of the accounts and records of rental brokers including on-site audits and examinations of such accounts and records, to effect compliance with the fiscal and administrative requirements of the Administration.

**§ 200.75 Director of the Examination Division and Deputy.** To the position of



Director of the Examination Division and under his general supervision to the position of Deputy Director of the Examination Division there is delegated the following basic authority and functions:

(a) To conduct comprehensive periodic and special examinations of FHA operations and activities, except those of a fiscal and financial character, for adherence to statutory and regulatory requirements, established procedures, standards, and management practices; and to evaluate and report on compliance with requirements and attainment of objectives.

(b) To develop recommendations for further investigations by appropriate authorities in cases of suspected violations of existing statutes, regulatory requirements, or contract terms.

§ 200.76 *Assistant Commissioner for Title I and Deputy.* To the position of Assistant Commissioner for Title I and under his general supervision to the position of Deputy Assistant Commissioner for Title I there is delegated the following basic authority and functions:

(a) To direct the activities of the Title I Division.

(b) To establish and maintain the operating procedures whereby insurance operations under section 2 of Title I of the National Housing Act shall be conducted.

(c) To develop and recommend basic policies affecting Title I insurance operations.

(d) To exercise the authority of the Commissioner under the regulations governing loans reported for insurance under section 2 of Title I of the National Housing Act in any instance which is subject to the approval of the Commissioner.

(e) To issue or cancel contracts of insurance under Title I of the National Housing Act and transfer such contracts and the rights and benefits accruing thereunder between lending institutions.

(f) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I of the National Housing Act that require the prior approval of the Federal Housing Commissioner.

(g) To institute precautionary measures with respect to any dealer or contractor operating under the provisions of section 2 of Title I of the National Housing Act.

(h) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

#### DELEGATIONS TO COMMITTEES

§ 200.85 *Executive Board—(a) Members.* The committee called the Executive Board is comprised of the following members: Commissioner, Chairman; Deputy Commissioner, Vice Chairman; General Counsel; Assistant Commissioner for Field Operations; Assistant Commissioner for Mortgages and Properties; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Title I; and Assistant Commissioner for Audit and Examination.

(b) *Functions.* The functions of the Executive Board are to consider and advise with respect to basic policy, plans and general program matters of the Administration.

§ 200.86 *Security Committee—(a) Members.* The Security Committee is comprised of the following members: Personnel Security Officer, Chairman; Director of Personnel, Vice Chairman; Assistant Commissioner for Field Operations; and Assistant Commissioner for Administration.

(b) *Functions.* The functions of the Security Committee are:

(1) To make recommendations to the Commissioner from time to time with respect to the designation of sensitive positions under the Security Regulations of the PHA, or the revocation of such designations.

(2) To advise with and make recommendations to the Commissioner regarding any security matter which the Personnel Security Officer may bring before the committee for advice or consultation.

§ 200.87 *Management Improvement Committee—(a) Members.* The Management Improvement Committee is comprised of the following members: Assistant Commissioner for Programs, Chairman; Director of Personnel Division, Vice Chairman, and one appointee of each of the following: Assistant Commissioner for Field Operations; Assistant Commissioner for Technical Standards; Director of Budget Division; and Director of Management Engineering Division.

(b) *Functions.* The functions of the Management Improvement Committee are to maintain and operate an FHA Employee Suggestion System within the framework of the over-all Employee Awards Program.

§ 200.88 *Property Management Committee—(a) Members.* The Property Management Committee is comprised of the following members: Assistant Commissioner for Mortgages and Properties, Chairman; Assistant Commissioner for Programs, Vice Chairman; Assistant Commissioner for Technical Standards; Assistant Commissioner for Title I; and the General Counsel or his designee (as legal advisory member, ex officio).

(b) *Functions.* The functions of the Property Management Committee are:

(1) To pass upon and determine the action to be taken with respect to the acceptance or rejection of any offer to purchase a property or mortgage acquired by the Commissioner in connection with multifamily housing mortgage insurance and yield insurance operations, the sale and terms of sale of mortgages taken as security in connection with the sale of such properties, and offers to purchase a group of five or more properties acquired by the Commissioner in connection with home mortgage insurance operations, and to establish general policies with respect thereto. All documents and instruments relating and incident to a formal acceptance or rejection of such offer shall be executed by the Chairman or, in his absence, the Vice Chairman for and on behalf of the Commissioner.

(2) To determine whether or not an expenditure is "necessary to carry out the provisions" of Titles I, II, VI, VII, VIII and IX as such term is used in section 1 of the National Housing Act, and to approve such expenditure for and on behalf of the Commissioner whenever such a determination and approval is, in the opinion of the General Counsel, necessary to support the legal authority of the Commissioner to make such expenditure.

(3) In connection with the functions of this committee, the Chairman and, in his absence, the Vice Chairman, are authorized to execute in the official name of the Commissioner, as his agent, all contracts of sale, deeds or any other documents or instruments necessary in connection with the sale of properties or with conveyance of title of such properties.

(4) This committee shall meet at the call of the Chairman or, in his absence, the call of the Vice Chairman and shall maintain minutes of each meeting to reflect the various actions taken by the committee pursuant to this authority.

§ 200.89 *Substantial Compliance Committee—(a) Members.* (1) The Substantial Compliance Committee is comprised of the following members: Assistant Commissioner for Title I, Chairman; Assistant Commissioner for Administration; Assistant Commissioner for Programs; the Comptroller; and the Chief Counsel, Title I Section, Legal Division.

(2) Three members shall constitute a quorum.

(b) *Functions.* The functions of the Substantial Compliance Committee are to waive compliance with regulations heretofore or hereafter prescribed with respect to the interest and maturity of, and the terms, conditions, and restrictions under which loans, advances of credit and purchases may be insured under section 2 of Title I of the National Housing Act if, in the judgment of the committee, the enforcement of such regulations would impose an injustice upon an insured institution which has substantially complied with such regulations in good faith and has refunded or credited any excess charge made, and if such waiver does not involve an increase of the obligation which would have been involved if the regulations had been fully complied with.

#### MISCELLANEOUS DELEGATIONS

§ 200.95 *Field Office Chiefs of Operations.* To the position of Field Office Chief of Operations, and to each of them, there is delegated the following duties and functions:

(a) To execute regulatory agreements and to issue eligibility statements and commitments for insurance and to execute insurance contracts pursuant to such commitments.

(b) To approve a change in amount, a change in term, extension of the date of commencement of construction, extension of the expiration date, or any other modification in the commitment for insurance or insurance contract.

(c) To approve permissible refunds of processing fees.



(d) To consent to the release of mortgagors.

(e) To consent to the release of portions of mortgaged property from the lien of the mortgage.

(f) To approve or disapprove for mortgage insurance advances of mortgage money during construction and execute such instruments as may be necessary in connection therewith.

(g) To approve or disapprove "Change Orders" during construction.

(h) To direct field office physical inspections of properties covered by insured project mortgagees, examination of operating reports and mortgagee annual inspection reports, and to institute corrective action to cure deficiencies disclosed by such inspections and reports.

(i) To approve or disapprove requests from mortgagors for permission:

(1) To furnish rental units.

(2) To provide tenants with equipment or services not contemplated in the original processing of the application for mortgage insurance or, in the case of a Commissioner-held purchase money mortgage, not contemplated at the time of sale.

(3) To alter, modify, or add to the physical structure.

(4) To withdraw funds from replacement reserves for replacement of items originally scheduled.

(j) To approve or disapprove rent increases and seasonal rental charges in rental projects covered by insured or Commissioner-held mortgages and to investigate and determine action to be taken on tie-in charges for apartment, garage, furniture, and equipment rentals.

(k) To approve or disapprove the plan of management of cooperative mortgages under an insured mortgage.

(l) In connection with cooperative projects covered by insured mortgages, to determine the adequacy of carrying charges and approve or disapprove such charges.

(m) To exercise the authority of the Commissioner, where required, in granting prior credit approval under the provisions of Title I of the National Housing Act and regulations thereunder.

(n) To approve or disapprove requests of a mortgagee to obtain title by deed in lieu of foreclosure to property covered by an insured home mortgage.

(o) To approve or disapprove requests of mortgagees for extension of the regulatory period for commencement of foreclosure, the regulatory period for election to assign the mortgage to the Commissioner, and the regulatory period within which to tender properties to the Commissioner.

(p) To approve or disapprove plans to reinstate defaulted Commissioner-held mortgages and to initiate action to cure defaults of Commissioner-held and insured mortgages.

(q) In connection with the new home loan provisions of the regulations issued pursuant to Title I of the National Housing Act, to approve the sale by insured institutions of acquired property where the insured institution exercises its option to sell the property in the open

market in lieu of conveyance to the Commissioner.

(r) To assess late charges against delinquent mortgagors under Commissioner-held home mortgages.

(s) To determine and initiate action to acquire properties under defaulted Commissioner-held home mortgages by foreclosure.

(t) To direct the affairs of mortgagor corporations when control has been assumed by the Federal Housing Commissioner as preferred stockholder.

(u) To execute contracts for supplies and services in accordance with the provisions of the Field Operating Manual and as approved by the Assistant Commissioner for Mortgages and Properties either specifically or as a part of an acquired property management program.

(v) To execute contracts for the sale of any properties and projects owned by the Federal Housing Commissioner upon approval of any such sale by competent authority.

(w) In connection with the sale of Commissioner-owned properties or projects, to consent to the assignment of the interest of the contract purchaser under a contract for deed and to the substitution of mortgagor under a mortgage held by the Commissioner.

(x) To execute applications and other documents in connection with any function which the Federal Housing Administration may perform for any other agency or agencies of the United States.

(y) To endorse loss drafts and checks for settlement of claims for insurance losses on insured mortgages and Commissioner-held mortgages, both home and multifamily.

**§ 200.96 Field Office Directors and Assistants.** To the position of Field Office Director, and to each of them, and to the position of Assistant Field Office Director, and to each of them, there is delegated the duties and functions as set forth in § 200.95.

**§ 200.97 Zone Operations Commissioners and Deputies.** To the position of Zone Operations Commissioner, and to each of them, and to the position of Deputy Zone Operations Commissioner, and to each of them, there is delegated the duties and functions as set forth in § 200.95.

**§ 200.98 Assistant Commissioner for Mortgages and Properties and Directors under his supervision.** To the position of Assistant Commissioner for Mortgages and Properties and to the position of Director, and to each of them under his supervision, there is delegated the following duties and functions:

(a) To exercise the authority of the Commissioner under the Administrative Regulations pursuant to any section or title of the National Housing Act in any instance requiring the approval of the Commissioner.

