THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 16 NUMBER 103

Washington, Saturday, May 26, 1951

TITLE 7—AGRICULTURE

Chapter II—Production and Marketing Administration (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURE

SECOND APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, FISCAL YEAR 1951

Under this amendment there will be made available to the State educational agency of Massachusetts the funds administratively allocated for non-profit private schools in Massachusetts for the months of May and June 1951, in order to implement the transfer of responsibility, as of May 1, 1951, for administration of the National School Lunch Program in non-profit private schools in Massachusetts from the United States Department of Agriculture to the State educational agency, in accordance with the decision of the Attorney General of Massachusetts dated March 26, 1951, that the State educational agency has legal authority to administer such program in the non-profit private schools.

Pursuant to sections 4 and 10 of the National School Lunch Act, the second apportionment of food assistance funds for the fiscal year 1951 (16 F. R. 3885), is hereby amended by changing the funds apportioned to the Commonwealth of Massachusetts as follows:

State	Total	State agency	Private schools
Massachusetts	$1,519,807	$1,290,093	$229,714

(Secs. 4, 10, 60 Stat. 230; 42 U. S. C. 1753, 1759)

Issued this 22d day of May 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-6076; Filed, May 25, 1951; 8:48 a. m.]

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

[Lemon Reg. 384]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.491 *Lemon Regulation 384*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(Continued on p. 4961)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

tion during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 23, 1951; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 27, 1951, and ending at 12:01 a. m., P. s. t., June 3, 1951, is hereby fixed as follows:

(i) District 1: unlimited movement;

(ii) District 2: 700 carloads;

(iii) District 3: unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 383 (16 F. R. 4677), and made a part hereof by this reference.

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

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

Done at Washington, D. C., this 24th day of May 1951.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6161; Filed, May 25, 1951; 8:55 a. m.]

[Orange Reg. 373]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.519 *Orange Regulation 373*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on May 24, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372 (7 CFR 966.518; 16 F. R. 4678), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., May 27, 1951, and ending at 12:01 a. m., P. s. t., June 3, 1951, is hereby fixed as follows:

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

(*b*) Prorate District No. 2: 1,100 carloads;

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

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

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

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

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

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

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

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

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

Done at Washington, D. C., this 25th day of May 1951.

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

PRORATE BASE SCHEDULE

[12:01 a. m., P. d. s. t., May 27, 1951, to 12:01 a. m., P. d. s. t., June 3, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0888
A. F. G. Corona	.0549
A. F. G. Fullerton	.8429
A. F. G. Orange	.3648
A. F. G. Riverside	.1348
A. F. G. San Juan Capistrano	.5712
A. F. G. Santa Paula	.4648
Eadington Fruit Co., Inc	5.4722
Hazeltine Packing Co	.3847

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Krinard Packing Co	0.2085
Placentia Cooperative Orange Association	.4952
Placentia Pioneer Valencia Growers Association	.6337
Signal Fruit Association	.1061
Azusa Citrus Association	.5128
Covina Citrus Association	1.1708
Covina Orange Growers Association	.5875
Damerel-Allison Association	.7571
Glendora Citrus Association	.5152
Glendora Mutual Orange Association	.3214
Valencia Heights Orchard Association	.3949
Gold Buckle Association	.4764
La Verne Orange Association	.6550
Anaheim Valencia Orange Association	1.1541
Fullerton Mutual Orange Association	2.5433
La Habra Citrus Association	1.1123
Yorba Linda Citrus Association, The	.9850
Escondido Orange Association	2.3540
Alta Loma Heights Citrus Association	.0529
Citrus Fruit Growers	.1926
Etiwanda Citrus Fruit Association	.0268
Mountain View Fruit Association	.0487
Old Baldy Citrus Association	.1104
Rialto Heights Orange Growers	.0623
Upland Citrus Association	.3442
Upland Heights Orange Association	.1420
Consolidated Orange Growers	1.8656
Frances Citrus Association	1.1620
Garden Grove Citrus Association	1.7360
Goldenwest Citrus Association	1.7389
Irvine Valencia Growers	3.0876
Olive Heights Citrus Association	2.0447
Santa Ana-Tustin Mutual Citrus Association	.8861
Santiago Orange Growers Association	3.7418
Tustin Hill Citrus Association	1.8819
Villa Park Orchards Association, The	2.0689
Bradford Brothers, Inc	.8970
Placentia Mutual Orange Association	3.5465
Placentia Orange Growers Association	3.3009
Yorba Orange Growers Association	.8377
Call Ranch	.0741
Corona Citrus Association	.4808
Jameson Co	.1194
Orange Heights Orange Association	.6186
Crafton Orange Growers Association	.2615
East Highlands Citrus Association	.0650
Redlands Heights Groves	.1735
Redlands Orangedale Association	.1399
Rialto-Fontana Citrus Association	.0838
Break & Son, Allen	.0491
Bryn Mawr Fruit Growers Association	.0995
Mission Citrus Association	.1287
Redlands Cooperative Fruit Association	.2771
Redlands Orange Growers Association	.1530
Redlands Select Groves	.2598
Rialto Orange Co	.1838
Southern Citrus Association	.1460
United Citrus Growers	.2351
Zilen Citrus Co	.0463
Arlington Heights Citrus Co	.1485
Brown Estate, L. V. W	.1318
Gavilan Citrus Association	.1494
Highgrove Fruit Association	.0637
McDermont Fruit Co	.1274
Monte Vista Citrus Association	0.2375
National Orange Co	.0525
Riverside Heights Orange Growers Association, The	.0365
Sierra Vista Packing Association	.0453
Victoria Ave. Citrus Association	.2033
Claremont Citrus Association	.0943
College Heights Orange & Lemon Association	.3436
Indian Hill Citrus Association	.1969
Pomona Fruit Growers Exchange	.3125
Walnut Fruit Growers Association	.5432
West Ontario Citrus Association	.1782
El Cajon Valley Citrus Association	.2265
Escondido Cooperative Citrus Association	.3053
San Dimas Orange Growers Association	.3336
Canoga Citrus Association	.9092
North Whittier Heights Citrus Association	.9750
San Fernando Heights Orange Association	.7787
Sierra Madre-Lamanda Citrus Association	.3361
Camarillo Citrus Association	1.3614
Fillmore Citrus Association	3.1018
Mupu Citrus Association	2.0255
Ojai Orange Association	.6730
Piru Citrus Association	2.1473
Rancho Sespe	.7886
Santa Paula Orange Association	1.0653
Tapo Citrus Association	.9868
Ventura County Citrus Association	.3667
Limoneira Co	.4085
East Whittier Citrus Association	.3752
Murphy Ranch Co	.8163
Anaheim Cooperative Orange Association	1.7899
Bryn Mawr Mutual Orange Association	.1362
Chula Vista Mutual Lemon Association	.0888
Euclid Avenue Orange Association	.6663
Foothill Citrus Union, Inc	.1139
Fullerton Cooperative Orange Association	.3786
Garden Grove Orange Cooperative, Inc	1.0722
Golden Orange Groves, Inc	.2244
Highland Mutual Groves, Inc	.0092
Index Mutual Association	.4218
La Verne Cooperative Citrus Association	1.6855
Mentone Heights Association	.0406
Olive Hillside Groves, Inc	.5611
Orange Cooperative Citrus Association	1.4774
Redlands Foothill Groves	.4382
Redlands Mutual Orange Association	.1862
Ventura County Orange & Lemon Association	1.1836
Whittier Mutual Orange & Lemon Association	.1559
Babijuice Corp. of California	.9884
Banks, L. M	.7032
Becker, Samuel Eugene	.0111
Bennett Fruit Co	.1216
Borden Fruit Co	.5140
Cherokee Citrus Co., Inc	.1588
Chess Co., Meyer W	.4166
Dunning Ranch	.0497
Evans Bros. Packing Co	.9751
Gold Banner Association	.1900
Granada Hills Packing Co	.0274
Granada Packing House	1.2385
Hill Packing Co., Fred A	.0610
Johnson, Fred	.0058
Knapp Packing Co., John C	.6106
L Bar S Ranch	.1111
Lawson, William J	.0070
Lima & Sons, Joe	.1270
Orange Belt Fruit Distributors	1.3104
Orange Hill Groves	.0070
Otte, Arnold	.0656
Panno Fruit Co., Carlo	0.9959
Parmount Citrus Association	.8757
Patitucci, Frank L	.0093
Placentia Orchard Co	.5325
Prescott, John A	.0105
Riverside Citrus Association	.0369
Ronald, P. W	.0214
Ronneberg, Jerry L	.0046
San Antonio Orchard Co	.3349
Schwaer, Erwin & Arthur	.0148
Stephens, T. F	.2161
Summit Citrus Packers	.0166
Treesweet Products Co	.2673
Wall, E. T., Grower-Shipper	.1235
Western Fruit Growers, Inc	.6235

[F. R. Doc. 51-6186; Filed, May 25, 1951; 11:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter D—Nationality Regulations

PART 333—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VETERANS OF THE UNITED STATES ARMED FORCES WHO SERVED DURING WORLD WAR I OR WORLD WAR II

ADDITIONAL CLASS OF PERSONS ELIGIBLE FOR NATURALIZATION

MAY 4, 1951.

The following amendments to Part 333, *Special classes of persons who may be naturalized; Veterans of the United States Armed Forces who served during World War I or World War II*, of Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

1. Section 333.1, *Persons eligible*, is hereby amended by adding the following sentence at the end thereof: "Notwithstanding the periods set forth therein, the provisions of section 324A of the Nationality Act of 1940 shall be applicable to aliens enlisted or reenlisted pursuant to the provisions of the act of June 30, 1950, providing for the enlistment of aliens in the Regular Army (Pub. Law 597, 81st Cong.)."

2. Section 333.2, *Exemptions and fees*, is hereby amended to read as follows:

§ 333.2 *Exemptions and fees.* Any person eligible for naturalization under § 333.1 may file a petition for naturalization in any naturalization court, without regard to his place of residence, and no period of residence within the United States or any State shall be required. If the person shall have been in the United States, the Panama Canal Zone, or an outlying possession (excluding the Philippine Islands) at the time of his enlistment or induction, he shall not be required to prove lawful admission to the United States for permanent residence. If the person shall have been outside the United States, an outlying possession, or the Panama Canal Zone or shall have been in the Philippine Islands, at the time of his enlistment or induction, he shall not be eligible to

be naturalized under the provisions of § 333.1 unless he has been lawfully admitted to the United States for permanent residence subsequent to enlistment or induction. Any alien enlisted or reenlisted pursuant to the provisions of the act of June 30, 1950, providing for the enlistment of aliens in the Regular Army (Pub. Law 597, 81st Cong.), who subsequently enters the United States or an outlying possession thereof (including the Panama Canal Zone, but excluding the Philippine Islands) pursuant to military orders shall, if otherwise qualified for citizenship, and after completion of five or more years of military service, if honorably discharged therefrom, be deemed to have been lawfully admitted for permanent residence within the meaning of section 324A of the Nationality Act of 1940. No declaration of intention and no certificate of arrival shall be required to be filed with the petition. The provisions of sections 303 and 326 of the Nationality Act of 1940, relating respectively to racial restrictions upon naturalization and to the naturalization of alien enemies, shall not apply to petitions for naturalization filed under § 333.1. A petitioner for naturalization under § 333.1 shall pay such fees as are required by section 342 of the Nationality Act of 1940.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with 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 is unnecessary in this instance because the amendatory regulations prescribed by the order are merely declaratory of certain provisions of the said act of June 30, 1950.

(Secs. 87, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

Approved: May 22, 1951.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-6074; Filed, May 25, 1951; 8:47 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. R]

PART 218—RELATIONS WITH DEALERS IN SECURITIES UNDER SECTION 32, BANKING ACT OF 1933

SERVICE OF OPEN-END INVESTMENT COMPANY

§ 218.101 *Service of open-end investment company.* An open-end investment company is defined in section 5 (a) (1) of the Investment Company Act of 1940 as a company "which is offering for sale or has outstanding any redeemable security of which it is the issuer." Section 2 (a) (31) of said act provides that a "redeemable security" means "any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer or to a person designated by the issuer, is entitled (whether absolutely or only out of surplus) to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof."

It is customary for such companies to have but one class of securities, namely, capital stock, and it is apparent that the more or less continued process of redemption of the stock issued by such a company would restrict and contract its activities if it did not continue to issue its stock. Thus, the issuance and sale of its stock is essential to the maintenance of the company's size and the continuance of operations without substantial contraction, and therefore the issue and sale of its stock constitutes one of the primary activities of such a company.

Accordingly, it is the opinion of the Board that if such a company is issuing or offering its redeemable stock for sale, it is "primarily engaged in the issue * * * public sale, or distribution, * * * of securities" and that section 32 of the Banking Act of 1933, as amended, prohibits an officer, director or employee of any such company from serving at the same time as an officer, director or employee of any member bank. It is the Board's view that this is true even though the shares are sold to the public through independent organizations with the result that the investment company does not derive any direct profit from the sales.

If, however, the company has ceased to issue or offer any of its stock for sale, the company would not be engaged in the issue or distribution of its stock, and, therefore, the prohibition contained in section 32 would be inapplicable unless the company were primarily engaged in the underwriting, public sale or distribution of securities other than its own stock.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies sec. 32, 48 Stat. 194, as amended; 12 U. S. C. 78)

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

[F. R. Doc. 51-6069; Filed, May 25, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42-7]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

AIRCRAFT REQUIREMENTS FOR PASSENGER OPERATIONS OF IRREGULAR AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of May 1951.