(b) (1) To approve the insurance of mortgages taken as security in connection with the sale of properties conveyed to the Federal Housing Commissioner.

(2) To the positions in this section there are delegated the duties and functions as set forth in § 200.95.

**§ 200.99 Assistant Commissioner for Field Operations and Deputy.** To the position of Assistant Commissioner for Field Operations but not to the position of Deputy Assistant Commissioner for Field Operations there is delegated the following duties and functions:

(a) To exercise the authority of the Commissioner under the Administrative Regulations pursuant to any section or title of the National Housing Act in any instance requiring the approval of the Commissioner.

(b) (1) To approve the insurance of mortgages taken as security in connection with the sale of properties conveyed to the Federal Housing Commissioner.

(2) To the position of Assistant Commissioner for Field Operations and to the position of Deputy Assistant Commissioner for Field Operations there is delegated the duties and functions as set forth in § 200.95.

**§ 200.100 Assistant Commissioners.** To the position of Assistant Commissioner, and to each of them, in addition to the authority granted under the provisions of section 204 (g) of the National Housing Act, there is delegated the following duties and functions:

(a) To execute in the name of the Commissioner proofs of claim against bankrupt, insolvent and decedent estates.

(b) To execute releases of obligations, including notes, judgments and other evidences of indebtedness, and to release liens of any kind held as security for such obligations.

(c) To execute the power and authority vested in the Commissioner under the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

**§ 200.101 Division Directors and their Superiors, the General Counsel, and Field Office Directors and Assistants.** To the position of Division Director, and to each of them, and to all of their superiors as well as to the position of General Counsel and to the position of Field Office Director and Assistant Field Office Director, and to each of them, there is delegated the duty and function to certify that official long distance calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

**§ 200.102 Classified Information Control Officer.** To the position of Classified Information Control Officer there is delegated the following duties and functions:

(a) To receive all classified information addressed to the Federal Housing Administration and to be responsible for the proper dissemination thereof.

(b) To safeguard all classified information in accordance with established security standards.

(c) To keep all officials of the FHA advised of security standards and requirements with respect to the safeguarding and dissemination of classified information.

**§ 200.103 Personnel Security Officer and Deputy.** To the position of Person-



nel Security Officer and under his direction and supervision to the position of Deputy Security Officer there is delegated the following duties and functions:

(a) To be responsible for the establishment and administration of a security program in the Federal Housing Administration.

(b) To participate in conferences and discussions as the security representative of the FHA with officials of other government agencies for the purpose of making effective the National Personnel Security Program.

(c) To clear personnel of the FHA for sensitive positions.

(d) To evaluate security reports and to take final action in security cases of all types.

(e) To participate in proceedings before security hearing boards in any instance where an FHA employee is involved.

(f) To prepare reports and releases as required by the Attorney General and the Civil Service Commission in the administration of the FHA security program.

#### SUBPART E—MORTGAGE INSURANCE PROCEDURES AND PROCESSING

§ 200.140 *Scope of subpart.* This subpart is confined to general procedures and processing covering mortgage insurance irrespective of the particular program involved. More specific information regarding procedures and processing, including variances under the several titles and sections of the National Housing Act, are treated in other provisions of this chapter.

§ 200.141 *Procedure in general.* All mortgage insurance programs involve four basic steps. First, applications for insurance; second, commitments for insurance; third, insurance endorsements; and fourth, claims for losses.

#### APPLICATION FOR INSURANCE

§ 200.142 *Form and filing.* Any financial institution approved by the Commissioner as a mortgagee may apply for mortgage insurance. The application form may be obtained from any Federal Housing Administration field office. The application must be submitted to the office having jurisdiction over the area in which the property described in the application and offered as security is located.

§ 200.143 *Purpose and content.* Every application, whether for insurance of a home type or project type mortgage, sets forth the required information to enable FHA to determine eligibility under a particular program. The eligibility consideration covers three general areas as follows:

(a) The eligibility of the proposed loan under the statute, i. e., term, interest rate, mortgage amount, and ratios of loan to value or replacement cost.

(b) The eligibility of the property with respect to compliance with FHA statutory and regulatory requirements.

(c) (1) The eligibility of the mortgagor with regard to the mortgagor's ability to carry and pay the proposed mortgage debt.

(2) Applications are designed to meet the requisites of the several programs. Accordingly, the applications will call for certain supplemental information, such as drawings and specifications, financial statements, exhibits and other information appropriate to enable the FHA to make the necessary determinations concerning eligibility.

§ 200.144 *Fees.* Each application must be accompanied by a fee for examination in an amount in effect on the date the application is filed as indicated by the regulations covering the particular insurance program.

§ 200.145 *Technical analysis and underwriting processing.* (a) When an application for mortgage insurance is received in the Field Office it is recorded and a receipt issued therefor. The proposed transaction is then analyzed to determine whether the application and supporting information is in proper form for underwriting processing.

(b) Underwriting processing involves consideration of the elements having to do with eligibility for insurance including review of the planning, construction, and specifications, cost estimation and valuation, and credit analysis. The findings are included in a report and recommendation which is the basis for the commitment.

§ 200.146 *Acceptance, rejection and reconsideration.* (a) If an application for mortgage insurance meets the eligibility requirements a commitment for insurance is issued.

(b) If the application for mortgage insurance is not eligible for processing or does not qualify, this fact is reported to the applicant together with the reason for the rejection.

(c) A rejected application for mortgage insurance may be reconsidered upon written request to the Field Office which rejected the application.

#### COMMITMENT FOR INSURANCE

§ 200.147 *Issuance of commitment.* After a determination that the mortgagor and the property offered for security meets the standards and requirements as to eligibility, a commitment is prepared and forwarded over the signature of the Authorized Agent to the approved mortgagee setting forth the terms and conditions under which the mortgage transaction will be insured. The commitment is a binding contract between the FHA and the mortgagee presenting the application.

§ 200.148 *Types of commitments.*—(a) *Home mortgages.* In connection with home mortgages the commitment issued may be conditional or firm.

(1) *Conditional commitment.* A conditional commitment is requested in a case where the mortgagor is unknown and therefore cannot be specified in the application. The Commissioner agrees to insure a mortgage on specified property in an amount and under the terms specified, provided the property is sold to a purchaser who is satisfactory to the FHA as a borrower.

(2) *Firm commitment.* A firm commitment is requested where the mort-

gagee desires insurance of a mortgage on specified property with a named mortgagor in an amount and on terms set forth in the commitment.

(b) *Project mortgages.* In connection with project mortgages the mortgagee may specify which of two types of commitments he desires.

(1) *Commitment for insurance of advances.* A commitment for insurance of advances specifies that the FHA will insure construction advances, subject to compliance with the commitment terms.

(2) *Commitment to insure upon completion.* A commitment to insure upon completion does not include construction advances, but provides that the FHA will insure the mortgage upon completion of the project subject to compliance with the commitment terms.

§ 200.149 *Terms and conditions.* (a) The commitment sets forth the exact conditions under which the FHA will insure the mortgage loan. It indicates the maximum eligible term of years, the amount of such loan, the interest rate and the amount of the monthly installment, including principal and interest. In addition, in connection with proposed construction there may be provision for structural requirements and the number and type of inspections necessary. In the case of project mortgages, the commitment may indicate a schedule of advances which will be insured upon a finding that such advances are made in accordance with the commitment.

(b) A commitment is for a definite period of time and contains cancellation conditions which permit FHA to cancel the commitment in case of non-compliance with its terms. Upon full compliance with the terms of the commitment instrument, the FHA is legally bound to endorse the mortgage for insurance.

#### INSURANCE ENDORSEMENT

§ 200.150 *Request for endorsement.* When all conditions of the commitment are fully met the commitment, together with all supporting documents such as the note, mortgage and any other exhibits as required by the terms of the commitment, are returned to the FHA by the mortgagee with request for endorsement for insurance.

§ 200.151 *Final review.* Upon receipt of a request for endorsement the FHA makes a final review of the commitment and the supporting documents to determine that all are in proper order and that the terms and conditions have been fully performed.

§ 200.152 *Endorsement for insurance.* When it has been determined that the terms and conditions of the commitment have been fully complied with, the FHA insures the mortgage and evidences the insurance by the Authorized Agent's signature in the endorsement panel on the mortgage note which is then returned to the mortgagee. After this endorsement the mortgagee is entitled to the benefits of insurance subject to compliance with the administrative regulations which are, in effect, a part of the insurance contract.



## CLAIMS FOR LOSSES

§ 200.153 *Presentation of claim.* In the event of a default of an insured mortgage the mortgagee presents a claim for insurance benefits. The application form for debentures and certificate of claim may be obtained from the Headquarters Office in Washington and is filed with the FHA Comptroller in Washington, D. C.

§ 200.154 *Notice of default.* Upon default in a mortgage the mortgagee submits a notice of default status to the FHA Insuring Office having jurisdiction over the area wherein the mortgage security is located.

§ 200.155 *Claim requirements.* To perfect its claim for payment the mortgagee is required either to assign the mortgage to the Commissioner or tender to him a good merchantable title to the property covered by the insured mortgage. In the home mortgage programs the mortgagee is required to foreclose the insured mortgage and obtain title to the property under a deed conveying good merchantable title. In project mortgage programs the foregoing procedure may be followed or the mortgagee has an alternative option to assign the project mortgage to the Commissioner. If the latter option is exercised the claim for insurance is reduced by one percent of the amount of the mortgage.

§ 200.156 *Settlement of claims.* Upon approval of title conveyance thereof and delivery of possession of the property to the Commissioner, debentures and a certificate of claim are issued to the mortgagee in accordance with a computation provided by statute for the particular program. The debentures include an amount equal to the unpaid principal of the mortgage plus certain other items such as advances made for hazard insurance, payment of taxes, FHA mortgage insurance premium and a portion of foreclosure expenses. The terms of the statute strictly control the amounts which may be allowed in debentures. Certain expenditures made by the mortgagee, not allowed in the debentures, are included in the certificate of claim.

§ 200.157 *Debentures.* All FHA debentures are negotiable, are issued by and become an obligation of the particular mortgage fund under which the mortgage is insured, and are fully guaranteed as to principal and interest by the United States. Debentures carry a rate of interest prescribed by the Commissioner but not in excess of an annual rate determined by the Secretary of the Treasury in accordance with a prescribed statutory formula involving yields or prices of outstanding marketable obligations of the United States. Debentures are redeemable on call issued by the Commissioner. They may be freely sold or assigned and may be used by approved mortgagees in lieu of cash for payment of FHA mortgage insurance premiums relating to the same insurance fund under which the debentures are issued.

§ 200.158 *Certificates of claim.* The certificate of claim issued to the mortgagee at the time debentures are issued constitutes an agreement by the FHA

that after the FHA has recovered its investment in a particular property any excess over and above such investment is available for payment on the certificate of claim. Certificates of claim bear interest at the rate of 3 percent per annum.

## SUBPART F—PROPERTY IMPROVEMENT LOAN PROCEDURES AND PROCESSING

## LOAN TRANSACTION

§ 200.165 *Lender's application for insurance.* Any financial institution which has qualified as an approved lender may apply to the Federal Housing Administration for insurance against losses on account of personal loans made for alterations, repairs or improvements upon or in connection with existing structures which substantially protect or improve basic livability or utility as well as insurance against losses in connection with the building of new nonresidential farm and non-farm structures. The maximum principal amount of such loans is set forth in section 2, Title I of the National Housing Act.

§ 200.166 *Lending area.* (a) The Federal Housing Administration expects a qualified lender to confine its Property Improvement loan business to the trading area usually served by the institution in its normal operations. The lender must be in a position to investigate credits, make spot checks of the improvements being financed, and have its own employee or qualified representative make personal contact with delinquent borrowers.

(b) Prospective borrowers may obtain a list of qualified lenders in the particular area by writing to the Federal Housing Administration field office in the locality or to the Headquarters Office in Washington, D. C. Prescribed forms for use in connection with Property Improvement loans are made available by lenders.

§ 200.167 *Credit investigation of borrower.* Property Improvement loans are primarily character loans, and the credit standing and credit instrument of the borrower are of primary importance. In accepting a contract of insurance the lender assumes the responsibility of applying sound principles in the evaluation of credit. The borrower applicant must furnish the lender with an executed credit application on a form approved by the Commissioner and disclosing information sufficient to satisfy the lender that the applicant represents an acceptable credit risk, including information that the loan is for the alteration, repair or improvement of property in which the borrower has an eligible interest as owner or lessee. The determination as to the eligibility of a loan for insurance and the approval of borrower's credit and all other details of the transaction are handled by the lender, without prior examination or approval of the transaction by the Federal Housing Administration, except as specifically required by the regulations.

§ 200.168 *Other requirements for a Property Improvement loan.* The note or other evidence of the obligation taken by the insured must be valid and enforceable against the borrower and must

be payable in installments. The borrower must have either a fee title, life estate, a purchaser's interest in a land contract, or a lease having a fixed term expiring not less than six calendar months after the maturity of the loan. The fee title or life estate may be subject to a mortgage or other lien. The regulations provide maximum maturity and maximum amounts for loans of various classes and sets forth maximum financing charges and certain items which are considered ineligible for loans.

§ 200.169 *Direct borrower loans.* The Property Improvement loan may be initiated by a borrower who gives his credit application directly to a lender. The proceeds of a loan thus made are delivered directly to such borrower without the intervention or participation of a dealer or other intermediary.

§ 200.170 *Loan through a dealer.* Also eligible as Property Improvement loans are dealer-originated cases where the dealer or contractor first obtains a credit application for the loan from the borrower and, after completing the work, has a note and completion certificate signed by the borrower. The dealer presents these documents to the lender and receives the proceeds of the loan, after the lender determines that the transaction is eligible for insurance. The Federal Housing Administration does not approve dealers for participation in the Property Improvement loan program. This is a responsibility of the lender which by investigation must determine that the dealer is reliable, financially responsible and qualified to perform satisfactorily the work to be financed and is equipped to extend proper service to the customer. The lender also makes the initial determination that the transaction is or is not insurable.

§ 200.171 *Notice to borrower.* At least six calendar days prior to making disbursement to a dealer the lender is required to give the borrower written notice of the insured's intention to disburse the proceeds of the loan if the application is approved. Although the borrower need not acknowledge receipt of the notice the lender must have a record of having mailed or delivered such notice.

## DISBURSEMENT

§ 200.172 *Disbursement of proceeds to dealer.* In connection with all loans not made directly to the borrower, the lender must have investigated and approved the dealer and have in its possession, properly signed and dated:

(a) Completion certificate signed by borrower indicating work or materials have been satisfactorily completed or delivered by dealer.

(b) Copy of dealer's contract or sales agreement signed by borrower and dealer describing the type and extent of improvements to be made and the material to be used.

(c) Borrower's authorization certificate, if note is payable to lender.

§ 200.173 *Disbursement of proceeds to borrower.* The lender may disburse the proceeds of the note directly to the borrower by cash, by check or money order drawn solely in favor of the bor-



rower, or by crediting the borrower's account. In such transactions, the dealer does not participate in the disbursement in any manner and the borrower has complete control of the funds at all times.

#### REPORT AND RESERVE

§ 200.174 *Report of loans.* Within 31 days after the loan is made or the note is purchased from the dealer the lender submits to the Federal Housing Administration individual reports setting forth on a prescribed form the details of each transaction. This information, including the name of the borrower, the location of the property, the amount of loan advanced, the finance charges, the date of the note, and the terms of payment is the basis for computing the insurance premium which will be due and payable by the lender and is the official record of the transaction with the Administration. This report results in the automatic insurance of the loan as soon as the required insurance premium is paid.

§ 200.175 *Insurance charge.* The regulations provide for an annual insurance charge based on a fractional percentage of the net proceeds of each loan reported for insurance. The lender is billed once a month on all loans reported for insurance during the previous period the receipt of which have been acknowledged by the Commissioner.

§ 200.176 *Insurance reserves.* For each lender holding a contract of insurance, there is established by the Federal Housing Administration a general insurance reserve the amount of which is based upon the number of loans the institution reports for insurance during certain periods. For each eligible loan reported by a lender and accepted for insurance, 10 percent of the net proceeds of the loan is credited to the lender's insurance reserve. The cumulative credits to the insurance reserve for each lender thus equals 10 percent of the net amount advanced by it on all eligible loans and affords insurance against losses on its overall lending operation.

#### CLAIMS FOR REIMBURSEMENT FOR LOSS

§ 200.177 *Claims for payment.* Claim for reimbursement for loss on an eligible Property Improvement loan may be made to the Federal Housing Administration by the lender after the borrower's default, provided demand has been made for the full unpaid balance of the note. The claim must be made within a prescribed period and be accompanied by the lender's complete credit and collection file for the transaction. The note and any security held or judgment taken must be duly assigned to the United States. An examination and audit of each claim is made to determine compliance with the provisions of the National Housing Act and the regulations.

§ 200.178 *Amount of claim.* (a) After it has been determined that the loan and the lender's claim for loss are eligible, the lender is reimbursed by a United States Treasury check for 90 percent of the loss sustained on the defaulted obligation. In addition, the lender may be reimbursed as provided by the regulations for a certain proportion of attorney's fees and uncollected court costs arising out of efforts to collect the note.

(b) If the claim is disapproved the lender is notified of the basis of such disapproval, with return to it of the insurance premium and all related papers and documents. Appeal for reconsideration of disapproval may be had by addressing a written request to Headquarters Office in Washington, D. C.

§ 200.179 *Establishment of account.* The moneys derived from premium charges and all moneys collected as fees of any kind in connection with insurance of financial institutions, and all moneys derived from the sale, collection, disposition, or compromise of any debt, contract, claim, property or security assigned or held by the Commissioner are deposited in an account in the Treasury of the United States, which account is available for defraying the operating expenses of the Federal Housing Administration in connection with insurance of financial institutions and any amounts in such account which are not needed for such purpose are available for the payment of claims in connection with the insurance granted under the statute.

#### SUBPART G—OFFICIAL RECORDS

§ 200.185 *Availability of official records.* Except to the extent that there is involved any function of the United States requiring secrecy in the public interest or any matter relating solely to the internal management of the Federal Housing Administration, matters of official record of the Federal Housing Administration, not held confidential for good cause, shall be available for the inspection of persons properly and directly concerned upon application by such persons to the insuring office having jurisdiction or to the Headquarters Office in Washington, D. C.

§ 200.186 *Confidential official records.* Records which pertain to contracts of insurance between the lending institution and the Federal Housing Administration are confidential as to all persons other than the contracting parties. These records are identified as follows:

- Title I Loan Report.
- Title I Refinancing Report.
- Title I Reconciliation Statement.
- Title I Transfer of Note Report.
- Borrower's Application together with the exhibits attached thereto.
- Mortgagee's Application for Insurance, together with the exhibits attached thereto.
- Commitment for Insurance.
- Statement of FHA Appraisal.
- Contract of Insurance.
- Compliance Inspection Reports.
- Mortgagee's Assurance of Completion.
- Note, Bond or other Credit Instrument.
- Mortgage or other Security Instrument.
- Modification Agreement.
- Rental Computation.
- Consent to Substitution of Mortgage.
- Notice of Transfer by Transferor and Transferee.
- Report of Prepayment.
- Notice of Default.
- Application for Debentures and Certificate of Claim.

#### SUBPART H—ENFORCEMENT REMEDIES

##### REFUSAL OF PARTICIPATION

§ 200.190 *Authority of Director.* Any official designated by the Commissioner

as the Director of a Field Office is authorized to refuse the benefits of participation (either directly as a borrower, or indirectly as a builder, contractor, dealer, salesman, or sales agent for a builder, contractor or dealer) under Title I, II, VI, VII, VIII or IX of the National Housing Act, as amended, to any person or firm (including but not limited to any individual, partnership, association, trust, or corporation) if the Director has determined that such person or firm:

(a) Has knowingly or willfully violated any provision of the Act or any regulation issued thereunder, or any provision of Title III of the Servicemen's Readjustment Act of 1944, as amended, or of any regulation issued by the Administrator of Veterans' Affairs thereunder, or

(b) Has, in connection with any construction, alteration, repair or improvement work financed with assistance under the Act or Title III of the Servicemen's Readjustment Act of 1944, as amended, or in connection with contracts or financing relating to such work, violated any Federal or State penal statute, or

(c) Has failed materially to properly carry out contractual obligations with respect to the completion of construction, alteration, repair, or improvement work financed with assistance under the Act or Title III of the Servicemen's Readjustment Act of 1944, as amended.

§ 200.191 *Notice.* Before any determination is made to refuse any person or firm the benefits of participation notice of the proposed determination in writing and signed by the Director, shall be given and transmitted to the interested person or firm by registered mail, return receipt requested.