Currently effective Civil Air Regulations require that scheduled air carriers shall transport passengers in aircraft, which, with certain exceptions, are certificated in accordance with transport category requirements. Experience indicates that in the interest of greater safety irregular carriers should likewise conduct their passenger operations with transport category airplanes. Accordingly, this regulation prohibits the operation by an irregular carrier of any new large aircraft in passenger service unless such aircraft has been certificated in accordance with transport category requirements.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 (14 CFR, Part 42, as amended) effective July 1, 1951.

By adding a new § 42.15 (d) to read as follows:

§ 42.15 *Minimum performance requirements for large airplanes used in passenger operations.* * * *

(d) Airplanes certificated as a basic type after July 1, 1951, shall comply with all of the requirements of Part 4b of this chapter.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-6077; Filed, May 25, 1951; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

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

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

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 371), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.; 15 F. R. 9446) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 9464) are amended as indicated below:

1a. In § 141.401 *Bacitracin,* subparagraph (3) of paragraph (a) *Potency* is amended to read as follows:

(3) The potency of bacitracin is satisfactory when assayed by the methods described in this section if the immediate containers contain not less than 85 percent and, if it is intended for systemic medication, not more than 115 per-

cent of the number of units they are represented to contain.

b. In § 141.401, paragraph (d) *Toxicity* the last sentence is amended to read as follows: "The L. $D._{50}$ per 20-gram mouse, shall be not less than 350 units, if the drug is intended for systemic medication, and not less than 200 units if it is intended for other use."

2. Part 141 is amended by adding the following new sections:

§ 141.42 *Crystalline penicillin and bacitracin* — (a) *Potency*—(1) *Content of penicillin.* Proceed as directed in § 141.1. Its content of penicillin is satisfactory if it contains not less than 90 percent of the number of units it is represented to contain.

(2) *Content of bacitracin.* Proceed as directed in § 141.401 (a), except that sufficient penicillinase is added to the sample under test to completely inactivate the penicillin present. Its content of bacitracin is satisfactory if it contains not less than 85 percent and not more than 115 percent of the number of units it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141.2.

(c) *Toxicity.* Proceed as directed in § 141.4 except use physiological salt solution as the diluent.

(d) *Pyrogens.* Proceed as directed in § 141.3 using as a test dose 1.0 milliliter per kilogram of a solution containing 300 units of bacitracin per milliliter. Use physiological salt solution as the diluent.

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

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

§ 141.410 *Bacitracin-neomycin tablets* — (a) *Tablets* — (1) *Potency* — (i) *Bacitracin content.* Proceed as directed in § 141.403 (a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(ii) *Neomycin content.* Using an aliquot of the solution prepared under subdivision (i) of this subparagraph, proceed as directed in paragraph (b) (1) of this section. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

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

(b) *Neomycin used in making the tablets*—(1) *Potency*—(i) *Cylinders (cups).* Use cylinders described under § 141.1 (a).

(ii) *Culture medium.* Use the medium described in § 141.1 (b) (1) for both the base and seed layers, except its pH after sterilization is 7.8 to 8.0.

(iii) *Working standard.* Dry the working standard (obtained from the Food and Drug Administration) for 3 hours at 60° C. and a pressure of 5 millimeters or less and weigh out a sufficient quantity to make a convenient stock solution by diluting with a 0.1M potassium phosphate buffer, pH 7.8 to 8.0 The stock solution, when stored at a temperature of approximately 15° C., or less, may be used for a period not exceeding 1 month.

(iv) *Standard curve.* Prepare daily from the stock solution a standard curve as directed in § 141.101 (d), using solutions of the neomycin working standard in 0.1M potassium phosphate buffer, pH 7.8 to 8.0 in concentrations of 4.0, 6.0, 8.0, 10.0, 12.0, 15.0, and 20.0 micrograms per milliliter. The 10.0 micrograms per milliliter concentration is used as the reference point.

(v) *Preparation of test organism.* The test organism is *M. aureus* (F. D. A. 209–P or American Type Culture Collection 9144) which is maintained on agar described in § 141.1 (b) (1). From a stock slant inoculate a Roux bottle containing this same agar and incubate for 24 hours at 32° C. to 35° C. Wash the resulting growth from the agar surface with about 100 milliliters of sterile distilled water. Standardize this suspension by determining the dilution which will permit 80 percent light transmission through a filter at 6500 Angstrom units in a photoelectric colorimeter. The suspension may be used for 2 weeks, if it is stored at a temperature of 15° C. or less.

(vi) *Preparation of plates.* Using the agar described in subdivision (ii) of this subparagraph and approximately a 0.5 percent inoculum of the suspension described in subdivision (v) of this subparagraph, prepare the plates as directed in § 141.1 (e).

(vii) *Assay.* Dissolve volumetrically in sterile distilled water the sample to be tested to make a convenient stock solution. Further dilute volumetrically this solution with 0.1M potassium phosphate buffer, pH 7.8 to 8.0, to a final concentration of 10.0 micrograms (estimated) per milliliter and proceed as directed in § 141.101 (h) and (i).

(2) *Toxicity.* Proceed as directed in § 141.4, using 0.5 milliliter of a solution prepared by diluting the sample to approximately 200 micrograms per milliliter with physiological salt solution.

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

(4) *pH.* Proceed as directed in § 141.5 (b), using a solution containing 33 milligrams per milliliter.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

3a. In § 146.401 *Bacitracin,* the first clause of the second sentence of paragraph (b) *Packaging* is amended to read: "In case it is packaged for dispensing".

b. Section 146.401 (c) (1) is amended by renumbering subdivisions (iii) and (iv) as (iv) and (v), respectively, and by inserting the following new subdivision (iii) between subdivision (ii) and renumbered subdivision (iv):

(iii) If it is intended for injection the statements "For intramuscular use only" and "For hospital use only";

c. In § 146.401, subparagraph (2) of paragraph (c) *Labeling* the second clause is amended by changing the words "if it is packaged for topical use" to read "if it is packaged for dispensing".

d. Section 146.401 (c) (2) (ii) is amended to read:

(ii) Dosage and administration, including method of preparation and strength of solutions for injection or local application;

e. Section 146.401 (d) (2) is amended by changing the words "If such batch is packaged for topical use" to read "If such batch is packaged for dispensing".

4. Part 146 is amended by adding the following new sections:

§ 146.63 *Crystalline penicillin and bacitracin*—(a) *Standards of identity, strength, quality, and purity.* Crystalline penicillin and bacitracin is composed of crystalline sodium penicillin or potassium penicillin and bacitracin with or without suitable and harmless buffer substances and dispersing agents. It is so purified and dried that:

(1) It is sterile;

(2) It is nontoxic;

(3) It is nonpyrogenic;

(4) Its moisture content is not more than 5.0 percent;

(5) The pH of an aqueous solution prepared as directed in its labeling is not less than 5.0 and not more than 7.5.

The crystalline penicillin used conforms to the standards prescribed by § 146.24 (a). The bacitracin used conforms to the requirements prescribed by § 146.401 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practices shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain 1,500,000 units of crystalline penicillin and 60,000 units of bacitracin and each may be packaged in combination with a container of the solvent, water for injection U. S. P., physiological salt solution U. S. P., or with an aqueous solution of a suitable local anesthetic.

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

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

(i) The batch mark;

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

(iii) The number of units of bacitracin in the immediate container;

(iv) The statement "For hospital use only";

(v) The statement "For intramuscular use only";

(vi) The statement "Expiration date _____," the blank being filled in with the date which is 18 months after the month during which the batch was certified;

(vii) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions for use and warnings as required by section 502 (f) of the act, including:

(i) Clinical indications;

(ii) Dosage and administration, including method of preparation and strength of solutions for injection;

(iii) The conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions and the statement "Sterile solution may be kept in refrigerator for 3 days without significant loss of potency";

(iv) Contraindications;

(v) Untoward effects that may accompany administration including sensitization.

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

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of crystalline penicillin and bacitracin shall submit with his request a statement showing the batch mark, the number of packages in such batch, the number of units of penicillin and the number of units of bacitracin in each package, the batch marks, and (unless they were previously submitted) the dates on which the latest assays of the penicillin and bacitracin used in making such batch were completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch and a statement that each such ingredient conforms to the requirements prescribed therefor by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch; potency, sterility, toxicity, pyrogens, moisture, pH.

(ii) The crystalline penicillin used in making the batch; potency, crystallinity, heat stability, penicillin K content (unless it is crystalline penicillin G), and the penicillin G content if it is crystalline penicillin G.

(iii) The bacitracin used in making the batch; potency and toxicity.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request in the quantities hereinafter indicated accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in such batch but in no case less than 10 or more than 17 immediate containers collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The crystalline penicillin used in making the batch; 3 packages, each containing approximately equal portions of not less than 250 milligrams, packaged in accordance with the requirements of § 146.24 (b).

(iii) The bacitracin used in making the batch; 3 packages, each containing approximately 0.5 gram packaged in accordance with the requirements of § 146.401 (b).

(iv) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5 grams.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample containing 10 approximately equal portions of at least 2 grams each taken from different parts of such batch; each such portion shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

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

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

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) and (4) of this section; and

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

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

§ 146.410 *Bacitracin-neomycin tablets.* (a) Bacitracin-neomycin tablets conform to all requirements prescribed by § 146.403 for bacitracin tablets and are subject to all procedures prescribed by § 146.403 for bacitracin tablets, except that:

(1) Each tablet contains not less than 2,500 units of bacitracin.

(2) Each tablet contains not less than 25 milligrams of neomycin. The neomycin used is produced by the growth of Streptomyces fradiae, has a potency of not less than 330 micrograms (one Waksman unit is equivalent to 3.3 micrograms of the base) per milligram, is nontoxic, has a moisture content of not more than 5 percent, and its pH in an aqueous solution 33 milligrams per milliliter is not less than 5.0 and not more than 7.5.

(3) In lieu of the labeling prescribed for bacitracin tablets by § 146.403 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin and the number of milligrams of neomycin in each tablet of the batch.

(4) In addition to complying with the requirements of § 146.403 (d), a person who requests certification of a batch shall submit with his request a statement showing the number of units of bacitracin and the number of milligrams of neomycin in each tablet of the batch, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 30 tablets and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(b) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

This order, which provides for tests and methods of assay and certification of two new antibiotic preparations, crystalline penicillin and bacitracin, and bacitracin-neomycin tablets, and for certification of bacitracin intended for systemic medication if the drug is labeled "For hospital use only," shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for certification of crystalline penicillin and bacitracin, bacitracin-neomycin tablets, and bacitracin intended for systemic medication if the drug is labeled "For hospital use only."

Dated: May 22, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-6083; Filed, May 25, 1951; 8:48 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Economic Cooperation Administration

[ECA Reg. 1, as Amended Nov. 15, 1949, Amdt. 6]

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO PARTICIPATING COUNTRIES

MISCELLANEOUS AMENDMENTS

ECA Regulation 1 is amended in the following respects:

1. Section 201.1 (d) is amended to read as follows:

(d) "Participating country" shall have the meaning assigned to it in section 103 (a) of the act, and shall also include any country in which ECA has a program under the Far Eastern Economic Assistance Act of 1950, as amended, and the China Area Aid Act of 1950, as amended, as well as any authorized agent of a participating country.

2. The following sentence is added to § 201.10: "In the event that such determination is made prior to the issuance of a procurement authorization, ECA may issue a 'procurement Authorization and U. S. Government Agency Purchase Requisition (Form ECA 303G)'."

3. Paragraphs (a) and (d) of § 201.13 are amended to read as follows:

§ 201.13 *Marking requirements.* (a) Commodities furnished to participating countries will be stamped, tagged, stenciled, or labeled with the official ECA Emblem designed for the recipient country for which the commodities are intended. Samples of the Emblem and translations may be obtained from ECA, Office of Information, Washington, D. C.

* * * * *

(d) Any raw materials (including coal, grain and petroleum, oil and lubricants) not shipped in containers; fibers packaged in bales; and metal and lumber mill products of a semi-finished nature which are not packaged or crated are excepted from these marking requirements. If compliance with the provisions of this section is found to be impracticable with respect to other commodities, the participating country will promptly request ECA, Office of Information, Washington, D. C. for an exemption from the requirements of this section.

4. The second paragraph of § 201.19 (a) (2) is amended to read as follows:

In the case of financing by reimbursement directly to a participating country for payments made by it for procurement (this does not include financing by letters of commitment to banking institutions in the United States, letters of commitment to suppliers, or drafts drawn on a Federal Reserve Bank), the supplier may, if he desires, submit, and ECA will accept, in lieu of either of the above, a supplier's certificate in duplicate, with invoice-and-contract abstract completed in all applicable respects except as to class of supplier, information as to agents' commissions, domestic and foreign, and domestic unit price information, accompanied by a sealed envelope, addressed to the Controller, ECA, Washington, D. C., with the following statement upon its face, signed by the supplier:

The undersigned certifies that enclosed in this envelope is a copy of an executed Supplier's Certificate (Form ECA–280) covering the item invoiced, which has been filled in wherever applicable. This envelope contains a document intended only for ECA and is to be opened only by ECA.