§ 200.192 *Hearing, request.* Any person or firm that has been notified of a proposed determination is entitled to request an opportunity to be heard and to be represented by counsel. Any such request shall be made in writing addressed to the Director of the Office from which it was received. The letter to the Director may also include a request for written notice specifying charges in reasonable detail. The request for an opportunity to be heard shall be made within ten days from the date of receipt of notice of the proposed determination. If at the end of such ten-day period, no request has been received, the Director may assume that an opportunity to be heard is not desired, and may proceed in the manner provided in § 200.194 to notify the interested person or firm of his determination.

§ 200.193 *Hearing, time and place.* Upon receipt of a request for an opportunity to be heard, the Director shall arrange a timely hearing. Notice of the time and place of such hearing shall be in writing, transmitted by registered mail, return receipt requested, and shall include a statement indicating the informal nature of the proceedings and their purpose.

§ 200.194 *Determination.* After the person or firm against whom action is proposed has been afforded an opportunity to be heard, the Director shall



make his determination on the preponderance of the evidence. The Director shall obtain the approval of the Commissioner before making a final determination withdrawing the approval of an approved mortgagee or terminating a lender's insurance contract under Title I of the Act. Notice of such determination shall be made in writing, signed by the Director, and transmitted by registered mail, return receipt requested. The Director's determination shall be final and conclusive.

**§ 200.195 Rescission and reinstatement.** Any person or firm debarred from the benefits of participation may in writing request reinstatement. The procedures for reinstatement are substantially similar to those invoked in the initial proceedings. In reaching his determination regarding reinstatement the Director must be satisfied that the original wrongful act has been righted and also be persuaded from the assurances of the party concerned that he understands the requirements of the statutes and the administrative rules and regulations and that he will comply with them in the future. When a debarment has been rescinded a report thereof is forwarded to Headquarters Office in Washington, D. C., and the party reinstated receives a notice of such reinstatement.

#### UNSATISFACTORY RISK DETERMINATION

**§ 200.200 Basis of action.** Any Field Office Director may reject an application for mortgage insurance on the grounds of unsound credit or unsatisfactory past experience. Applications will be rejected where past experience with the proposed borrower, builder or other participant in the mortgage transaction indicates that his previous conduct or method of doing business has been such that his participation in the transaction would make it unacceptable from the underwriting standpoint of an insurer. The Unsatisfactory Risk Determination action is usually temporary in nature and may be followed in aggravated cases by the application of section 512 procedures as set forth in § 200.190 et seq.

**§ 200.201 Invitation to conference.** The purpose of the application of Unsatisfactory Risk Determination procedure is to obtain a correction of the conditions giving rise to the administrative action. Accordingly, a person against whom administrative action is being considered is usually extended an invitation to discuss the matter with the Director looking toward corrective action on the part of those involved. Such an invitation is not extended if action is taken during investigation or pending court proceedings.

**§ 200.202 Determination notice.** When it is determined that a person is an unsatisfactory risk, the Director will notify such person by sending a registered letter to his last known address, stating the date on which such Unsatisfactory Risk Determination is effective, a brief informal statement of the reasons for the same, and the name of the individual firm, its officers and principal stockholders.

**§ 200.203 Reinstatement.** Reinstatement of persons and firms whose applications or requests have been rejected under Unsatisfactory Risk Determination procedure is within the discretion of the Director. The Director may entertain any proposal whereby the persons or firms affected make arrangements which will correct the conditions leading to the original determination. The arrangements for corrective action include proper assurances of future compliance in specified matters and agreement to abide by all applicable FHA regulations. Satisfactory corrective action having been taken the Unsatisfactory Risk Determination is rescinded and withdrawn and the persons and firms are reinstated.

#### TITLE I PRECAUTIONARY MEASURES

**§ 200.205 Basis of action.** In order to protect homeowners and to avoid increased insurance risks the Field Office Director will assist lending institutions in their efforts to supervise and control the activities of dealers and salesmen originating Property Improvement loans where there are involved irregularities or disregard for the statute and Title I regulations. The Director will determine the corrective action appropriate in the circumstances.

**§ 200.206 Inquiry, notice and explanation.** Upon receipt of information indicating unscrupulous and unethical practices on the part of a dealer, the Director will arrange for a prompt inquiry by a member of his staff. After the inquiry the dealer is informally advised in writing of the proposed determination by the Director. The dealer may then request an opportunity to give his version of the surrounding circumstances and answer or explain any derogatory charges or allegations made in connection with his Property Improvement loan operations.

**§ 200.207 Determination.** When it has been determined that precautionary measures are to be instituted against a dealer the Director submits a recommendation to that effect to the Headquarters Office in Washington, D. C. for consideration. If the recommendation is approved the dealer, insured institution, lending institution and insuring offices will be so advised.

**§ 200.208 Rescinding actions.** The Director may rescind precautionary measures actions if he has satisfied himself that the dealer can and will conduct his future operations in accordance with the letter and spirit of the Act and the Title I regulations. The Director will forward his recommendation regarding any rescission to Headquarters Office in Washington, D. C. which will mail the rescission letter to all who received the original precautionary letter.

Issued at Washington, D. C., November 18, 1958.

NORMAN P. MASON,  
Federal Housing Commissioner.

[F. R. Doc. 58-9674; Filed, Nov. 20, 1958;  
8:48 a. m.]

## TITLE 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

#### PART 20—SPECIAL REGULATIONS

##### CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA; HUNTING

**Basis and purpose.** The purpose of this amendment is to add to Part 20 a new section that will control the hunting of waterfowl in Cape Hatteras National Seashore Recreational Area pursuant to the act of June 29, 1940 (54 Stat. 702, 16 U. S. C., sec. 459a-1).

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. In this instance the proposed amendment to Part 20 has been given publicity in local newspapers. The amendment will be in effect during the hunting season beginning November 17, 1958 and ending January 15, 1959. For these reasons notice and public procedure are impracticable and the amendment shall become effective upon publication in the FEDERAL REGISTER.

A new section, § 20.58, is added to Part 20, to read as follows:

**§ 20.58 Cape Hatteras National Seashore Recreational Area; hunting.** (a) Lands within the Seashore on which hunting is legally permitted are designated as follows:

(1) Ocracoke Island, except Ocracoke village.

(2) Hatteras Island, 500 acres, in three disconnected strips 250 feet wide measuring eastward from mean high water mark on Pamlico Sound between villages of Salvo and Avon and Buxton, and between Frisco and Hatteras.

(3) Bodie Island, 1,500 acres, between high water mark of Roanoke Sound and a line 2,000 feet west of and parallel to U. S. Highway 158, and from the north dike of the Goosewing Club property on the north to the north boundary of the Dare County tract on the south.

(b) Seashore lands on which hunting is not permitted will be posted accordingly.

(c) This hunting plan will be administered and enforced by the National Park Service, through the Service's authorized local representative, the Superintendent of the Seashore, hereinafter referred to as the Superintendent.

(d) The State of North Carolina will assist in the enforcement of applicable State and Federal hunting laws and otherwise in carrying out this plan.

(e) Hunting will be restricted to waterfowl, and more specifically to Canada geese, ducks and coot.

(f) Hunting privileges will be free for all hunters possessing a North Carolina State hunting license and Federal migratory bird hunting stamp.

(g) Permanent blinds will be constructed exclusively by the Seashore and



these will be built only on Bodie Island. Setting up and use of temporary or portable blinds by hunters will be permitted on Hatteras and Ocracoke Islands.

(h) Minimum distance between blinds on Seashore land and ponds within the designated hunting areas will be 300 yards unless other conditions, such as natural screening, justify a shorter distance.

(i) Hunting on Ocracoke Island will be permitted and managed in the same manner as Hatteras Island.

(j) "Jump shooting" of waterfowl will be permitted only on Hatteras and Ocracoke Islands and is prohibited within 300 yards of any blind.

(k) Properly licensed and authorized guides may provide hunting guide service within the designated hunting areas in the Seashore. They will not be permitted to solicit business within the boundaries of the Seashore and all arrangements with hunters must be made outside of those boundaries. Guides will be required to possess a North Carolina State guide license and to fulfill all requirements and conditions imposed by that license. Fees charged by guides must be approved in advance by the Superintendent. Each guide must also possess a permit issued by the Superintendent which authorizes him to guide hunters within the Seashore and the amount of the fees which he may charge.

(l) Guides shall have no permanent or seasonal blind rights within the Seashore and no special privileges other than those specified in this section.

(m) At 7:00 p. m. each evening preceding the day of hunting a drawing for blind assignments will be conducted at Seashore headquarters for Bodie Island. Advance reservations for permission to draw will be accepted through the United States mail only. Reservations postmarked prior to midnight September 25 will not be accepted. The postmark date and hour will establish and govern the priority of drawing. Maximum reservation for any individual, party or member of a party shall be two (2) consecutive days in any week, Monday

through Saturday, and limited to a total of six (6) days during the season. Reservations shall have priority over non-reservations at drawing time. In the event a reservation is to be canceled, the Superintendent shall be informed by the party prior to drawing time for the date or dates of the reservation.

(n) Blinds may be reassigned by the responsible Seashore officer for use by others later the same day, after previously assigned party has vacated the blind. Vacating parties must check out and furnish information regarding their take at the checking station on Bodie Island located near the north boundary of the hunting area.

(o) Hunters and guides shall provide their own decoys and are required to leave the blind which they used in a clean, sanitary and undamaged condition.

(p) All hunters taking banded fowl shall turn in the bands at the check-out station.

(q) Details of this plan, interpretations and further information regarding it will be published in local newspapers and issued in circular form free to all interested persons.

(r) Access to blinds will be by designated foot trails. Vehicles will not be permitted to drive to the blind sites.

(s) Trained dogs will be permitted for retrieving providing they are kept under restraint by the hunter.

(t) Blinds will be limited to two persons without a guide and three including the guide. Only two guns will be permitted in each blind.

(u) All other regulations will be in accordance with the North Carolina State and Federal migratory bird hunting laws.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 4th day of November 1958.

[SEAL] ROBERT F. GIBBS,  
Superintendent, Cape Hatteras  
National Seashore Recrea-  
tional Area.

[F. R. Doc. 58-9672; Filed, Nov. 20, 1958;  
8:47 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Manage- ment, Department of the Interior

#### Appendix—Public Land Orders

[Public Land Order 1755]

[Montana 048514]

#### SOUTH DAKOTA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 1232 OF SEPTEMBER 29, 1955, WHICH RESERVED LANDS WITHIN BLACK HILLS NATIONAL FOREST FOR PROTECTION OF IMPORTANT PREHISTORIC CARVINGS

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1232 of September 29, 1955, which reserved lands within the Black Hills National Forest, South Dakota, for protection of important prehistoric carvings, is hereby revoked so far as it affects the following-described lands:

#### BLACK HILLS MERIDIAN

T. 7 S., R. 2 E.,  
Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ .

T. 7 S., R. 3 E.,  
Sec. 30, E $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ .

The areas described aggregate 480 acres.