5. The second paragraph of § 201.19 (b) (2) is amended to read as follows:

In the case of financing by reimbursement directly to a participating country for payments made by it for procurement (this does not include financing by letters of commitment to banking institutions in the United States, letters of commitment to suppliers, or drafts drawn on a Federal Reserve Bank), the supplier may, if he desires, submit, and ECA will accept, in lieu of either of the above, a supplier's certificate in duplicate, with invoice-and-contract abstract completed in all applicable respects except as to class of supplier, information as to agents' commissions, domestic and foreign, and domestic unit price information, accompanied by a sealed envelope, addressed to the Controller, ECA, Washington, D. C., with the following statement upon its face, signed by the supplier:

The undersigned certifies that enclosed in this envelope is a copy of an executed Supplier's Certificate (Form ECA–280) covering the item invoiced, which has been filled in wherever applicable. This envelope contains a document intended only for ECA and is to be opened only by ECA.

6. Section 201.19 (c) is amended to read as follows:

(c) For the cost of services (other than ocean transportation):

(1) Voucher SF–1034 (revised) or SF–1146, in original and three copies, to be prepared by the supplier or his assignee where letter of commitment is issued by ECA to the supplier; or, in other cases, by the participating country, by the approved applicant, or by the banking institution as assignee, or as agent for and in behalf of the approved applicant.

(2) Supplier's Certificate, in duplicate, with invoice-and-contract abstract on reverse side (Form ECA–280, set out in paragraph (d) of this section), covering the total amount for which reimbursement is requested, to be executed by the supplier.

In the case of financing by reimbursement directly to a participating country for payments made by it for procurement (this does not include financing by letters of commitment to banking institutions in the United States, letters of commitment to suppliers, or drafts drawn on a Federal Reserve Bank), the supplier may, if he desires, submit, and ECA will accept, in lieu of the above, a supplier's certificate in duplicate, with invoice-and-contract abstract completed in all applicable respects except as to class of supplier, information as to agents' commissions, domestic and foreign, and domestic unit price information, accompanied by a sealed envelope, addressed to the Controller, ECA, Washington, D. C., with the following statement upon its face, signed by the supplier:

The undersigned certifies that enclosed in this envelope is a copy of an executed Supplier's Certificate (Form ECA–280) covering the item invoiced, which has been filled in wherever applicable. This envelope contains a document intended only for ECA and is to be opened only by ECA.

If such alternative procedure is used, the signer of the supplier's certificate shall be deemed to have satisfied the requirement in paragraph (10) of the supplier's certificate that he has filled in the applicable portions of the invoice-and-contract abstract.

(3) One copy (or photostat) of supplier's detailed invoice, describing the services performed, itemizing in detail all reimbursable costs (showing separately dollar costs of travel, material and equipment, if any) and fees earned and payable, and either (i) marked "Paid" by the supplier, or (ii) endorsed by, or accompanied by a certificate of an officer of a banking institution indicating that payment has been made in the amount shown on the invoice.

The invoice shall also indicate: (*a*) The total estimated dollar cost of services and fees under the contract; (*b*) the total dollar amount previously received and/or claimed as partial payments, detailed by amounts and dates; (*c*) the dollar amount invoiced; (*d*) total estimated dollar cost of services and fees not yet invoiced. In addition, attached to or endorsed on the invoice, shall be one copy of a Works Progress Certificate signed by the supplier in the following form:

The undersigned certifies, that the cost of services reimbursable to the supplier and the amount of fee earned by the supplier up to the date of this certificate are not less than the total payments received or claimed by the supplier under the contract (including the payment claimed under the invoice), and that the supplier has fully complied with the terms and conditions of the contract.

(4) In the event that the dollar cost of services reimbursable to the supplier includes travel, or material or equipment costs:

(i) Receipted vendors' invoices, appropriately detailed as to quantity, description and price.

(ii) In the case of material or equipment costs only, one copy (or photostat) of the ocean bill of lading, airway bill, parcel post receipt, or a certificate by the supplier as follows:

It is impracticable to furnish to ECA an ocean bill of lading, airway bill or parcel post receipt as evidence of delivery of_____ (material or equipment) _____, which has been delivered to the undersigned for use in performing services under the contract. Covering vouchers in the files of the undersigned are available for inspection.

(5) Certificate of the participating country (i) that the services for which reimbursement is requested have been satisfactorily rendered; (ii) that the costs thereof are properly reimbursable, and the fees earned, in accordance with the terms of the contract; and (iii) that any reports or recommendations required under the terms of the contract have been received.

(6) Such additional documentation as may be required for reimbursement

by endorsement upon the Procurement Authorization.

(Sec. 104, 62 Stat. 138, as amended by Pub. Law 47, 81st Cong.; 22 U. S. C. Sup., 1503. Interpret or apply secs. 111, 403, 62 Stat. 143, 159; 22 U. S. C. Sup., 1509, 1542)

Effective date. This amendment will (1) be effective as to all procurement authorizations originally issued on and after May 15, 1951; and (2) take effect on July 1, 1951, as to all procurement authorizations originally issued prior to May 15, 1951, subject to the special provisions, if any, of the procurement authorizations and applicable letters of commitment, but will not be applicable to claims for reimbursement for payments made to a supplier under such procurement authorizations pursuant to letters of credit issued, confirmed or advised, or payment instructions received prior to July 1, 1951.

WILLIAM C. FOSTER,
Administrator for Economic Cooperation.

[F. R. Doc. 51-6095; Filed, May 25, 1951; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5842]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

MISCELLANEOUS AMENDMENTS

1. Regulations 10, "Warehousing of Distilled Spirits" (26 CFR Part 185; 15 F. R. 5233), are hereby amended by striking out the date "June 30, 1951" from the first sentence of § 185.588 and from the second sentence of § 185.695, and by inserting, in lieu thereof, the date "December 31, 1951."

2. The purpose of the proposed amendment is to extend the use of the average tare method of gauging packages of distilled spirits for withdrawal until the close of business December 31, 1951.

3. It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) is unnecessary in connection with the issuance of these regulations for the reason that the change made is of a liberalizing character.

4. Treasury decision 5822 (15 F. R. 9324) is hereby revoked.

5. This Treasury decision will be effective upon the date of publication in the FEDERAL REGISTER.

(53 Stat. 375; 26 U. S. C. 3176. Interpret or apply 53 Stat. 300, as amended, 332; 26 U. S. C. 2801, 2875)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: May 22, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-6103; Filed, May 25, 1951; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amendment 4]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

METAL CONTAINERS AND METAL CLOSURES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress) Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Ceiling Price Regulation 22 (16 F. R. 3562) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to the Manufacturers' General Ceiling Price Regulation (CPR 22) adds metal containers used for packing food products and metal closures for all containers used for packing food products to the list of commodities for which changes in net costs may be calculated up to March 15, 1951. This is accomplished by adding these items to Appendix B of the Regulation.

The Manufacturers' Regulation as issued listed in Appendix A glass containers and glass closures and under the provisions of the regulation changes in the net costs for these containers and closures may be calculated up to March 15, 1951, whereas metal containers and metal closures were omitted from both Appendix A and Appendix B, thus requiring that changes in net costs be calculated as of December 31, 1950. Thus a canner who puts up pork and beans in glass containers may calculate increases in his containers up to March 15, 1951, whereas if he puts up the same product in cans he can recalculate his container costs only to December 31, 1950.

It has been customary practice over a period of years in the food processing industries using metal containers to purchase such containers and closures by contracts with the manufacturers of these items, providing for pricing as of January 1 of each year. In November and December of 1950 can manufacturing companies announced to their customers a price increase, averaging from 15 percent to 18 percent, to apply to all cans purchased on and after January 1, 1951. In most canned food products, can costs represent the largest single element of cost, except the cost of the raw agricultural commodity, and in some cases the can cost exceeds even that. Consequently, the limitation in CPR 22 cutting off materials cost increases at December 31, 1950, has reduced, or may be expected to reduce margins for food canners very seriously.

Many food processors of non-seasonal items are unable to absorb any increase in the cost increase of containers for those items. For example, it is customary in the canning industries to process such non-seasonal items as pork and beans as an "overhead reducer" with the finished product being sold with no commodity profit margin. To force absorption of the cost increases for metal containers would make such food products loss items, and might reduce the supply of them.

This amendment will also permit of a more equitable treatment as between different food processing industries which use metal containers, as some of the products of these industries remain under the General Ceiling Price Regulation, other products are covered by the Manufacturers' Regulation, while still other products are or will be covered in the near future by tailored price regulations for individual industries. Many of the products still being priced under the General Ceiling Price Regulation have the increase in metal containers reflected in their price. Increases in the cost of containers beyond December 31, 1950 are also being recognized as an allowable cost increase in the tailored regulations for many processed foods which are now being formulated by the Office of Price Stabilization.

It is contemplated that any benefits which may result from a possible reduction in the prices of metal containers which may occur while CPR 22 is in force can be passed on to the consumer through the recalculation provisions which are being considered for this regulation.

For these reasons, it is deemed advisable to extend in the case of cans and closures the adjustment for cost of materials increases provided by CPR 22, beyond the December 31, 1950 cut-off date.

In the judgment of the Director of Price Stabilization, this amendment of CPR 22 will effectuate the purpose of the Defense Production Act of 1950, and is generally fair and equitable.

AMENDATORY PROVISION

Appendix B to Ceiling Price Regulation 22 is amended by adding item 6 to read as follows:

6. Metal containers when used for processed foods, and metal closures for all containers when used for processed foods.

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

This amendment shall become effective May 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 25, 1951.

[F. R. Doc. 51-6133; Filed, May 25, 1951; 10:14 a. m.]

[Ceiling Price Regulation 39]

CPR 39—CEILING PRICES ON CERTAIN MARINE FEED PRODUCTS SOLD BY PROCESSORS, IMPORTERS AND DISTRIBUTORS

Pursuant to the Defense Production Act of 1950 (Pub Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), the Ceiling Price Regulation 39 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices at the processor, importer, and distributor levels for fish scrap, fish

meal, fish solubles, and specialty fish feed products.

Fish scrap, fish meal, fish solubles and specialty fish feed products are important ingredients in many manufactured animal and poultry feeds. It is important, therefore, that pricing conditions obtain which contribute to the normal production and distribution of these products.

Such conditions do not presently exist. Under the General Ceiling Price Regulation, prices for these products were frozen during a period when there was a normal seasonal slack in industry activity and when there were wide and abnormal variations in prices within the industry. These variations in prices have resulted in inequities to processors and other sellers, and have tended to disrupt normal buyer-seller relationships.

This regulation attempts to correct presently existing price disparities in two ways. First, it establishes uniform dollars and cents ceiling prices at the processor and importer level on carload or tank car quantity sales. Second, it seeks to extend the stabilizing effect of these uniform ceilings by setting ceiling prices for distributors which can be no higher than processor-importer prices plus a dollars and cents markup.

The need for this regulation is urgent. It has, therefore, been decided to go ahead with its issuance even though the statistical data upon which it is based are limited and even though further data may cause a modification in price treatment of certain aspects of the industry. Should the effects of this regulation or the study of further data indicate that the prices set herein will engender inequities or dislocations in production or marketing, steps will be taken to amend this regulation.

In the interests of brevity and clarity, Pacific, and Atlantic and Gulf coast processors' ceiling prices for fish meal and fish scrap have been set forth in a single table which schedules various per ton, bulk, f. o. b. ceiling prices for corresponding percentages of protein content. Prices for both meal and scrap, in the table, are increased at the rate of $2.26 per ton, bulk for each unit percentage increase in protein content. This system of charting prices reflects the pricing methods which prevail on the Pacific Coast, where sales are priced on the basis of actual protein content, and without reference to a standard protein content base. Insofar as the chart sets an upper limit on Atlantic and Gulf Coast prices at a 60 percent content figure, and sets forth the resulting prices for various protein contents below sixty percent, it is consistent with the customary Atlantic and Gulf Coast practice of quoting and selling meal and scrap on a sixty percent protein content basis, with no price premiums allowed if the protein content is above sixty percent, and with price deductions granted to the extent that the protein content of the lot of meal or scrap is less than the sixty percent standard.

Fish meal and soybean meal are ingredients which are often combined in manufactured feeds. The quantities of each used for feed purposes depends, to a significant extent, upon the prevailing price relationships between them. In order to minimize the possibility of disturbing a normal fish meal-soybean meal ratio, the ceiling price for fish meal has been set with reference to average price differentials between these products during representative periods from 1947 to 1950. In computing representative ratios, the ratio between soybean meal and fish meal for the year 1949 was omitted because of abnormal price relationships existing in that period. The normal fish meal-soybean ratios were then applied to the ceiling price for soybean meal, bulk, f. o. b. Decatur, Illinois, and converted to a price per unit of protein for fish meal. This per unit price was then used in computing the prices for fish meal by percentage of protein content, as set forth in Table A of this regulation.

The same ceiling prices per unit of protein for fish meal containing up to sixty per cent protein have been established for Atlantic and Gulf Coast points as for Pacific Coast points even though Atlantic and Gulf Coast prices were higher than Pacific Coast prices during the base period of the General Ceiling Price Regulation. The same ceiling prices have been established for both major processing areas in the light of the unanimous opinion of the Fish Meal and Fish Solubles Manufacturers Industry Advisory Committee and opinions of a representative of the Fish and Wildlife Service of the United States Department of Interior and of a member of the National Fisheries Institute to the effect that, under normal conditions of supply, and over the long run post-war period, the prices for equivalent protein content in both major processing areas tend to be the same.