2. Beginning at 10:00 a. m. on December 23, 1958, the lands shall be opened, subject to any valid existing rights, and the requirements of applicable law, to such applications, selections and locations as are permitted on national forest lands.

ROGER ERNST,  
Assistant Secretary of the Interior.

NOVEMBER 17, 1958.

[F. R. Doc. 58-9662; Filed, Nov. 20, 1958;  
8:45 a. m.]

## NOTICES

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

BENTONVILLE SALE CO. ET AL.

#### PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Bentonville Sale Co., Bentonville, Ark.  
Hiram Wall Sale, Booneville, Ark.  
Clarksville Auction Co., Clarksville, Ark.  
Decatur Sales Co., Decatur, Ark.

Eureka Sales Co., Eureka Springs, Ark.  
Washington County Sales Co., Inc., Fayetteville, Ark.

Hensley Sale Barn, Fayetteville, Ark.  
Gentry Sale Co., Gentry, Ark.  
Glenwood Livestock Exchange, Glenwood, Ark.

Gravette Community Sale, Gravette, Ark.  
Harrison Sales Co., Harrison, Ark.  
Hartford Community Auction, Hartford, Ark.

Sutton Livestock Commission, Hope, Ark.  
Huntsville Livestock Auction, Huntsville, Ark.

Polk County Auction Co., Mena, Ark.  
Ola Community Auction Sale, Ola, Ark.  
Nevada County Livestock Auction, Prescott, Ark.

County Line Sale Barn, Ratcliff, Ark.  
Benton County Sales Co., Rogers, Ark.  
Russellville Livestock Sales Co., Russellville, Ark.

Siloam Springs Sale Barn, Siloam Springs, Ark.

Farmers Livestock Auction Co., Springdale, Ark.

Crawford County Livestock Auction, Van Buren, Ark.

Scott County Livestock Auction, Waldron, Ark.

L. & S. Community Sales, Columbia, Miss.

Decatur Stock Yard, Decatur, Miss.

Hattiesburg Livestock Yard, Inc., Hattiesburg, Miss.

Owen Brothers Stock Yard, Inc., Hattiesburg, Miss.

Mississippi Livestock Producers Association (South Barn), Jackson, Miss.

Mississippi Livestock Producers Association (North Barn), Jackson, Miss.

Laurel Stock Yards, Laurel, Miss.

Dixie Stockyards, Inc., Meridian, Miss.

Meridian Stock Yards, Inc., Meridian, Miss.

Prentiss Auction Sales, Prentiss, Miss.



Waynesboro Livestock Yard, Waynesboro, Miss.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the **FEDERAL REGISTER**.

Done at Washington, D. C., this 17th day of November 1958.

[SEAL] JOHN C. PIERCE, Jr.,  
Acting Director,  
Livestock Division,  
Agricultural Marketing Service.

[P. R. Doc. 58-9671; Filed, Nov. 20, 1958;  
8:47 a. m.]

### Commodity Stabilization Service and Commodity Credit Corporation

#### GRAINS AND RELATED COMMODITIES UNDER WAREHOUSE - STORAGE LOANS MADE UNDER 1958 PRICE SUPPORT PROGRAMS

##### FINAL DATE FOR REDEMPTION

Unless earlier demand is made by CCC, warehouse-storage loans under 1958 price support programs on the agricultural commodities designated in the table below mature and are due and payable on the dates indicated. Unless on or before the final date for repayment specified below such loans are repaid or the producer notifies the ASC county committee in writing that the funds have been placed in the mail, CCC will purchase the commodities pursuant to the provisions of the note and loan agreement at the highest of (1) the amount of the loan plus interest and charges, (2) the market value as determined by the appropriate CSS commodity office as of the close of the market on the final date for repayment or (3) the settlement value determined in accordance with the note and loan agreement. In the case of loans on commodities stored identity preserved or modified commingled, the purchase price applicable to such purchase by CCC shall be the higher of (1) the settlement value determined in accordance with the note and loan agreement or (2) the market value as determined above. Notwithstanding the foregoing provisions, if there has been fraudulent representation by the producer in obtaining the loan, the purchase price applicable to such purchase by CCC shall be the market value only.

Amounts due the producer on the purchase of the commodity by CCC will be paid to the producer by the appropriate CSS commodity office.

Commodity	Maturity date	Final date for repayment
Barley in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	Feb. 28, 1959	Mar. 2, 1959
Arizona and California.	Mar. 10, 1959	Mar. 10, 1959
In all other States.	Apr. 30, 1959	Apr. 30, 1959
Corn.	July 31, 1959	July 31, 1959
Dry edible beans in Michigan, New York, and Pennsylvania.	Feb. 28, 1959	Mar. 2, 1959
In all other States.	Apr. 30, 1959	Apr. 30, 1959
Flaxseed in Arizona and California.	Jan. 31, 1959	Feb. 2, 1959
In all other States.	Mar. 31, 1959	Mar. 31, 1959
Grain Sorghums.	Mar. 31, 1959	Mar. 31, 1959
Oats in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	Feb. 28, 1959	Mar. 2, 1959
In all other States.	Apr. 30, 1959	Apr. 30, 1959
Rice.	Mar. 10, 1959	Mar. 10, 1959
Rye in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	Feb. 28, 1959	Mar. 2, 1959
In all other States.	Apr. 30, 1959	Apr. 30, 1959
Soybeans.	May 31, 1959	June 1, 1959
Wheat in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.	Feb. 28, 1959	Mar. 2, 1959
In all other States.	Mar. 31, 1959	Mar. 31, 1959

The CSS commodity offices and the areas served by them are shown below:

Evanston, Illinois, 2201 Howard Street; Connecticut, Delaware, Illinois (except for rice), Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 1, Texas, 500 South Ervay Street; Alabama, Arkansas, Florida, Georgia, Illinois (for rice only), Louisiana, Mississippi, Missouri (for rice only), New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 11, Missouri, 560 Westport Road; Colorado, Kansas, Missouri (except for rice), Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street; Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 1218 Southwest Washington Street; Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1031; 15 U. S. C. 714c, 7 U. S. C. 1441, 1447, 1421)

Done at Washington, D. C., this 18th day of November 1958.

[SEAL] CLARENCE L. MILLER,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[P. R. Doc. 58-9694; Filed, Nov. 20, 1958;  
8:50 a. m.]

## DEPARTMENT OF COMMERCE

### Bureau of the Census

#### SURVEYS

##### NOTICE OF DETERMINATION

In conformity with the act of Congress approved August 31, 1954, Title 13, United States Code, section 181, and due notice having been published (23 F. R. 8036, October 17, 1958) pursuant to said act, I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from non-governmental or other government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all establishments engaged in the production of the items covered by the following list of surveys with the exception of the Annual Survey of Manufactures which will be conducted on a sample basis and which calls for general statistical data such employment, payroll, man-hours capital expenditures, cost of materials consumed, etc., in addition to information on products shipped, and the lumber production and stocks survey which will also be conducted on a sample basis.

Annual survey of manufactures.  
Stocks of wool (as of Jan. 1, 1959).  
Cotton and synthetic woven goods finished.  
Knit cloth.  
Woolen and worsted machinery activity.  
Gloves and mittens.  
Apparel.  
Softwood plywood.  
Softwood veneer.  
Red cedar shingles.  
Lumber.  
Paper and board-detailed grade.  
Sulfuric acid.  
Compressed and liquefied gases.  
Inorganic chemicals.  
Pressed and blown glassware.  
Steel mill products.  
Aluminum foil converted.  
Steel power boilers.  
Heating and cooking equipment.  
Internal combustion engines.  
Construction machinery.  
Machine tools (metal cutting and metal forming types).  
Tractors.  
Farm machines and equipment.  
Radios, televisions, and phonographs.  
Mechanical stokers.  
Vending machines.  
Refrigeration equipment.  
Office, computing, and accounting machines.

The following list of surveys represents annual counterparts of monthly, quarterly, and semi-annual surveys. The content of these annual reports will be identical with that of the monthly, quarterly, and semi-annual reports except for Construction Machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers and parts and attachments



for contractors' off-highway type tractors. However, there will be no duplication inasmuch as establishments that file the monthly, quarterly, and semi-annual reports during the year covered by the annual report will not need to submit annual reports on these products.

Flour milling products.  
Confectionery products.  
Broad woven goods (cotton, wool, silk and synthetic).  
Consumption of wool and other fibers, and production of tops and noils.  
Shoes and slippers.  
Hardwood plywood (for sale).  
Pulp, paper, and board.  
Consumers of wood pulp.  
Mattresses and bedsprings.  
Converted flexible packaging products.  
Superphosphate.  
Paint, varnish and lacquer.  
Refractories.  
Clay construction products.  
Asphalt and tar roofing and siding products.  
Glass containers.  
Nonferrous castings.  
Plumbing fixtures.  
Steel shipping barrels, drums and pails.  
Commercial and home canning closures.  
Metal cans.  
Construction machinery.  
Farm pumps.  
Fans, blowers, and unit heaters.  
Electric lamps.  
Fluorescent lamp ballasts.  
Complete aircraft and aircraft engines.  
Backlog of orders for aircraft companies.  
Aircraft propellers.

The Annual Survey of Manufactures and those surveys listed above which furnish data substitutable for data usually collected in the Census of Manufactures are additionally considered a part of the 1958 Census of Manufactures as provided for by Title 13, United States Code, Section 131. The 1958 Census of Manufactures report forms have been modified to recognize those annual reports as the source for these Census data.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Director, Bureau of the Census, Washington 25, D. C.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: November 14, 1958.

[SEAL] ROBERT W. BURGESS,  
Director,  
Bureau of the Census.  
LEWIS L. STRAUSS,  
Secretary of Commerce.

[F. R. Doc. 58-9629; Filed, Nov. 20, 1958; 8:45 a. m.]

#### Office of the Secretary

JAMES L. SMITH

#### REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

#### Report of Appointment

1. Name of appointee: Mr. James L. Smith.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 12, 1958.
4. Title of position: Chief, Forgings Branch.
5. Name of private employer: Bethlehem Steel Co., Bethlehem, Pa.

CARLTON HAYWARD,  
Director of Personnel.

NOVEMBER 12, 1958.

#### Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bethlehem Steel Co.  
American Tobacco Co.  
Bank Deposits.