Fishmeal, which is customarily manufactured by processors of fish scrap, is produced by the grinding of scrap into meal. The price spread between the two products historically approximates the cost of grinding or converting the one product into the other. According to the limited information received from industry representatives, a ceiling price for fish scrap which assumes an average cost of $6.00 per ton for converting scrap to meal will be generally fair and equitable, and will not result in a disproportionate production for sale by processors of either product.

The ceiling price for fish solubles containing 50 percent solids by weight has been set at 5 cents per pound. This price constitutes the modal, or most frequently quoted price during the General Ceiling Price Regulation base period. While the data for this period may not be representative, it was the only available basis for fixing a price at this time.

Specialty fish feed products are either processed from different types of raw fish material, or are produced by means of different manufacturing methods than fish meal or fish solubles. These specialty products customarily sell at a premium above fish meal or fish solubles because of their higher nutritional value. In order to keep the price of specialty products in line with the ceiling prices for fish meal and fish solubles, ceiling prices for specialty products have been established which reflect the dollars and cents difference between prices of these products and the market prices for meal or a fixed price for solubles during a selected base period. A fixed price for solubles was decided upon as a method for calculating ceiling prices because there is little information on market prices for solubles during this base period. In addition, special reporting provisions for processors of specialty products have been included in order to aid in the establishment of in-line prices.

Imported fish scrap and fish meal are sold in competition with the same domestic products. In the long run, the price for imported fish scrap and fish meal, in any particular area, tends to equal the prevailing area market price for these products. The ceiling prices for fish scrap and fish meal, imported into the continental United States through a coastal port of entry have, therefore, been set at the ceiling prices for like grades and quantities of scrap or meal of processors in the area of the port of entry.

The upper limit on the market price for imported scrap and meal at an interior port of entry within the continental United States is ordinarily set by the prevailing market price for these products at the closest coastal area to that port of entry plus the lowest applicable transportation charge from the coastal area to that port of entry. The ceiling prices for scrap or meal at any interior port of entry have, therefore, been established by taking the ceiling price for like fish scrap or fish meal of the domestic processor nearest the port of entry and adding to that ceiling the lowest applicable railroad rate from that processor's plant to the particular interior port of entry, based upon the rates in effect prior to March 15, 1951.

The ceiling prices so established will have the effect of preserving normal competitive relationships between importers and domestic processors and normal trade flows.

A distributor's ceiling price for a particular product is determined by adding a fixed dollars and cents markup to the price which the distributor paid for his most recent customary purchase of that product.

Following the custom of the industry, provisions are made in this regulation for adjusting ceiling prices for sales in less than carload quantities, and for differentials covering transportation costs and the costs of furnishing sacks or other containers.

Sales of certain marine feed products have been exempted from this regulation because of the lack of accessible pricing data. Sales of shrimp meal and crab meal, and of dried fish solubles have, for instance, been exempted for this reason. Sales of homogenized condensed fish have been exempted because the ceiling prices for product, as established under the General Ceiling Price Regulation, are believed to be generally fair and equitable.

Sales of fish solubles processed and sold for use as fertilizers have been exempted because fish solubles so processed are subject to different manufacturing methods and different methods of distri-

bution than feed fish solubles, and because the product is not used as a feed or feed ingredient.

In framing this regulation, the Fish Meal and Fish Solubles Industry Advisory Committee, other members of the marine fish feed industry and officials of the Fish and Wildlife Service of the United States Department of Interior were consulted. In the judgment of the Director of Price Stabilization, the prices established by this regulation are fair and equitable and necessary to effectuate the purposes of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Applicability; exemptions.
3. F. o. b. ceiling prices for sales by processors.
4. F. o. b. ceiling prices for sales by importers.
5. F. o. b. loading point ceiling prices for sales by distributors.
6. F. o. b. ceiling prices for sales at retail.
7. F. o. b. ceiling prices for sales in less than carload or tank car quantities.
8. Ceiling prices for delivered sales.
9. Charges for sacks or other containers.
10. Sellers who cannot price under other sections.
11. Definitions.
12. Certificates and tags.
13. Records.
14. Prohibitions; penalties.
15. Petitions to amend this regulation.

AUTHORITY: Sections 1 to 15 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., and E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes ceiling prices for fish scrap, fish meal, fish solubles and certain specialty fish feed products at the processor, importer and distributor levels. This regulation does not establish prices for crab meal, shrimp meal, dried fish solubles product, homogenized condensed fish, fish residue meal or fish solubles processed and sold for use as fertilizer. These new ceiling prices, after the effective date of this regulation, will supersede the ceiling prices established under any other price regulations or orders heretofore issued by the Office of Price Stabilization.

SEC. 2. *Applicability; exemptions*—(a) *Applicability.* The provisions of this regulation shall apply to the 48 States of the United States and the District of Columbia.

(b) *Exemptions*—(1) *Export sales.* This regulation shall not apply to export sales. The General Ceiling Price Regulation or other applicable regulations shall govern such sales.

(2) *Sales at retail by persons other than processors, importers or distributors.* This regulation shall not apply to sales at retail by persons other than processors, importers or distributors. The General Ceiling Price Regulation is applicable to such sales.

(3) *Manufactured feeds in which a marine feed product is an ingredient.* This regulation shall not apply to sales by manufacturers, wholesalers or retailers of manufactured feeds in which fish meal, fish solubles or a specialty fish feed product is an ingredient. Supplementary Regulation 7 to the General Ceiling Price Regulation or other applicable regulations shall govern such sales.

(4) *Sales and deliveries made pursuant to prior contracts.* This regulation shall not apply to sales and delieveries made pursuant to contracts entered into before the effective date of this regulation if such contracts complied with the ceiling price provisions of the then applicable regulations of the Office of Price Stabilization.

SEC. 3. *F. o. b. ceiling prices for sales by processors*—(a) *Ceiling prices for fish meal and fish scrap in carload quantities, per ton, bulk, f. o. b. processing plant or at the processor's customary loading point*—(1) *Schedule of ceiling prices.* If you are a processor, your ceiling prices for sales of fish meal and fish scrap in carload quantities, per ton, bulk, f. o. b. your processing plant or customary loading point are determined in accordance with the appropriate columns of the schedule set forth in Table A.

TABLE A

Percentage of protein per ton	Fish Meal		Fish Scrap	
	Atlantic and Gulf coast points	Pacific coast points	Atlantic and Gulf coast points	Pacific coast points
40	90.40	90.40	84.40	84.40
41	92.66	92.66	86.66	86.66
42	94.92	94.92	88.92	88.92
43	97.18	97.18	91.18	91.18
44	99.44	99.44	93.44	93.44
45	101.70	101.70	95.70	95.70
46	103.96	103.96	97.96	97.96
47	106.22	106.22	100.22	100.22
48	108.48	108.48	102.48	102.48
49	110.74	110.74	104.74	104.74
50	113.00	113.00	107.00	107.00
51	115.26	115.26	109.26	109.26
52	117.52	117.52	111.52	111.52
53	119.78	119.78	113.78	113.78
54	122.04	122.04	116.04	116.04
55	124.30	124.30	118.30	118.30
56	126.56	126.56	120.56	120.56
57	128.82	128.82	122.82	122.82
58	131.08	131.08	125.08	125.08
59	133.34	133.34	127.34	127.34
60	135.60	135.60	129.60	129.60
61	[1]	137.86	[1]	131.86
62		140.12		134.12
63		142.38		136.38
64		144.64		138.64
65		146.90		140.90
66		149.16		143.16
67		151.42		145.42
68		153.68		147.68
69		155.94		149.94
70		158.20		152.20
71		160.46		154.46
72		162.72		156.72
73		164.98		158.98
74		167.24		161.24
75		169.50		163.50
76		171.76		165.76
77		174.02		168.02
78		176.28		170.28
79		178.54		172.54
80		180.80		174.80

[1] No increase in ceiling price permitted for percentage of protein over 60.

(2) *Adjustment in ceiling price for fractions of a unit percentage of protein content.* If the protein content of your lot of fish meal or fish scrap contains a fraction of a unit percentage of protein, you shall round out such fraction to the nearest half unit percentage and determine and adjust your per ton, bulk, f. o. b. ceiling prices as follows:

(i) Determine your per ton ceiling price for the number of whole units percentage of protein of your meal or scrap in accordance with the appropriate column of Table A, above.

(ii) Make the following adjustments in your ceiling price for fractions in accordance with Table B:

TABLE B

Fraction of a unit percentage of protein (expressed in decimals)	*Adjustments in per ton Ceiling Price*
0.0–0.25	No adjustment in your ceiling price
0.26–0.75	Add $1.13 per ton to your ceiling price
0.76–0.99	Add $2.26 per ton to your ceiling price

(3) *Ceiling prices on failure to fulfill minimum protein guarantees.* If you fail to fulfill your minimum protein guarantee with respect to any lot of fish meal or fish scrap, your per ton, bulk, f. o. b. ceiling price is the ceiling price based upon the actual units percentage of protein or fraction thereof, as determined under subparagraphs (1) and (2) of this paragraph.

(b) *Ceiling prices for fish solubles in tank car quantities, f. o. b. the processor's plant or customary loading point.* If you are a processor, your ceiling prices for sales of fish solubles in tank car quantities, f. o. b. your processing plant or customary loading point are as follows:

(1) *Ceiling price for fish solubles containing 50 percent or more than 50 percent solids by weight.* Your ceiling price for fish solubles containing 50 percent or more than 50 percent solids by weight is 5¢ per pound.

(2) *Ceiling price for fish solubles containing less than 50 percent solids by weight.* If your fish solubles contain less than 50 percent solids by weight, your ceiling price is determined as follows:

(i) From the price of 5¢ per pound deduct 2 percent for each full unit percentage by which the solid content of your particular lot of fish solubles is below 50 percent.

(ii) The calculation established in subdivision (i) of this subparagraph, constitutes your ceiling price.

(3) *Adjustments in ceiling price, determined under subparagraph (2) for fractions of a unit percentage of solids by weight.* If the solids content of your lot of fish solubles contains a fraction of a unit percentage of solids by weight, you shall round out such fraction to the nearest half unit percentage and adjust your ceiling price in the following manner:

(i) Determine your per pound ceiling price for the number of whole units percentage of solids by weight, in accordance with subparagraph (2), of this paragraph.

(ii) Make the following adjustments in your ceiling price for fractions in accordance with Table C:

TABLE C

Fraction of a unit percentage of protein (expressed in decimals)	*Adjustments in per pound Ceiling Price*
0.0–0.25	No adjustment in your ceiling price.
0.26–0.75	Add 1/20 of a cent to your per pound ceiling price.
0.76–0.99	Add 1/10 of a cent to your per pound ceiling price.

(4) *Ceiling prices on failure to fulfill minimum solids by weight guarantees.* If you fail to fulfill your minimum solids by weight guarantee with respect to any lot of fish solubles, your per pound, f. o. b. ceiling price is the ceiling price based upon the actual units percentage of solids by weight or fraction thereof, as determined under subparagraphs (2) and (3) of this paragraph.

(c) *Ceiling prices for specialty fish feed products, bulk, carload or tank car quantities, f. o. b. processing plant or customary loading point*—(1) *Per ton, bulk, f. o. b. ceiling prices for specialty products that are solid in form.* If your specialty product is solid in form, your per ton, bulk, f. o. b. ceiling price shall be determined as follows:

(i) Take the per ton, bulk f. o. b. ceiling price for fish meal of a particular percent protein content for the coastal area in which your plant is located or which is nearest to your plant. This ceiling price is to be selected from Table A of this section.

(ii) Determine the average dollars and cents difference between the per ton, bulk, f. o. b. prices you charged for your specialty product in any three consecutive months during the period July 1, 1949 to June 24, 1950, and the average per ton, bulk, market price during the same three months for fishmeal of the same protein content you selected in subdivision (i), of this subparagraph.

The market whose f. o. b. prices you use must be an Atlantic or Gulf Coast market, if you selected an Atlantic or Gulf Coast ceiling price in subdivision (i), of this subparagraph, or a Pacific Coast market, if you selected a Pacific Coast ceiling price. You are limited, in your calculations, to those markets whose prices or other quotations are listed in the following government or trade publications: The Feed Market Review (published by the U. S. Department of Agriculture); The Feed Situation (published by the U. S. Department of Agriculture); Fishery Products Report (published by the Fish and Wildlife Service, U. S. Department of Interior); Oil, Paint and Drug Reporter (published by the Schnell Publishing Co., Inc., New York City, New York).

In determining your average dollars and cents difference, market prices which are quoted on a per ton basis in sacks shall be converted to a per ton, bulk basis by deducting $5.50 per ton for sacks. If you charged prices for lots in sacks or other containers, you shall deduct your charge or cost for furnishing such sacks or other containers in order to determine your per ton, bulk, prices.

(iii) Add the dollars and cents difference determined in subdivision (ii), of this subparagraph, to the ceiling price which you selected in subdivision (i) of this subparagraph. The result is your ceiling price.