JAMES L. SMITH.

NOVEMBER 12, 1958.

[F. R. Doc. 58-9628; Filed, Nov. 20, 1958; 8:45 a. m.]

#### FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12223, 12224; FCC 58M-1300]

ARMIN H. WITTENBERG, JR., AND PASADENA PRESBYTERIAN CHURCH

#### ORDER SCHEDULING HEARING

In re applications of Armin H. Wittenberg, Jr., Los Angeles, California, Docket No. 12223, File No. BPH-2170; Pasadena Presbyterian Church, Pasadena, California, Docket No. 12224, File No. BPH-2179; for construction permits (FM Facilities, Channel 294).

The evidentiary hearing in the above-entitled proceeding will begin on Wednesday, December 17, 1958, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C.

On or before the close of business Friday, December 5, 1958, counsel for each party will identify such witness or witnesses as he wishes to cross-examine at the evidentiary hearing.

It is so ordered, This the 17th day of November 1958.

Released: November 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 58-9686; Filed, Nov. 20, 1958; 8:50 a. m.]

[Docket No. 12559, etc.; FCC 58M-1297]

DONNER BROADCASTING CO. ET AL.

#### ORDER CONTINUING HEARING

In re applications of Dr. Nathan Movich, tr/as Donner Broadcasting Company, Truckee, California, Docket No. 12559, File No. BP-11377; Edward J. Jansen and Keith Jack Rudd, d/b as Lakeside Broadcasters, Sparks, Nevada, Docket No. 12560, File No. BP-11656; Joseph William Rupley and Robert Sherman, d/b as Truckee Broadcasting, Truckee, California, Docket No. 12561, File No. BP-11910; for construction permits.

On the Examiner's own motion: It is ordered, This 14th day of November 1958, that hearing in the above-entitled proceeding now scheduled for November 21, 1958, is continued to a date to be determined at a pre-hearing conference that will be held at 10:00 a. m., November 21, 1958.

Released: November 17, 1958.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 58-9687; Filed, Nov. 20, 1958; 8:50 a. m.]

[Docket Nos. 12654, 12655; FCC 58M-1299]

OLD BELT BROADCASTING CORP. (WJWS) AND JOHN LAURINO

#### ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Old Belt Broadcasting Corporation (WJWS), South Hill, Virginia, Docket No. 12654, File No. BP-11412; John Laurino, Scotland Neck, North Carolina, Docket No. 12655, File No. BP-12109; for construction permits.

On the Examiner's own motion: It is ordered, This 17th day of November 1958, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at 10:00 o'clock a. m., on Friday, December 19, 1958, in the offices of the Commission, Washington, D. C.

Released: November 18, 1958.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 58-9688; Filed, Nov. 20, 1958; 8:50 a. m.]

[Docket No. 12664; FCC 58M-1290]

RADIO KYNO, THE VOICE OF FRESNO (KYNO)

#### ORDER SCHEDULING HEARING

In re application of Amelia Schuler, Lester Eugene Chenault and Bert Williamson, d/b as Radio KYNO, The Voice of Fresno (KYNO), Fresno, California, Docket No. 12664, File No. BP-11458; for construction permit.



*It is ordered*, This 14th day of November 1958, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 15, 1959, in Washington, D. C.

Released: November 18, 1958.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 58-9689; Filed, Nov. 20, 1958;  
8:50 a. m.]

[Docket No. 12665, etc.; FCC 58M-1292]

GERICO INVESTMENT CO. (WITV) ET AL.

#### ORDER SCHEDULING HEARING

In re applications of Gerico Investment Company (WITV), Miami, Florida, Docket No. 12665, File No. BPCT-2374; Publix Television Corporation, Perrine, Florida, Docket No. 12666, File No. BPCT-2393; South Florida Amusement Co., Inc., Perrine, Florida, Docket No. 12667, File No. BPCT-2410; Coral Television Corporation, South Miami, Florida, Docket No. 12668, File No. BPCT-2493; for construction permits for television broadcast stations (Channel 6).

*It is ordered*, This 14th day of November 1958, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 15, 1959, in Washington, D. C.

Released: November 18, 1958.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 58-9690; Filed, Nov. 20, 1958;  
8:50 a. m.]

[Docket No. 12669; FCC 58M-1293]

TUCUMCARI TELEVISION CO., INC.

#### ORDER SCHEDULING HEARING

In re application of Tucumcari Television Company, Inc., San Jon, New Mexico, Docket No. 12669, File No. BPTT-170; for a construction permit to construct television broadcast translator station.

*It is ordered*, This 14th day of November 1958, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 15, 1959, in Washington, D. C.

Released: November 17, 1958.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 58-9691; Filed, Nov. 20, 1958;  
8:50 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-4904]

PAN AMERICAN PETROLEUM CORP.

#### NOTICE OF POSTPONEMENT OF HEARING

NOVEMBER 14, 1958.

Upon consideration of the motion filed November 7, 1958, by Pan American Petroleum Corporation in the above-designated matter:

Notice is hereby given that the hearing now scheduled for November 18, 1958 is hereby postponed to a date to be hereafter fixed by further order of the Commission or notice by the Secretary.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-9676; Filed, Nov. 20, 1958;  
8:48 a. m.]

[Docket No. G-16859]

SAN PATRICIO OIL CORP. ET AL.

#### ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 14, 1958.

San Patricio Oil Corporation et al. (San Patricio) on October 17, 1958, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated. Purchaser: Tennessee Gas Transmission Company.

Rate schedule designation: Supplement No. 6 to San Patricio's FPC Gas Rate Schedule No. 1.

Effective date: January 1, 1959 (effective date is that proposed by San Patricio).

The proposed increased price is based upon a redetermined provision of the contract that provides that effective January 1, 1959 the rate shall be the average of the three higher prices payable by buyers of gas within Texas Railroad Commission District No. 3.

In support of the proposed increased rate, San Patricio states that the increased price is provided for by the contract and was arrived at through arm's-length bargaining. San Patricio further states that the increased rate proposed is not in excess of the fair market price for gas of a like quality in the same general area; and that the increase is needed to provide a fair rate of return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provision of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that Supplement No. 6 to San Patricio's FPC Gas Rate Schedule No. 1 be

suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to San Patricio's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1959, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-9677; Filed, Nov. 20, 1958;  
8:48 a. m.]

[Docket No. G-16883]

SUNRAY MID-CONTINENT OIL CO.

#### ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 14, 1958.

Sunray Mid-Continent Oil Company (Sunray) on October 16, 1958, tendered for filing a proposed change in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 13, 1958.

Purchaser: Permian Basin Pipe Line Company.

Rate schedule designation: Supplement No. 7 to Sunray's FPC Gas Rate Schedule No. 66.

Effective date: December 1, 1958 (stated effective date is the date proposed by Sunray).

In support of this proposed periodic increase in rate, Sunray calls attention to the periodic pricing clause in its contract, to the desirability and general use of such clauses, and to the comparable prices in its area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.



The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 7 to Sunray's FPC Gas Rate Schedule 66 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Sunray's FPC Gas Rate Schedule No. 66.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until May 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Eline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-9678; Filed, Nov. 20, 1958; 8:48 a. m.]

[Docket No. G-16884]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGES IN RATES

NOVEMBER 14, 1958.

Sunray Mid-Continent Oil Company (Sunray) on October 16, 1958, tendered for filing proposed changes in its presently effective rate schedules<sup>1</sup> for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated October 13, 1958.  
Purchaser: El Paso Natural Gas Company.  
Rate schedule designations: Supplement No. 8 to Sunray's FPC Gas Rate Schedule No. 81. Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 92. Supplement

<sup>1</sup> The schedules are effective but are subject to refund, having been suspended until February 12, 1959, in Docket No. G-13160.

No. 238—4

No. 3 to Sunray's FPC Gas Rate Schedule No. 93. Supplement No. 4 to Sunray's FPC Gas Rate Schedule No. 94.

Effective date: November 16, 1958 (effective date is the first day after the expiration of the required thirty days' notice).

In support of these proposed favored nation rate increases, Sunray calls attention to comparable prices in its area and asserts that the favored nation clause in its contract was arrived at fairly and was essential consideration for its agreement to the long term of the contract.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Supplement No. 8 to Sunray's FPC Gas Rate Schedule No. 81, Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 92, Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 93, Supplement No. 4 to Sunray's FPC Gas Rate Schedule No. 94 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 8 to Sunray's FPC Gas Rate Schedule No. 81, Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 92, Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 93, Supplement No. 4 to Sunray's FPC Gas Rate Schedule No. 94.

(B) Pending the hearing and decision thereon, the supplements are hereby suspended and the use thereof deferred until April 16, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-9679; Filed, Nov. 20, 1958; 8:48 a. m.]

[Docket No. G-16885]

GENERAL CRUDE OIL CO.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGE IN RATE

NOVEMBER 14, 1958.

General Crude Oil Company (General) on October 17, 1958, tendered for filing a proposed change in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 13, 1958.

Purchaser: Permian Basin Pipe Line Company.

Rate schedule designation: Supplement No. 2 to General's FPC Gas Rate Schedule No. 6.

Effective date: December 1, 1958 (effective date is the effective date proposed by General).

In support of this proposed periodic increase in rate, General calls attention to the periodic pricing clause in its contract, to the desirability and general use of such clauses, and to the comparable prices in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 2 to General's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2, to General's FPC Gas Rate Schedule No. 6.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until May 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this

<sup>1</sup> The first Supplement to General's FPC Gas Rate Schedule No. 6 was filed on October 13, 1958. It merely changed hydrocarbon testing under Schedule No. 6 from a quarterly to a semi-annual basis. The change does not in any way appear unjust or otherwise unlawful and need not be suspended. It was allowed to take effect after the required 30 days' notice on November 13, 1958.



proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-9680; Filed, Nov. 20, 1958;  
8:49 a. m.]

[Docket No. G-16886]

H. L. HAWKINS ET AL.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGE IN RATE

NOVEMBER 14, 1958.

H. L. Hawkins et al. (Hawkins) on October 17, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 15, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 10 to Hawkins' FPC Gas Rate Schedule No. 4.

Effective date: January 10, 1959 (effective date is the date proposed by Hawkins).

In support of the proposed periodic rate increase, Hawkins cites the pertinent pricing provision of the contract and states the price is fair in view of seller's costs.

The increased rate and charge so proposed is intended to reflect in part the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana, pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event the Act No. 8 of 1958 be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the proposed increased rate and charge.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 10 to Hawkins' FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18

CFR Ch. D), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Hawkins' FPC Gas Rate Schedule No. 4.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until January 11, 1959, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-9681; Filed, Nov. 20, 1958;  
8:49 a. m.]