(2) *Per pound, f. o. b. ceiling prices in tank car quantities for speciality fish feed products that are liquid or semi-liquid in form.* If your speciality fish feed product is liquid or semi-liquid in form, your per pound, f. o. b. ceiling price in tank car quantities shall be determined as follows:

(i) Determine the average cents per pound difference between your cents per pound, f. o. b. prices in tank car quantities in any three consecutive months during the period July 1, 1949 to June 24, 1950, and the price of 5 cents per pound.

(ii) Add the cents per pound difference, determined in subdivision (i) of this subparagraph to the price of 5 cents per pound. The result is your ceiling price.

(3) *Filing of Reports.* If you determine your ceiling price for specialty fish feed products under subparagraphs (1) or (2) of this paragraph, you must file the following information with the Director of Price Stabilization, Washington 25, D. C., within 30 days of the effective date of this regulation:

(i) Your name and address;

(ii) The location of your plant or plants at which you process your specialty fish feed product;

(iii) The name of your product, including brand name, if any, and a description of the product, including a statement as to whether it is a solid, liquid or semi-liquid, and any characteristics pertaining to its feeding value.

(iv) A statement showing: The average dollars and cents difference, if your product is solid in form, or the average cents per pound difference, if your product is liquid or semi-liquid in form, which you used in arriving at your ceiling price, together with the list of the months for which such difference was calculated; price lists, invoices or other evidence indicating your f. o. b. prices during the period chosen; and, if your specialty product is solid in form, the market quotations (together with the location of the market, and the name of the publication in which such quotations were listed) which you used in determining the average difference between your prices and such market prices.

(v) Your ceiling price for your specialty fish feed product, as determined under this regulation.

(4) *When you may begin to sell your specialty fish feed product, disapproval of your ceiling price.* You may begin to sell your specialty fish feed product as soon as you have mailed your report pursuant to subparagraph (3) of this paragraph. Thereafter, you may sell your specialty product unless and until notified by the Director of Price Stabilization that your ceiling price has been disapproved or that more information is required. The Director of Price Stabilization may disapprove of your ceiling price if such price is not established in accordance with subparagraph (1) or (2) of this paragraph; or he may disapprove of your ceiling price if he decides, after taking into consideration the nutritional value of your specialty product, among other factors, that your ceiling price is not in line with the prices otherwise established by this regulation.

In the event that more information is required, you may not sell your specialty product until 15 days after mailing the additional information.

In case, however, you sold or offered your specialty product for sale prior to the effective date of this regulation upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until July 1, 1951, even though your ceiling price determined under this regulation has been disapproved or more information is requested.

SEC. 4. *F. o. b. ceiling prices for sales by importers.* If you are an importer of fish scrap or fish meal your ceiling prices per ton, bulk, f. o. b. port-of-entry, for imported fish meal or fish scrap are as follows:

(a) *Per ton, bulk, f. o. b. ceiling prices for fish scrap or fish meal imported into Atlantic or Gulf Coast ports-of-entry.* If you import fish meal or fish scrap into the continental United States through an Atlantic or Gulf coast port-of-entry, your ceiling price per ton, bulk, f. o. b. port-of-entry, for each grade of fish meal or fish scrap is the same as the per ton, bulk, f. o. b. ceiling price of Atlantic or Gulf coast processors for fish meal or fish scrap of the same protein content, as determined pursuant to the applicable provisions of section 3 (a) of this regulation.

(b) *Per ton, bulk, f. o. b. ceiling prices for fish scrap or fish meal imported into Pacific coast ports-of-entry.* If you import fish meal or fish scrap into the continental United States through a Pacific coast port-of-entry, your ceiling price per ton, bulk, f. o. b. port-of-entry, for each grade of fish meal or fish scrap, is the same as the per ton, bulk, f. o. b. ceiling price of Pacific coast processors for fish meal or fish scrap of the same protein content, as determined pursuant to the applicable provisions of Section 3 (a) of this regulation.

(c) *Per ton, bulk, f. o. b. ceiling prices for fish scrap or fish meal imported into interior ports-of-entry.* If you import fish meal or fish scrap into the continental United States through an interior port-of-entry, your ceiling price per ton, bulk, f. o. b. port-of-entry shall be determined as follows:

(1) Determine the per ton, bulk, f. o. b. ceiling price for fish meal or fish scrap of the same protein content (under the applicable provisions of section 3 (a) of this regulation) at the Atlantic, Gulf or Pacific Coast processing plant nearest to the interior port-of-entry through which your shipment moves.

(2) Add to the price obtained in subparagraph (1) of this paragraph, the lowest applicable domestic carload freight rate, including tax, from that domestic processing plant to that interior port-of-entry, based on the rates in effect prior to March 15, 1951.

(3) The price computed in subparagraph (2) of this paragraph, constitutes your ceiling price.

SEC. 5. *F. o. b. loading point ceiling prices for sales by distributors*—(a) *F. o. b. loading point ceiling price.* If you are a distributor, you shall calculate your f. o. b. loading point ceiling price for each product after each customary purchase you make in the following manner:

(1) For each product, determine your average dollars and cents differential between your per ton, or per pound f. o. b. loading point prices (excluding your charges or costs for furnishing sacks or other containers in connection with the

sale of any lot which you bought in bulk or in tank car quantities) and your suppliers' per ton or per pound prices to you (including transportation charges paid by you) during any three consecutive months of the period July 1, 1949 to June 24, 1950.

(2) Add this dollars and cents differential, as determined in subparagraph (1) of this paragraph, to the price, per ton or per pound, of your most recent customary purchase (including transportation charges paid by you).

(3) The price determined under subparagraph (2) of this paragraph, constitutes your per ton or per pound f. o. b. loading point ceiling price.

(b) *Ceiling prices for distributors who cannot determine ceiling prices under paragraph (a) of this section.* (1) If your are a distributor and you cannot determine your ceiling price for a product under paragraph (a) of this section, you shall determine your ceiling price, after each customary purchase you make, in the following manner:

(i) Determine the dollars and cents difference between the per ton or per pound f. o. b. ceiling price of your most closely competitive seller of the same class selling the same product to the same class of purchaser and the price per ton or per pound (including transportation charges paid or incurred by you) of that customary purchase which you made at or about the time your most closely competitive seller sold at his ceiling price.

(ii) Add the dollars and cents difference, determined in subdivision (i) of this subparagraph to the price, per ton or per pound of your most recent customary purchase (including transportation paid or incurred by you).

(iii) The price determined under subdivision (ii) of this subparagraph constitutes your ceiling price.

(2) When you may begin to sell; report: (i) You may sell your product at your ceiling price, as determined under this paragraph (b), as soon as you have mailed a report to the Director of Price Stabilization, Washington 25, D. C. You may continue to sell your product at your proposed ceiling price until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required.

(ii) In case, however, you sold or offered your product for sale prior to the effective date of this regulation upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until July 1, 1951.

(iii) Your report should state the name and address of your company; the reasons why you cannot determine your price under paragraph (a) of this section; the name and address of your most closely competitive seller of the same class; a statement of his ceiling price which you selected together with the date or dates when he sold at that ceiling price, and his differentials to each of his classes of customers; the prices of the customary purchases which you used in determining your ceiling price in accordance with paragraph (b) (1) of this section, together with information concerning the dates thereof, the quantities bought and the names and addresses of your suppliers for such purchases. Your report should also include: A statement of your customary price differentials; your proposed ceiling price; the classes of customers to whom you sell or plan to sell; and a statement showing that your proposed ceiling price will not exceed the ceiling price your customers paid to their customary sources of supply.

(c) *Limitations on distributor markups.* No more than two distributor markups are permitted in connection with the sale of any product. Consequently, if you are a distributor and you buy a lot from your distributor, who, in turn, purchased that lot from his distributor, your ceiling price for that lot is your distributor's price, and you may not add your markup upon resale.

(d) *Ceiling prices for products processed by a distributor.* Even if you are customarily regarded as a distributor, you are deemed to be a processor, with respect to any lot or other quantity of fish meal, fish solubles or a specialty fish feed product which you process or manufacture, and your ceiling price for that lot or other quantity is a processor's ceiling price, as determined under the applicable provisions of this regulation.

SEC. 6. *F.o.b. ceiling prices for sales at retail.* If you are a processor, importer or distributor, and you make s sale at retail, your f.o.b. ceiling price for such sale is your f.o.b. ceiling price, as determined under the applicable provisions of this regulation.

SEC. 7. *F.o.b. ceiling prices for sales in less than carload or tank car quantities.* If, prior to the effective date of this regulation, you customarily sold at an increased price for sales in less than carload or tank car quantities, your f.o.b. ceiling prices for fish scrap, fish meal, fish solubles or specialty fish feed products, when sold in less than carload or tank car quantities, shall be determined as follows:

(a) Determine your f.o.b. ceiling price for the particular product in accordance with the applicable provisions of this regulation.

(b) Add to your f.o.b. ceiling price, the dollars and cents differential between your f.o.b. carload or tank car prices and the f.o.b. prices (excluding your charges or costs for furnishing sacks or other containers in connection with the sale of any lot which you bought in bulk or in tank car quantities) which you customarily charged for each particular quantity and class of buyer during the period July 1, 1949 to June 24, 1950.

(c) The f.o.b. prices, determined under paragraph (b) of this section constitute your f.o.b. ceiling prices for sales in less than carload quantities.

SEC. 8. *Ceiling prices for delivered sales.* Your ceiling price for the delivered sale of any lot is your f. o. b. ceiling price plus the transportation charges paid or incurred by you (excluding loading charges not customarily included in transportation charges) in shipping that lot from its original loading point to its point of final delivery.

SEC. 9. *Charges for sacks or other containers.* If you furnish sacks or other containers in connection with the sale of any lot which you process or buy in bulk or in tank car quantities, you may add to your ceiling price a charge consisting of the price, per sack, or per other container of your most recent customary purchase times the number of sacks or other containers which you furnish.

SEC. 10. *Sellers who cannot price under other sections.* If you are unable to determine your ceiling price for a product under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under the provisions of this regulation; all pertinent information describing your product: your proposed ceiling price and the method used by you to determine it; and the reason why you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation. You may not sell your product until the Director of Price Stabilization notifies you, in writing, of your ceiling price.

SEC. 11. *Definitions*—(a) *Transportation and shipping terms*—(1) *Carload quantity.* Carload quantity means any quantity which, if it were moved by rail, would take a carload rate under the applicable railroad tariff requirements.

(2) *Tank car quantity.* Tank car quantity means that quantity which, if it were moved by rail, would take a tank car rate under the applicable railroad tariff requirements.

(3) *Customary loading point.* A customary loading point is any point in the vicinity of a processor's plant where all or a part of his shipments are customarily loaded for delivery.

(4) *Coastal ports of entry.* A coastal port of entry is a port located on the Atlantic, Gulf of Mexico or Pacific Coast and through which products are imported into the continental United States by means of water transportation.

(5) *Interior port of entry.* An interior port of entry is a point located in the interior of the continental United States, through which the original entry of products into the continental United States is made by means of rail or inland waterway transportation.

(b) *Sellers*—(1) *Processors.* A processor, with respect to a particular lot, means a person who manufactures fish scrap, fish meal, fish solubles or specialty fish feed products either from whole fish, fish cuttings, fish scrap, press-water or fish solubles.

(2) *Distributor.* A distributor, with respect to a particular lot, means a jobber or a wholesaler.

(3) *Jobber.* A jobber, with respect to a particular lot, means a person who buys and takes title to a product covered by this regulation, and who resells the product without having previously unloaded it into a warehouse or store to a person other than a feeder.

(4) *Wholesaler.* A wholesaler, with respect to a particular lot, means a person who buys and takes title to a product covered by this regulation, stores it in a warehouse, and then resells the product

without substantially changing its form to a person other than a feeder.

(5) *Most closely competitive seller of the same class.* Your most closely competitive seller of the same class, with respect to any product covered by this regulation, is the seller with whom you are in most direct competition. You are in direct competition with another seller who sells the same type of product to the same classes of purchasers in similar quantities on similar terms and with approximately the same amount of service.

(c) *Marine feed products*—(1) *Fish scrap.* Fish scrap is the clean, dried, unground tissues of undecomposed whole fish or fish cuttings, either or both, with or without the extraction of part of the oil.

(2) *Fish meal.* Fish meal is the clean, dried, ground tissues of undecomposed whole fish or fish cuttings, either or both, with or without the extraction of part of the oil.

(3) *Fish solubles.* Fish solubles is the product obtained by condensing the press-water resulting from the extraction of oil from fish.

(4) *Specialty fish feed products.* Specialty fish feed products are those products processed entirely from whole fish, fish cuttings, press-water or fish solubles, either singly or in combination, which, because of the nature of the raw materials used or the processing method employed, have special feeding values.

(5) *Crabmeal.* Crabmeal is the undecomposed, ground dried waste of the crab and contains the shell, viscera and part or all of the flesh.

(6) *Shrimp meal.* Shrimp meal is the undecomposed, ground dried waste of shrimp and contains the head, hull or whole shrimp, either singly or in a mixture.

(7) *Dried fish solubles product.* Dried fish solubles product is the material obtained by drying and grinding the precipitate of fish press-water.

(8) *Homogenized condensed fish.* Homogenized condensed fish is a partially dehydrated, homogeneous product made from whole fish or fish cuttings, either or both, from which a part of the oil may have been removed.

(9) *Fish residue meal.* Fish residue meal is the clean, dried, undecomposed residue from the manufacture of glue from nonoily fish.

(d) *Miscellaneous*—(1) *Sale at retail.* A sale at retail means, with respect to any transaction, a sale to a feeder.

(2) *Feeder.* A feeder, with respect to a particular lot, means a person who uses any product covered by this regulation for feeding animals or poultry.

(3) *You.* The pronoun you, as used in this regulation, indicates the person subject to the regulation.

(4) *Person.* A person includes an individual, corporation, partnership, association, or other organized group of persons, legal successor or representative of any of the foregoing and includes the United States, any agent thereof, any other government, or any of its subdivisions, and any agency of any of the foregoing.

SEC. 12. *Certificates and tags.* Whenever you sell fish meal or fish solubles, a statement of analysis shall accompany your invoice of sale except when you sell in sacks or other containers to which are attached a label or tag showing the guaranteed minimum percentage of protein or solids therein, as the case may be.

SEC. 13. *Records.*—(a) *General provision.* If you make a purchase or sale of fish scrap, fish meal, fish solubles or specialty fish feed products in the course of your trade or business or otherwise deal therein, after the effective date of this regulation, you shall keep for inspection by the Office of Price Stabilization for a period of not less than two years, accurate records of each such purchase or sale, including the date thereof, the name of your purchaser or seller, the amount sold or purchased, the price paid or received, the grade of fish scrap, fish meal, fish solubles, and the brand and characteristics of the specialty fish feed products you sell or buy, and whether or not the lot sold moved in a carload or tank car quantity shipment. You shall, in the same manner and for the same period of time, keep accurate records of each purchase of sacks and other containers, including the date thereof, the price paid, the name of your supplier, the number, grade and type of such sacks or other containers, and all other records and information upon which you determined your charges for such sacks or other containers pursuant to section 9 of this regulation.

(b) *Wholesalers and jobbers.* If you are a wholesaler or jobber, you shall, in addition, keep for inspection by the Office of Price Stabilization for a period of not less than two years, all invoices, quotations, receipts, price lists, and other information upon which you determined your average dollars and cents differential for each product you sold, as described in section 5 (a) of this regulation.

(c) *Premiums for sales in less than carload or tank car quantities.* If you have established ceiling prices for sales in less than carload or tank car quantities pursuant to section 7 of this regulation, you shall, in addition, keep for inspection by the Office of Price Stabilization for a period of not less than two years, all invoices, quotations, receipts, price lists and other information upon which you determined your dollars and cents differentials for such sales.

SEC. 14. *Prohibitions; penalties*—(a) *Prohibitions.* On and after the effective date of this regulation you shall not, in the course of business or trade, sell or deliver, or purchase or receive fish scrap, fish meal, fish solubles, or specialty fish feed products at prices exceeding the ceiling prices established by this regulation.

(b) *Penalties.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions and suits for damages provided for by the Defense Production Act of 1950.

SEC. 15. *Petitions to amend this regulation.* Any person may file a petition for an amendment of general applicability to any provision of this regulation in accordance with the provisions of Price Procedural Regulation No. 1.

Effective date. This regulation is effective May 29, 1951.

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

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 24, 1951.

[F. R. Doc. 51-6145; Filed, May 24, 1951; 4:00 p. m.]

[Distribution Regulation 1, Amendment 5]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

QUOTA PERIODS AND "CLUB" LIVESTOCK

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this Amendment 5 to Distribution Regulation 1 (16 F. R. 1273) is hereby issued.

Preamble. At the time Amendment 4 to Distribution Regulation 1 was issued on April 30, 1951, it was expected that the multiplier system of determining quotas for Class 1 slaughterers could be put into effect during the week beginning May 27. Since that time additional conferences with members of the slaughtering industry have indicated that additional study should be given to the multiplier system before it is initiated. Furthermore, other slaughterers have brought to the attention of the Office of Price Stabilization that their regular accounting periods cover the calendar month of May or consist of five calendar weeks covering a period beginning April 29, 1951, and ending June 2, 1951. The principal reason for prescribing in Amendment 4 that the quota period for May would consist of four calendar weeks beginning April 29, 1951, was so that the multiplier system could be put into effect at the same time for all Class 1 slaughterers. Since it is not possible to institute the multiplier system on May 27, the regulation has been amended so that Class 1 slaughterers may use as their quota period their regular accounting period beginning on or after April 29, 1951. This means that a Class 1 slaughterer whose regular accounting period is one of five weeks beginning on April 29 will have a quota period of five weeks duration during which the quota percentages set forth in supplement one issued on April 30, 1951, will apply.

Some Class 1 slaughterers will have interim quota periods running from April 29 until the date of their first regular accounting period which begins after April 29. Typical of this type of slaughterer would be one who uses a monthly accounting period beginning on May 1 and ending on May 31. The interim quota period for that type of slaughterer will be the period April 29–30, 1951. Other slaughterers may have regular accounting periods which begin on May 6, 1951. In such cases the in-

terim quota period for these slaughterers would be the period April 29 through May 5, 1951. The methods by which slaughterers determine their quotas for the interim quota period and the full quota period are set forth in the amendment.

The change brought about by this amendment will permit slaughterers to use the regular accounting periods instead of special ones prescribed for quota purposes. Furthermore, it will enable them to use corresponding accounting periods for determination of quotas and also for determining the periods for which they compute their compliance with the live cattle price regulation (CPR 23). This amendment also clarifies the regulation with respect to excess slaughter and adds provisions for additional penalties in the form of reduction of quota where the slaughterer exceeds his maximum permissible cost determined under CPR 23.

In order to provide a workable arrangement whereby persons not permitted to slaughter livestock or have it slaughtered for them under this regulation may acquire livestock from members of 4-H Clubs, Future Farmers of America or other recognized youth organizations and may have such livestock slaughtered, the regulation has been amended. According to the new provisions the OPS District offices will upon application approve sales conducted by these youth organizations and will authorize the manager of the fair, show, or exhibition to issue certificates permitting the purchasers to have the livestock they purchase at the fair, show, or exhibition conducted by the 4-H Club or similar organization, slaughtered for them. The amendment describes in detail the procedure by which such fairs, shows, or exhibitions may be approved by the OPS District offices and how the managers of the fairs or shows may issue certificates. The amendment also requires the certificates to be surrendered to Class 1 or Class 2 slaughterers before livestock is slaughtered for the purchasers.

Minor changes have also been made in the reporting requirements for Class 1 slaughterers.

Distribution Regulation 1 is amended in the following respects:

1. Section 3 (c) is amended to read as follows:

(c) *Quotas.* For each quota period (accounting period or calendar month or similar period of not less than four or more than five weeks used by you instead of calendar months in keeping your books and records) beginning on or after April 29, 1951, you must have a quota before you may slaughter any species of livestock. The number of pounds live weight of each species you slaughtered during the corresponding period of 1950 is your quota base. Supplement 1 to this regulation contains a list of percentages for use by you and other Class 1 slaughterers in determining your quotas. To determine your quota for each quota period, you apply the appropriate percentage in the Supplement to the quota base for each species. If you received an adjustment for your slaughter of any species of livestock for the corresponding period of 1950, you may use the adjusted amount as your quota base. If you received an adjustment on your slaughter of any species for the April–June 1950 calendar quarter, you may use as your quota base 31 percent of the adjusted amount if you operate on a 4-week accounting period; 38 percent of the adjusted amount if you operate on a 5-week accounting period; 34 percent of the adjusted amount for May 1951 and 33 percent of the adjusted amount for June 1951 if you operate on a calendar month accounting period. If you began slaughtering any species after April 30, 1950, and you have applied for an adjustment but have not received a denial of such application or have not received an adjustment, you may determine your quota base by dividing the total live weight of the particular species slaughtered between April 30, 1950, and February 9, 1951, by the number of days in that period and multiplying the result by the number of days in the quota period for which you are determining your quota. If your quota period does not begin on April 29, 1951, you will have an interim quota period from April 29, 1951, to the date that your quota period begins. The method for determining your quota for the interim quota period is set forth in section 4 (c) (1) (2) and (3) of this regulation. If your quota period did not begin on April 29, 1951, and you slaughtered in excess of your quota for the interim quota period but did not slaughter in excess of your quota for the interim quota period and the following quota period combined you shall not be deemed to have violated the provisions of this section.

The multiplier for May and June 1951 furnished to you by the OPS will not apply for the May and June quota periods.

You may not slaughter more than 60 percent of your quota for any species (including your carry-over from the previous quota period) during the first half of your quota period.

2. Section 3 (d) is amended to read as follows:

(d) *Carry-overs.* If you did not use your entire quota for any species during any quota period you may use the unused portion, not to exceed 5 percent of that quota, in the next quota period only. (See section 4 (d) of this regulation for examples of the operation of carry-overs.)

3. Section 3 (e) is amended to read as follows:

(e) *Overages.* If in any quota period you slaughter livestock of any species in excess of your quota for that species for that period (including any carry-over from the preceding quota period) your quota for the following quota period for that species shall be reduced by twice the amount by which you exceeded your quota. If twice the amount of the overage is greater than the quota for the ensuing quota period, you may not slaughter any of that species of livestock during that quota period or in any succeeding quota period until the total of the quotas for the quota periods in which you are prohibited from slaughtering livestock equals twice the amount of your overage. If your adjusted cost for cattle slaughtered in your establishment during any quota period beginning on or after May 20, 1951, exceeds your maximum permissible cost as determined under Ceiling Price Regulation 23 of the OPS, your quota for the following quota period for cattle shall be reduced by the amount determined under section 10 of CPR 23. If the amount determined is greater than the cattle quota for the ensuing period, you may not slaughter any cattle during that quota period or in any succeeding quota period until the total of the cattle quotas for the quota periods in which you are prohibited from slaughtering cattle equals the amount determined under section 10 of CPR 23. The quota limitations here imposed are in addition to any action, penalties or proceedings authorized by law for violation of this regulation.

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

(e) *Overages.* If in any quota period you slaughter livestock of any species in excess of your quota for that species for that period (including any carry-over from the preceding quota period) your quota for the following quota period for that species shall be reduced by twice the amount by which you exceeded your quota. If twice the amount of the overage is greater than the quota for the ensuing quota period, you may not slaughter any of that species of livestock during that quota period or in any succeeding quota period until the total of the quotas for the quota periods in which you are prohibited from slaughtering livestock equals twice the amount of your overage. If your adjusted cost for cattle slaughtered in your establishment during any quota period beginning on or after May 20, 1951, exceeds your maximum permissible cost as determined under Ceiling Price Regulation 23 of the OPS, your quota for the following quota period for cattle shall be reduced by the amount determined under section 10 of CPR 23. If the amount determined is greater than the cattle quota for the ensuing period, you may not slaughter any cattle during that quota period or in any succeeding quota period until the total of the cattle quotas for the quota periods in which you are prohibited from slaughtering cattle equals the amount determined under section 10 of CPR 23. The quota limitations here imposed are in addition to any action, penalties or proceedings authorized by law for violation of this regulation.

5. Section 7 is amended to read as follows:

SEC. 7. *Slaughter of "Club" livestock.* (a) If you are not permitted to slaughter livestock or have livestock slaughtered for you under this regulation and you acquire livestock from members of 4-H Clubs, Future Farmers of America, or other recognized youth organizations, at sales made at the place and time of a fair, show, or exhibition, you may, if such sales were previously approved by the OPS District Office for the area where the fair, show or exhibition is

held, have such livestock slaughtered for you by a registered Class 1 or Class 2 slaughterer.

(b) Prior to a fair, show or exhibition the manager must apply to the OPS District Office for the area where the fair, show, or exhibition is to be held, for permission to have livestock sold at the fair, show, or exhibition, slaughtered for the prospective purchasers. If the District Office finds that the fair, show, or exhibition is to be held under the auspices of the 4–H Clubs, Future Farmers of America, or other recognized youth organization, it will authorize the manager to issue certificates permitting nonslaughtering purchasers to have the livestock they purchase at the fair, show, or exhibition, slaughtered for them.

(c) At the time of the opening of the fair, show, or exhibition, the manager must announce that the fair, show, or exhibition has been approved by the OPS and that the manager is permitted to issue slaughter certificates. The manager shall then issue such slaughter certificates to the livestock purchasers who are not permitted to slaughter livestock or have livestock slaughtered for them under the regulations. The slaughter certificates issued in triplicate must contain the following:

1. The name of the organization conducting the fair, show, or exhibition, the place at which it was held, and the dates it was held.
2. The District Office of OPS which approved the fair, show, or exhibition and the date of such approval.
3. The name and address of the person purchasing the livestock.
4. The number of each species of livestock purchased and the live weight of each species of livestock.
5. A statement that the animal or animals listed on the certificate were bona fide project animals fed in an organized club (naming the club) under the direction of the United States Department of Agriculture, Extension Service or a recognized State agency.
6. The signature of the manager of the fair, show, or exhibition.
7. A signed statement by the purchaser that he is not permitted to slaughter livestock or have livestock slaughtered for him under Distribution Regulation 1.

(d) The original and one copy must be given to the purchaser of livestock. The third copy must be immediately forwarded by the manager to the District Office which approved the fair, show, or exhibition. The purchaser of livestock must give the original and duplicate to the Class 1 or Class 2 slaughterer who will slaughter the livestock.