[Docket No. G-16887]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGE IN RATE

NOVEMBER 14, 1958.

Pan American Petroleum Corporation (Pan American) on October 27, 1958, tendered for filing a proposed change in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 22, 1958.

Purchaser: Permian Basin Pipe Line Company.

Rate schedule designation: Supplement No. 6 to Pan American FPC Gas Rate Schedule No. 120.

Effective date: December 1, 1958 (effective date is the effective date proposed by Pan American).

In support of this proposed periodic increase in rate, Pan American calls attention to the periodic pricing clause in its contract, to the desirability and general use of such clauses, and to the comparable prices in its area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 6 to Pan American FPC Gas Rate Schedule No.

120 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. D), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Pan American's FPC Gas Rate Schedule No. 120.

(B) Pending the hearing and decision thereon, the supplement hereby is suspended and the use thereof deferred until May 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-9682; Filed, Nov. 20, 1958;  
8:49 a. m.]

[Docket No. G-16890]

W. C. MCBRIDE, INC., ET AL.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGE IN RATE

NOVEMBER 14, 1958.

W. C. McBride, Inc., et al. (McBride) on October 15, 1958, tendered for filing a proposed change in its presently effective rate schedules for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 13, 1958.

Purchaser: Trunkline Gas Company.

Rate schedule designation: Supplement No. 5 to McBride's FPC Gas Rate Schedule No. 1.

Effective date: December 1, 1958 (effective date is the date proposed by McBride).

In support of this favored nation increase, McBride calls attention to the favored nation clause in its contract and to triggering increases in purchases by Trunkline Gas Company.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission



tion enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 5 to McBride's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to McBride's FPC Gas Rate Schedule No. 1.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until May 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTHRIE,  
Secretary.

[P. R. Doc. 58-9683; Filed, Nov. 20, 1958;  
8:49 a. m.]

[Docket No. G-16891]

AUSTRAL OIL CO., INC., ET AL.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGE IN RATE

NOVEMBER 14, 1958.

Austral Oil Company, Inc., Operator, et al. (Austral) on October 16, 1958, tendered for filing a proposed change in its presently effective rate schedule<sup>1</sup> for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.  
Purchaser: United Fuel Gas Company.  
Rate schedule designation: Supplement No. 3 to Austral's FPC Gas Rate Schedule No. 2.

Effective date: November 16, 1958 (effective date is the first day after the expiration of the required thirty days' notice).

In support of this periodic increase, Austral states that the increase is based upon a periodic pricing clause, the clause is an essential part of its contract, and

<sup>1</sup> The rate sought to be altered is effective but is subject to refund, having been under suspension in Docket Nos. G-13842 and 15608.

the proposed price is as low as any in Austral's area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 3 to Austral's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Austral's FPC Gas Rate Schedule No. 2.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until April 16, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTHRIE,  
Secretary.

[P. R. Doc. 58-9684; Filed, Nov. 20, 1958;  
8:49 a. m.]

[Docket No. G-16937]

HUNT OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGE IN RATE

NOVEMBER 14, 1958.

Hunt Oil Company (Operator) et al. (Hunt) on October 17, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, October 16, 1958.  
Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 39.

Effective date: November 17, 1958 (effective date is the first day after the required thirty days' notice).

In support of the proposed periodic increased rate, Hunt states that the increased price was provided for by the contract and was arrived at through arm's-length bargaining; that the increase is not in excess of the fair market price for gas of like quality in the same general area; and that the proposed increase is needed to cover increased costs and to encourage further exploration and development.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 39 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 39.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 17, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTHRIE,  
Secretary.

[P. R. Doc. 58-9685; Filed, Nov. 20, 1958;  
8:49 a. m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-120]

AEROJET-GENERAL NUCLEONICS

APPLICATION FOR CONSTRUCTION PERMIT  
AND FACILITY LICENSE

Please take notice that Aerojet-General Nucleonics, San Ramon, California, under section 104c of the Atomic Energy Act of 1954, filed an application dated September 24, 1958, for a construc-



tion permit and Class 104 facility license for a nuclear reactor to be located at San Ramon. The proposed reactor has been designated by the applicant as the Aerojet Nuclear Testing Reactor (ANTR). It will be a light water moderated, beryllium reflected, pool type testing reactor designed to operate at 10 megawatts (thermal). A copy of the application is on file in the AEC's Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 14th day of November 1958.

For the Atomic Energy Commission.

H. L. PRICE,  
Director, Division of  
Licensing and Regulation.

[F. R. Doc. 58-9673; Filed, Nov. 20, 1958;  
8:48 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

URBAN RENEWAL COMMISSIONER AND  
HHFA REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY WITH RESPECT  
TO SLUM CLEARANCE AND URBAN RENEWAL  
PROGRAM, DEMONSTRATION GRANT PRO-  
GRAM, AND URBAN PLANNING GRANT PRO-  
GRAM; AMENDMENT

The delegation of authority with respect to the slum clearance and urban renewal program, demonstration and urban planning grant programs, effective as of December 23, 1954 (20 F. R. 428-429, Jan. 19, 1955), as amended (20 F. R. 4275, June 17, 1955; 21 F. R. 1468, March 7, 1956; 21 F. R. 3038, May 5, 1956; 21 F. R. 5385, July 18, 1956; 21 F. R. 5471, July 20, 1956; 22 F. R. 2887, April 24, 1957; 22 F. R. 4105, June 11, 1957; 23 F. R. 1202, Feb. 26, 1958; 23 F. R. 1611-1612, March 6, 1958; 23 F. R. 4820, June 28, 1958; and 23 F. R. 8413-8414, Oct. 30, 1958), is hereby further amended in the following respects:

1. In subparagraph 1 (d) (6) (B), by deleting existing item lettered (B) and inserting in lieu thereof the following: "Redevelopment or Urban Renewal Plans, except revisions in approved Redevelopment or Urban Renewal Plans which do not involve actions reserved under this delegation to the Administrator and/or the Commissioner;"

2. In subparagraph 1 (d) (6) (C), by deleting existing item lettered (C),

3. In subparagraph 5 (i), by deleting the word "and".

4. In subparagraph 5 (j), by deleting the period and inserting "; and".

5. By adding the following new subparagraph 5 (k): "Approve revisions in approved Redevelopment or Urban Renewal Plans."

Effective as of the 21st day of November 1958.

[SEAL] ALBERT M. COLE,  
Housing and Home  
Finance Administrator.

[F. R. Doc. 58-9675; Filed, Nov. 20, 1958;  
8:48 a. m.]

## Public Housing Administration

### DELEGATIONS OF FINAL AUTHORITY

#### MISCELLANEOUS AMENDMENTS

Section II, Delegations of Final Authority is amended as follows:

1. Paragraph C3 is amended to read as follows:

3. To make determinations of prevailing salaries, wages or fees under the provisions of section 16 (2) of the United States Housing Act, as amended.

Special Assistant to the Commissioner (Labor Relations).

2. Paragraphs D4, E3, and E7 are amended by deleting therefrom "in accordance with General Accounting Office General Regulation No. 109, Revised."

3. Paragraph E2 is amended by changing in the list of officials designated therein "Deputy Comptrollers" to "Deputy Comptroller".

4. Paragraph E7 is further amended by deleting from the list of officials designated therein "Comptroller" and "Deputy Comptroller for Mortgage Operations" and inserting in lieu thereof "Director of the Mortgage Branch".

Date approved: November 12, 1958.

[SEAL] CHARLES E. SLUSSER,  
Commissioner.

[F. R. Doc. 58-9666; Filed, Nov. 20, 1958;  
8:46 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3740]

NEW ORLEANS PUBLIC SERVICE, INC.

NOTICE OF FILING REGARDING PROPOSAL TO  
TRANSFER FUNDS FROM EARNED SURPLUS  
TO CAPITAL SURPLUS

NOVEMBER 14, 1958.

Notice is hereby given that New Orleans Public Service Inc. ("New Orleans"), a public utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated sections 6 (a) (2) and 7 of the act as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

At September 30, 1958 New Orleans' earned surplus amounted to \$11,645,342. To convert a portion of such earned surplus into a more permanent form of capital, New Orleans proposes to transfer from the earned surplus account to the capital surplus account, as at December 31, 1958, the sum of 50 cents per share of its outstanding no par value common stock or an aggregate of \$710,264.89. In the twelve month period to September 30, 1958, dividends charged to the earned surplus account aggregated \$3,738,616, consisting of \$631,141 on New Orleans' outstanding preferred stocks and \$3,107,475 (at the annual rate of \$2.25 per

share) on its outstanding common stock. In computation in the future of dividends on the common stock the capital surplus account will be taken into account and combined with the common stock account.

The declaration states that no State regulatory agency and no Federal commission or agency, other than this Commission, has jurisdiction over the proposed transactions, and that no fees or commissions are to be paid, and no special and separable expenses are anticipated in connection with the transactions.

Notice is further given that any interested person may, not later than December 1, 1958, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration may be permitted to become effective as provided by Rule 23 promulgated under the act, or the Commission may grant exemption from its rules under the act as provided by Rules 20 (a) and 100 thereof or take such other action as is deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 58-9668; Filed, Nov. 20, 1958;  
8:46 a. m.]

## TARIFF COMMISSION

[List No. 24-7]

CERTAIN SHOWER HEADS

COMPLAINT RECEIVED

NOVEMBER 17, 1958.

The United States Tariff Commission hereby gives notice of receipt, on November 10, 1958, of a complaint under section 337 of the Tariff Act of 1930 (19 U. S. C. 1337) filed by Speakman Company, Riverview Works, Wilmington 99, Delaware, alleging unfair methods of competition and unfair acts in the importation and sale of certain foreign shower heads.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of this complaint for the purpose of determining (a) whether the institution of an investigation under section 337, above, is warranted, and (b) whether the issuance of a temporary order of exclusion from entry under section 337 (f) of the Tariff Act of 1930 (19 U. S. C. 1337 (f)) is warranted.

A copy of the complaint (excluding confidential data) is available for public inspection at the offices of the United States Tariff Commission located at Eighth and E Streets NW., Washington, D. C., and also at the New York City



office of the Commission located in Room 437 of the Custom House.

Persons desiring to submit information pertinent to the aforementioned preliminary inquiry may do so by submitting their views in writing to the Secretary, United States Tariff Commission, Washington 25, D. C., not later than December 3, 1958. Fifteen copies of any such submission are required.

Issued: November 17, 1958.

By order of the Commission.