(e) Any Class 1 or Class 2 slaughterer who receives a valid original and duplicate slaughter certificate may slaughter the livestock covered by such certificate without regard to his quota for the slaughter of such livestock under this regulation. The slaughterer must keep the duplicate certificate and attach the original to his report on Form LS–149 or OPS Form DO 1–6 for the period in which the slaughter took place. If a Class 2 slaughterer is not required to file a report on OPS Form DO 1–6, he must send the original certificate to the Regional office for the area where his establishment is located.

6. Section 8 (a) is amended by deleting the third sentence and substituting therefor the following sentence: "There will be a quota on the amount of livestock he may slaughter for you beginning April 29, 1951."

7. Section 12 (a) (1) is amended by deleting the fourth sentence and substituting therefor the following sentences: "For the quota period April 1, 1951, to April 28, 1951, inclusive, you must file the report for OPS on Form LS–149 on the basis of the four week operation. For all quota periods thereafter, you must file your reports on the basis of your usual accounting periods. If you have an interim quota period you must show separately on your report the amount of slaughter during the interim quota period."

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

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

Effective date. This amendment is effective May 25, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 25, 1951.

[F. R. Doc. 51–6181; Filed, May 25, 1951; 10:13 a. m.]

[Distribution Regulation 1, Supplement 1, Amendment 1]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

SUPP. 1—QUOTA PERCENTAGES FOR LIVESTOCK

PERIODS ON AND AFTER MAY 27, 1951

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this Amendment 1 to Supplement 1 to Distribution Regulation 1 (16 F. R. 1273) is hereby issued.

Preamble. Based on preliminary information as to indicated marketings of livestock during June, it appears that in order to obtain equitable distribution of livestock which is expected to come to market quotas for the several species must be established at the percentages of the comparable period of 1950 shown below:

	Percent
Cattle	80
Calves	80
Sheep and lambs	80
Swine	115

These percentages apply to slaughterers' accounting periods beginning on or after May 27, 1950.

Table I of Supplement 1 to Distribution Regulation 1 is amended by adding the following paragraph:

(b) For quota periods beginning on or after May 27, 1951:

	Percent
Cattle	80
Calves	80
Sheep and lambs	80
Swine	115

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

Effective date. This amendment is effective May 25, 1951.

EDWARD F. PHELPS, Jr.
Acting Director of Price Stabilization.

MAY 25, 1951.

[F. R. Doc. 51–6182; Filed, May 25, 1951; 10:14 a. m.]

[Price Procedural Regulation 1, Revised]

PPR 1—GENERAL PRICE PROCEDURES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Orders No. 2 and No. 5 (16 F. R. 738, 1273), this revision of Price Procedural Regulation 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

Price Procedural Regulation 1, as published in the FEDERAL REGISTER dated December 19, 1950 (15 F. R. 9055), deals with the procedures followed in issuing price regulations and prescribes procedures governing applications for adjustment, petitions for amendment, protests, and interpretations. Since the issuance of the initial procedures, the Economic Stabilization Administrator has established the Office of Price Stabilization, and has delegated the Administrator's functions with respect to price stabilization and the allocation of meat to the Director of Price Stabilization.

This revision of the general price procedures is designed to reflect these basic organizational changes and related delegations of authority or assignments of functions within the Office of Price Stabilization.

The requirements contained in the revision are substantially the same as those provided by the original regulation.

In formulating these general price procedures the Director has found it impracticable to consult with industry representatives and trade associations.

Use of the revised procedures is mandatory on and after May 26, 1951.

GENERAL PRICE PROCEDURES

ARTICLE I—PURPOSE

Sec.
1. Purpose.

ARTICLE II—ISSUANCE OF CEILING PRICE REGULATIONS

2. Investigation prior to issuance.
3. Price hearing prior to issuance.
4. Notice of pre-issuance hearing.
5. Conduct of pre-issuance hearing.
6. Statement of considerations.
7. Notice of provisions of a ceiling price regulation.
8. Effective date.

ARTICLE III—APPLICATIONS FOR ADJUSTMENT

11. Right to apply for adjustment.
12. Place of filing.

AUTHORITY: Sections 1 to 91 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

ARTICLE I—PURPOSE

SECTION 1. *Purpose.* It is the purpose of this regulation (Price Procedural Regulation 1) to prescribe and explain the procedure used by the Director of Price Stabilization in making various kinds of price determinations.

(a) Article II deals with the procedure of the Director of Price Stabilization in issuing ceiling price regulations.

(b) Article III deals with individual applications for adjustment of ceiling prices established by a ceiling price regulation. An adjustment ordinarily affects the prices of one particular seller or group of sellers who apply for a change in the prices established for them by the provisions of a ceiling price regulation. An adjustment can be granted only if the applicable ceiling price regulation contains specific provision for the granting of an adjustment, or where otherwise authorized by the Director.

(c) Article IV deals with petitions for amendment. A petition for amendment may be filed by any person who is affected by a ceiling price regulation and who desires a change of general applicability in the provisions of the regulation itself. It is the appropriate document to be filed when a person does not wish to file a formal statutory protest or is not entitled to do so because he is not subject to the regulation as defined in section 31.

(d) Article V deals with protests. The nature and function of protests are set forth in general in the introduction to Article V (section 30).

(e) Article VI explains the way in which interpretations are rendered by the Director of Price Stabilization.

(f) Article VII contains miscellaneous provisions and definitions.

(g) The term "Director" as hereinafter used shall refer to the Director of Price Stabilization.

ARTICLE II—ISSUANCE OF CEILING PRICE REGULATIONS

SEC. 2. *Investigation prior to issuance.* A ceiling price regulation may be issued by the Director after such studies and investigations as he deems necessary or proper. Before issuing a ceiling price regulation the Director shall, so far as is practicable, advise and consult with representatives of persons substantially affected by such regulation.

SEC. 3. *Price hearing prior to issuance.* Whenever the Director deems it necessary or proper that a price hearing be held prior to the issuance of a ceiling price regulation, he may provide for such hearing in accordance with Secs. 4 and 5.

SEC. 4. *Notice of pre-issuance hearing.* Notice of any price hearing ordered prior to the issuance of a ceiling price regulation shall be given by publication of such notice in the FEDERAL REGISTER, and may be supplemented by notice given in any other appropriate manner. The notice shall state the time and place of the price hearing and shall contain an appropriate indication of the purposes of such hearing.

SEC. 5. *Conduct of pre-issuance hearing.* A price hearing held prior to the issuance of a ceiling price regulation shall be conducted in such manner, consistent with the need for expeditious action, as will permit the fullest possible presentation of evidence by such persons as are, in the judgment of the Director, best qualified to provide information with respect to matters considered at the hearing or most likely to be seriously affected by action which may be taken as a result of the hearing.

SEC. 6. *Statement of considerations.* Every ceiling price regulation shall be accompanied by a statement of the considerations involved in its issuance. Such statement may include economic data and other facts of which the Director has taken official notice and facts found by the Director as a result of action taken under section 705 of the act.

SEC. 7. *Notice of provisions of a ceiling price regulation.* Notice of the provisions of a ceiling price regulation shall be given by filing such regulation with the Division of the FEDERAL REGISTER. As soon as possible after the filing of such regulation, the Assistant Director for Public Information shall make copies thereof available to the press.

SEC. 8. *Effective date.* The effective date of a ceiling price regulation shall be the date specified in such regulation.

ARTICLE III—APPLICATIONS FOR ADJUSTMENT

SEC. 11. *Right to apply for adjustment.* Unless otherwise provided, any person subject to a ceiling price regulation who seeks adjustment under an adjustment provision thereof, shall make application therefor pursuant to the provisions of this article.

SEC. 12. *Place of filing.* All applications shall be filed with the Director of Price Stabilization, Washington 25, D. C.

SEC. 13. *Form of application.* (a) Applications for adjustment shall be filed upon such forms as the Director shall from time to time prescribe. If no form has been designated for applications for the particular type of adjustment sought, the application shall set forth the following:

(1) Name and post office address of the applicant, the nature of his business, and the manner in which he is subject to the price regulation in question.

(2) A designation of the provision for adjustment pursuant to which the application is filed.

(3) The information, if any, required by the terms of the applicable adjustment provision.

(4) A clear and concise statement of the facts upon which applicant relies to qualify him for adjustment under the applicable adjustment provision, to the extent that such facts are not furnished under paragraph (a) (3) of this section.

(5) A statement of the specific adjustment or other relief sought.

(b) Applications for adjustment and all accompanying documents shall be filed in duplicate.

SEC. 14. *Applications must be signed.* Any application for adjustment filed pursuant to this article, inclusive, shall be signed either by the applicant personally, or if a partnership by a partner, or if a corporation or association by a duly authorized officer thereof.

SEC. 15. *Joint applications; consolidation.* (a) Two or more persons may file a joint application for adjustment where at least one ground is common to all persons joining therein. A joint application shall be signed by each applicant in accordance with section 14 and shall be filed and determined in accordance with the rules governing the filing and determination of applications filed by one person. Whenever the Director deems it necessary or appropriate for the disposition of joint applications, he may treat joint applications separately, and, in any event, may require the filing of relevant materials by each individual applicant.

(b) Whenever the Director deems it necessary or appropriate for the disposition of the applications filed by more than one person, he may consolidate the applications.

SEC. 16. *Investigation of application.* Upon receipt of an application for adjustment, the Director may make such investigation of the facts involved in the application, hold such conferences, and request the filing of such supplementary information as may be necessary to the proper disposition of the application.

SEC. 17. *Action by the Director on applications for adjustment.* Within a reasonable time after the filing of an application for adjustment, the Director may either

(a) Dismiss any application for adjustment which fails substantially to comply with this article; or

(b) Grant or deny, in whole or in part, any application for adjustment which is properly pending before him. The applicant shall be informed in writing of the action so taken.

SEC. 18. *Protest of denial of application.* Any applicant whose application for adjustment has been denied in whole or in part by the Director may file a protest against such order in accordance with the provisions of Article V. The effective date of such order for the purpose of such protest shall be the date on which it was mailed to the applicant. Such protest may be based only upon grounds raised in the application for adjustment.

ARTICLE IV—PETITION FOR AMENDMENT

SEC. 21. *Right to file a petition.* A petition for amendment may be filed at any time by any person subject to or affected by a provision of a ceiling price regulation. A petition for amendment shall propose an amendment of general applicability and shall be granted or denied solely on the merits of the amendment proposed. The denial of a petition for amendment is not subject to protest or judicial review under the act.

SEC. 22. *Time and place for filing petitions: form and contents.* A petition for amendment shall be filed with the Recording Secretary of the Office of Price Stabilization, Washington 25, D. C. Five copies of the petition and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed, or prepared by a similar process, and shall be plainly legible. Copies shall be double spaced, except that quotations shall be single spaced and indented. Every petition shall contain, upon the first page thereof, the number and the date of issuance of the ceiling price regulation to which the petition relates, and shall be designated "Petition for Amendment"; shall state the name and address of the petitioner, shall specify the manner in which the petitioner is subject to or affected by the provision of the ceiling price regulation involved, and shall include a specific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate. The petition shall be accompanied by statements setting forth the evidence upon which the petitioner relies in his petition.

SEC. 23. *Joint petitions for amendment.* Two or more persons may file a joint petition for amendment. Joint petitions shall be filed and determined in accordance with the rules governing the filing and determination of petitions filed by one person. A joint petition may be filed only where at least one ground is common to all persons joining it. Whenever the Director deems it to be necessary or appropriate for the disposition of joint petitions, he may treat such joint petitions as several and, in any event, he may require the filing of relevant material by each individual petitioner.

SEC. 24. *Action by the Director on petition.* In the consideration of any petition for amendment the Director may afford to the petitioner and to other persons likely to have information bearing upon such proposed amendment, or likely to be affected thereby, an opportunity to present evidence or argument in support of, or in opposition to, such proposed amendment. Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more petitions for amendment, the Director may consolidate such petitions.

ARTICLE V—PROTESTS

SEC. 30. *Introductory Note.* Article V deals with protests. A protest is the means provided by section 407 (a) of the act for making formal objections to a regulation or order relating to price controls. Ordinarily, the filing of a protest is also a prerequisite to obtaining judicial review by the Emergency Court of Appeals of the validity of such regulations or orders. The only other method of obtaining judicial review is the filing of a complaint in the Emergency Court of Appeals after obtaining special leave to do so in an enforcement proceeding pursuant to section 408 (e) of the act.

Article V also contains provisions for consideration of protests by boards of review in accordance with section 407 (c) of the act. A protestant is entitled to consideration of his objections by a board of review if he files a protest in accordance with the provisions of this article making a specific request for consideration by a board of review in accordance with section 42 (b).

GENERAL PROVISIONS

SEC. 31. *Right to protest.* Any person subject to any provision of a regulation or order relating to price controls may file a protest against such provision in the manner set forth in this article. A person is, for the purposes of this article, subject to a provision of a regulation or order relating to price controls only if such provision prohibits or requires action by him: *Provided, however,* That a producer of an agricultural commodity shall be considered to be subject to a ceiling price regulation for the purpose of asserting any right created by section 402 (d) (3) of the act for the benefit of producers of such an agricultural commodity.

SEC. 32. *Improper protestant.* Any protest filed by a person not subject to the provision protested may be dismissed by the Director.

SEC. 33. *Time and place for filing protests.* (a) A protest against a provision of a regulation or order relating to price controls may be filed at any time within six (6) months after the effective date of such regulation or order, or, in the case of new grounds arising after the effective date of such regulation or order, within six (6) months after such new grounds arise. In the latter case, the protest shall state the new grounds which are the basis for the delayed protest, and shall make clear when such new grounds arose and in what respect they were not available upon the effective date of the regulation or order protested.