DONN N. BENT,  
Secretary.

[F. R. Doc. 58-9669; Filed, Nov. 20, 1958;  
8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 49]

### MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 18, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 60923. By order of November 10, 1958, Division 4, Acting as an Appellate Division, approved the transfer to Robert C. Daniels, doing business at Rite-Move Storage and Van Co., Waukegan, Ill., of a portion of certificate in No. MC 22127, issued September 13, 1949, to National Van Lines, and amended June 27, 1957, changing the name to Mercury Van Lines, Inc., Milwaukee, Wis., the portion of the certificate being transferred herein authorizes the transportation of: Household goods, as defined by the Commission, between points in Wisconsin on the one hand and, on the other, points in Illinois. A. L. Tilton, 845 North 11th Street, Milwaukee 3, Wis., for applicants.

No. MC-FC 61544. By order of November 6, 1958, the Transfer Board approved the transfer to Smoky Mountain Scenic Tours, Inc., Gatlinburg, Tenn., of Certificate No. MC 110939 issued August 31, 1954, to Lewis P. Reagan doing business as Smoky Mountain Scenic Tours, Gatlinburg, Tenn., authorizing the transportation over irregular routes of passengers and their baggage, in round-trip sightseeing or pleasure tours during the period from June 1 to October 31, inclusive, of each year, beginning and ending at Gatlinburg, Tenn., and extending to points in the territory bounded by a line beginning at Gatlinburg and extending north

along Tennessee Highway 71 to Sevierville, Tenn., thence along Tennessee Highway 35 to Newport, Tenn., thence along U. S. Highway 25 to Hendersonville, N. C., thence along U. S. Highway 64 to Brevard, N. C., thence along U. S. Highway 276 to Waynesville, N. C., thence along U. S. Highway 23 to Sylva, N. C., thence along North Carolina Highway 107 to Cashiers, N. C., thence along U. S. Highway 64 to Rainbow Springs, N. C., thence along an unnumbered highway known as Winding Stairs road to junction with U. S. Highway 19 near Nantahalla, N. C., thence along U. S. Highway 19 to junction with U. S. Highway 129, thence along U. S. Highway 129 to Maryville, Tenn., and thence along Tennessee Highway 73 to Gatlinburg, Tenn., with no pick-up or discharge of passengers or baggage enroute. Jack Reagan, Smoky Mountain Scenic Tours, Inc., Gatlinburg, Tenn.

No. MC-FC 61553. By order of November 7, 1958, the Transfer Board approved the transfer to Otis Transportation Co., Inc., New York, N. Y., of Permit No. MC 29133, issued October 20, 1958 to The O-T Corp., New York, N. Y., authorizing the transportation of: meats, meat products, and meat by-products (other than liquids in bulk in tank vehicles, as classified in the appendix to the report in Modification of Permits-Packing House Products, 46 M. C. C. 23, from New York, N. Y., to points in Burlington, Mercer, and Ocean Counties, N. J.; from New York, N. Y., to points in Monmouth County, N. J.; and from Jersey City and Newark, N. J., to points in Burlington, Mercer, Monmouth, and Ocean Counties, N. J.; meats and packing-house products, between New York, N. Y., and points in Essex, Hudson, Passaic, and Union Counties, N. J., on the one hand, and, on the other, New York, N. Y., points in Fairfield County, Conn., points in Nassau, Putnam, Suffolk, and Westchester Counties, N. Y., and those in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N. J.; salt, sugar, and prepared flour, from Passaic, N. J., to New York, N. Y.; and vegetable oils, from New York, N. Y., to Newark, Passaic, Paterson, and Perth Amboy, N. J. Nathan E. Zelby, 160 Broadway, New York 38, N. Y., for applicants.

No. MC-FC 61561. By order of November 7, 1958, the Transfer Board approved the transfer to Smitty's Bus Line, Inc., Springfield, Mo., of certificate No. MC 52882 and MC 52882 Sub 6, issued February 11, 1958, and May 29, 1958, respectively, to H. B. Smith, doing business as Smitty's Bus Line, Springfield, Mo., authorizing the transportation of: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, over designated routes, serving all intermediate points, between Fort Scott, Kans., and Springfield, Mo., between Springfield, Mo., and Ozark, Mo., between Ozark, Mo., and Mountain Home, Ark., between junction Arkansas Highway 5 and Arkansas Highway 178 (formerly unnumbered highway), approximately six miles north of Mountain Home, Ark., and the site of the Flippin Material Company, approximately four miles north of Flippin, Ark., between

Sedalia, Mo., and Springfield, Mo., between Sedalia, Mo., and South Lineville, Mo., and between South Lineville, Mo., and Des Moines, Iowa; passengers and their baggage, and express, in the same vehicle with passengers, over designated routes, serving all intermediate points, between Joplin, Mo., and Neosho, Mo., between junction U. S. Highway 60 and Missouri Highway 97, and Forest Park, Mo., and between Springfield, Mo., and the Missouri-Arkansas State line; passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Monett, Mo., and Neosho, Mo., serving the intermediate points of Pierce City and Granby, Mo.; passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between junction U. S. Highways 60 and 66 (approximately five miles north of Afton, Okla.), and Seneca, Mo., serving all intermediate points; between Fairland, Okla., and junction U. S. Highways 60 and 66, serving all intermediate points, between Seneca, Mo., and Springfield, Mo., serving all intermediate points between junction U. S. Highways 60 and 71, and Camp Crowder, Mo., serving no intermediate points, between Springfield, Mo., and Lebanon, Mo., serving the intermediate points of Caffeyville, Conway, Holman, Lurvey's Camp, Marshfield, Niangua, Northview, Phillipsburg, and Stafford, Mo.; and passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, over alternate routes for operating convenience only, between Springfield, Mo., and Republic, Mo., serving no intermediate points. Louis W. Cowan, Suite 512 Voodruff Building, Springfield 4, Mo., for applicants.

No. MC-FC 61601. By order of November 6, 1958, the Transfer Board approved the transfer to Raymond E. Neels, Nebraska City, Nebr., of Certificate No. MC 83294 issued August 13, 1941, to B. R. Myers, Nebraska City, Nebr., authorizing the transportation (1) over regular routes, of coal from Clarinda, Iowa, to Nebraska City, Nebr.; and (2) over irregular routes, of fresh vegetables and grain, from points in that part of Iowa west of U. S. Highway 71 and south of U. S. Highway 6, including points on the indicated portions of the highways specified, to Nebraska City, Nebr.; canned goods, from Nebraska City, Nebr., to points in the above-specified Iowa territory; household goods, between Nebraska City, Nebr., on the one hand, and, on the other, points in Iowa and Missouri; and livestock, between Nebraska City, Nebr., and points within 15 miles of Nebraska City, on the one hand, and, on the other, Omaha, Nebr. Dale E. Fahrbruch, Court House, Lincoln, Nebr., for applicants.

No. MC-FC 61669. By order of November 13, 1958, the Transfer Board approved the transfer to K & A Truck Lines, Inc., an Iowa Corporation, Bettendorf, Iowa, of Certificates Nos. MC 61592 and MC 61592 Sub 3, issued November 13, 1956 and April 29, 1958, respectively, to K & A Truck Lines, Inc., an Illinois Corporation, authorizing the transportation, over irregular routes, of



general commodities, excluding household goods, with certain exceptions, and various specified commodities, (1) from and to; and (2) between; Iowa, Illinois, Missouri, Nebraska, Wisconsin, Indiana, South Dakota, and Minnesota. William A. Landau, P. O. Box 1634, Des Moines, Iowa, for applicants.

No. MC-FC 61672. By order of November 7, 1958, the Transfer Board approved the transfer to Great Lakes Trucking Company, a Michigan Corporation, Monroe, Mich., of Permit No. MC 105326 issued April 24, 1953, to Thomas E. Griffin doing business as Great Lakes Trucking Company, Monroe, Mich., authorizing transportation (1) over regular routes, wax paper, panel boards, finished or unfinished, and raw material used in the manufacture thereof, between Detroit, Mich., and Toledo, Ohio, and the intermediate point of Monroe, Mich., and off-route points within ten miles of Detroit; with service at the intermediate and off-route points restricted to the transportation of panel boards, finished or unfinished, and raw paper stock used in the manufacture thereof, moving to or from Toledo, as follows: From Detroit over U. S. Highway 24 to Toledo; from Detroit over U. S. Highway 25 to Toledo; (2) over irregular routes, paper and paper products, between Monroe, Mich., on the one hand, and, on the other, points in Ohio. Thomas E. Griffin, 29 Washington Street, Monroe, Mich., for applicants.

No. MC-FC 61675. By order of November 12, 1958, the Transfer Board approved the transfer to Schnepfer Truck Line, Inc., Evansville, Ind., of Certificate No. MC 28975 Sub 2, issued July 6, 1950 to Sylvester H. Schnepfer doing business as Schnepfer Truck Line, Evansville, Ind., authorizing the transportation of general commodities, excluding household goods and other specified commodities, over regular route between Evansville, Ind., and Petersburg, Ind. Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind., for applicants.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 58-9667; Filed, Nov. 20, 1958;  
8:46 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA-263]

#### HUNGARIAN COMMERCIAL BANK OF PEST

In re: Securities owned by the Hungarian Commercial Bank of Pest; F-34-256, F-34-492, F-63-60 (Zurich) SA.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. \$15,000.00 face value European Mortgage Series B Corporation (a corporation organized under the laws of the State of Delaware) 7½ percent Income Bonds, due February 1, 1966, presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in blocked account XC 238A in the name of Credit Suisse (Swiss Credit Bank), Zurich, Switzerland, evidenced by certificates 86, 185/7, 332, 443, 583/91, for \$1,000.00 each, registered in the name of Schmidt & Co., together with any and all rights thereunder and thereto, and

b. \$8,000.00 face value European Mortgage Series C Corporation (a corporation organized under the laws of the State of Delaware) 7 percent Income Bonds, due September 15, 1967, presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in blocked account XC 238A in the name of Credit Suisse (Swiss Credit Bank), Zurich, Switzerland, evidenced by certificates M231/5 registered in the name of Pension Fund der Erster Budapest Dampfmuhlen Aktiengesellschaft and certificates M238/40 registered in the name of Koenigsmuhle Hedrich & Strauss A. G., for \$1,000.00 each, together with any and all rights thereunder and thereto,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and

remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned directly or indirectly by Hungarian Commercial Bank of Pest, Budapest, Hungary, a national of Hungary as defined in Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 13, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 58-9618; Filed, Nov. 19, 1958;  
8:47 a. m.]