(b) Protests shall be filed with the Recording Secretary of the Office of Price Stabilization, Washington 25, D. C., and shall be deemed filed on the date received by the Recording Secretary.

SEC. 34. *Form of protest and number of copies.* Every protest shall contain upon the first page thereof a heading or title clearly designating it as a protest. The protest shall also contain on the first page thereof, the number of the ceiling price regulation, or appropriate identification of any other regulation or order, against which the protest is di-

rected. Six copies of the protest and of all accompanying documents and briefs shall be filed.

SEC. 35. *Assignment of docket number.* Upon receipt of a protest it shall be assigned a docket number, of which the protestant shall be notified, and all further papers in the proceedings shall contain on the first page thereof the docket number so assigned and the number of the ceiling price regulation, or appropriate identification of any other regulation or order, being protested.

SEC. 36. *Protest and evidential material not conforming to the requirements of this Article.* In any case where a protest or accompanying evidential material does not conform, in a substantial respect, to the requirements of this Article, the Director may dismiss such protest, or, in his discretion, may strike such evidential material from the record of the proceedings in connection with the protest.

SEC. 37. *Joint protests.* Two or more persons may file a joint protest. Joint protests shall be filed and determined in accordance with the rules governing the filing and determination of protests filed by one person. A joint protest shall be verified in accordance with section 42 (a) (8) by each protestant. A joint protest may be filed only where at least one ground is common to all persons joining in it. Whenever the Director deems it to be necessary or appropriate for the disposition of joint protests, he may treat such joint protests as several, and, in any event, he may require the filing of relevant materials by each individual protestant.

SEC. 38. *Consolidation of protests.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more protests the director may consolidate such protests.

SEC. 39. *Amendment of protests and presentation of additional evidence.* In general, all of the objections upon which a protestant intends to rely in the protest proceedings must be clearly stated in the protest when it is filed and all of the evidence which the protestant wishes to offer in support of the protest must be filed at the same time. This rule does not apply to evidence not subject to protestant's control, dealt with in section 43 (b), and the submission of oral testimony, dealt with in section 44. A protestant may, however, be granted permission to amend his protest so as to state additional objections or to present further evidence in connection therewith upon a showing of reasonable excuse for failure to present such objections, or evidence, at the time the protest was first filed. The permission will be granted only if, in the judgment of the Director, it will not unduly delay the completion of the proceedings on the protest.

SEC. 40. *Action by the Director on protest.* (a) Within a reasonable time after the filing of any protest in accordance with this article, but in no event more than thirty (30) days after such filing, the Director shall:

(1) Grant or deny such protest in whole or in part;

(2) Notice such protest for hearing of oral testimony in accordance with section 44 or section 49;

(3) Notice such protest for hearing of oral argument by a board of review in accordance with section 53; or

(4) Provide an opportunity to present further evidence in connection with such protest. Within a reasonable time after the presentation of such further evidence, the Director may notice such protest for hearing of oral testimony in accordance with paragraph (a) (2) of this section, notice the protest for hearing of oral argument by a board of review in accordance with paragraph (a) (3) of this section, include additional material in the record of the proceedings on the protest in accordance with section 47, or take such other action as may be appropriate to the disposition of the protest.

(b) Notice of any such action taken by the Director shall promptly be served upon the protestant.

(c) Where the Director has ordered a hearing on a protest or has provided an opportunity for the presentation of further evidence in connection therewith, he shall, within a reasonable time after the completion of such hearing or the presentation of such evidence, grant or deny such protest in whole or in part.

SEC. 41. *Basis for determination of protest*—(a) *Record of the proceedings.* The factual basis upon which a protest is determined is to be found in the record of the proceedings. This record consists of the following:

(1) The protest and supporting evidential material properly filed with the Director, in accordance with sections 42 and 43;

(2) Materials incorporated into the record of the proceedings by the Director under sections 47 and 48;

(3) Oral testimony taken in the course of the proceedings in accordance with sections 44 and 49;

(4) All orders and opinions issued in the course of the proceedings;

(5) The statement of considerations accompanying the regulation or order protested; and

(6) If the protest is to an order denying an application for adjustment under a provision of a ceiling price regulation, the application, materials filed in support thereof in accordance with the provisions of the ceiling price regulation, and the order and opinion denying the application.

(b) *Facts of which the Director has taken official notice.* The record of the proceedings may also include statements of economic data and other facts of which the Director has taken official notice under section 407 (b) of the act, including facts found by him as a result of reports filed and studies and investigations made pursuant to section 705 of the act.

(c) *Briefs and arguments.* Briefs and oral arguments submitted or presented in accordance with this article are, of course, considered in the determination of a protest. They are, however, not a part of the record of the proceedings and are not included in the transcript of protest proceedings which is filed, in case of appeal, with the Emergency Court of Appeals.

CONTENTS OF PROTESTS AND SUPPORTING MATERIALS

SEC. 42. *Contents of protests*—(a) *What each protest must contain.* Every protest shall set forth the following:

(1) The name and the post office address of the protestant, the nature of his business, and the manner in which the protestant is subject to the provision of the regulation or order being protested;

(2) The name and post office address of any person filing the protest on behalf of the protestant and the name and post office address of the person to whom all communications from the Director relating to the protest shall be sent;

(3) A complete identification of the provision or provisions protested, citing the number of the ceiling price regulation or otherwise identifying any other regulation or order being protested, and further citing the date of issuance of such regulation or order and the section or sections thereof to which objection is made;

(4) Where the protest is filed more than six (6) months after the effective date of a regulation or order, based on new grounds arising after such effective date, the delayed protest shall be justified as provided in section 33 (a).

(5) A clear and concise statement of all objections raised by the protestant against the provision or provisions protested, each such objection to be separately stated and numbered;

(6) A clear and concise statement of all the facts alleged in support of each objection;

(7) A statement of the relief requested by the protestant, including, if the protestant requests modification of a provision of the regulation or order, the specific changes which he seeks to have made in the provision;

(8) A statement signed and sworn to (or affirmed) before an officer authorized to take oaths either by the protestant personally, or, if a partnership, by a partner, or, if a corporation or association, by a duly authorized officer, that the protest and the documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information and belief. The protestant shall specify which of the facts alleged are known to be true and which are alleged on information and belief.

(b) *Request for consideration by a board of review.* A protestant who wishes his protest considered by a board of review must specifically so request, indicating, if he wishes to offer oral argument, the order of his preference as to (1) argument before a board of review in Washington, D. C.; (2) argument before a subcommittee consisting of one member of a board at a location named by him. Section 52 sets forth the considerations which will be determinative in the decision as to where oral argument may be heard. The request for consideration by a board of review must be made either in the protest or in an amendment thereto filed within fifteen

(15) days of the date the protest is filed. Such an amendment shall be deemed filed within the fifteen (15) day period if it is received by the Director of Price Stabilization, Washington 25, D. C., no later than the fifteenth day after the protest was filed. Further provisions with respect to proceedings before a board of review are to be found in sections 50 to 57, inclusive.

SEC. 43. *Affidavits or other written evidence in support of protest.* Every protestant shall file, together with his protest, the following:

(a) Affidavits and any other written evidence, setting forth in full all the evidence the presentation of which is subject to the control of the protestant upon which the protestant relies in support of the facts alleged in the protest. Each such affidavit shall state the name, post office address, and occupation of the affiant; his business connection, if any, with the protestant; and whether the facts set forth in the affidavit are stated from personal knowledge or on information and belief. In every instance the affiant shall state in detail the sources of his information.

(b) A statement by the protestant in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, upon which he believes he can rely in support of the facts alleged in his protest. Such statement shall be accompanied by an application for assistance, by way of subpena, interrogatories, or otherwise, in obtaining the documentary evidence, or the evidence of persons, not subject to protestant's control, showing, in any case, what material facts would be adduced thereby. Such application, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and where the oral testimony of such person is requested the application shall set forth the basis for such request as provided in section 44 (a). Where the application calls for the production of documents, it shall specify them with sufficient particularity to enable them to be identified for purposes of production.

SEC. 44. *Receipt of oral testimony.* (a) In most cases, evidence in protest proceedings will be received only in written form. However, the protestant may request the receipt of oral testimony. Such request shall be accompanied by a showing by the protestant as to why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the protest.

(b) In the event that the Director orders the receipt of oral testimony, notice shall be served on the protestant not less than five (5) days prior to the receipt of such testimony. If a hearing is to be held to receive the testimony, the notice shall state the time and place of the hearing and the presiding officer designated by the Director.

(c) A stenographic report of any hearing of oral testimony shall be made, a copy of which shall be available during business hours in the office of the Recording Secretary of the Office of Price Stabilization, Washington 25, D. C. Protestants who wish a copy of the report may obtain it by requesting the reporter at the hearing to make a copy for them and paying the cost thereof.

SEC. 45. *Submission of brief by protestant.* The protestant may file with his protest and accompanying evidential material a brief in support of the objections set forth in the protest. Such brief shall be submitted as a separate document, distinct from the protest and evidential material.

MATERIAL IN SUPPORT OF THE REGULATION PROTESTED

SEC. 46. *Statements of considerations.* The statement of considerations accompanying a ceiling price regulation at the time of issuance contains economic and other material supporting the regulation. This statement, a copy of which can be obtained from the Recording Secretary is a document of public record, filed with the Division of the FEDERAL REGISTER. It is considered a part of the record of protest proceedings without formal incorporation therein.

SEC. 47. *Incorporation of material in the record by the Director.* In addition to the statement of considerations, the Director shall include in the record of the proceedings on the protest such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provisions against which the protest is filed. When such evidence is incorporated into the record, and is not so incorporated at a hearing of oral testimony, copies thereof shall be served upon the protestant, and the protestant will be given a reasonable opportunity to present evidence in rebuttal thereof. Such evidence may be included either at an interim stage of the proceedings or in an opinion accompanying an order denying the protest as contemplated by section 59.

SEC. 48. *Other written evidence in support of the ceiling price regulation.* (a) Any person affected by the provisions of a ceiling price regulation may at any time after the issuance of such regulation submit to the Director a statement in support of any such provision or provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the ceiling price regulation in question, and may be accompanied by affidavits and other data in written form. Each such supporting statement shall conform to the requirements of section 34.

(b) In the event that a protest has been, or is subsequently, filed against a provision of a ceiling price regulation in support of which a statement has been submitted, the Director may include such statement in the record. If such supporting statement is incorporated into the record, and is not so incorporated at a hearing of oral testimony, copies of such supporting statement shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

SEC. 49. *Receipt of oral testimony in support of the regulation.* Ordinarily, material in support of the ceiling price regulation protested, like material in support of protests, will be received in the protest proceeding only in written form. Where, however, the Director is satisfied that the receipt of oral testimony is necessary to the fair and expeditious disposition of the protest, he may, on his own motion, direct such testimony to be received. In that event, the oral testimony will be taken in the manner provided in section 44.

BOARDS OF REVIEW

SEC. 50. *Right to consideration by a board of review.* Under section 407 (c) of the act, any properly filed protest must, upon the protestant's request, be considered by a board of review before it can be denied in whole or in part. Consideration of the record in a protest proceeding by a board of review is undertaken for the purpose of reconsidering the provision or provisions of the ceiling price regulation, or other regulation or order, protested and recommending action relative thereto to the Director. A board of review considers the protest upon the basis of the record which has been developed in the proceedings. Protestant is accorded an opportunity to present oral argument to a board, upon the basis of the objections raised in the protest and the evidence in the record, and guided by the explanatory statement of the issues in the notice of consideration by a board of review. Section 41 explains the nature of the record in the proceedings. Section 42 (b) explains the nature of such a request and states the time within which it must be filed.

SEC. 51. *Composition of boards of review.* A board of review is composed of one or more officers or employees of the Office of Price Stabilization designated by the Director to review the record of the proceedings on a particular protest and make recommendations to him as to its disposition. The number of members constituting a board will be determined in the light of the scope and complexity of the issues presented. When a board consists of more than one member, ordinarily one member shall be selected who is or has been directly engaged in the administration of the ceiling price regulation protested. The protestant will be advised of the membership of a board considering his protest, and, if the board consists of more than one member, of the member selected to preside, in the notice of consideration by a board provided for in section 53. When necessitated by incapacity of a member or other good cause, the Director may make substitutions in the membership of the board as originally constituted.

SEC. 52. *Where boards of review hear oral argument.* A board of review consisting of more than one member will ordinarily hear oral argument at the office of the Director of Price Stabilization, Washington, D. C., and only in exceptional cases and for good cause shown will the full board hold hearings elsewhere. A board consisting of only one member may hear argument at any designated place. Where the protestant has

requested that oral argument be heard at some other place than Washington, D. C., and where the board consists of more than one member, a subcommittee thereof may be designated to hear argument at the place requested or at some other convenient place.

SEC. 53. *Notice of consideration by a board of review.* Before denial of any protest in whole or in part in which the protestant has requested consideration by a board of review in accordance with section 42 (b) which has not subsequently been waived by the protestant, notice of consideration by a board of review will be sent by registered mail to the protestant. Sending of notice marks a close of the record of the evidence in a protest proceeding. The notice will indicate the issues thought to be determinative of the case which may serve as a guide to the protestant in planning oral argument. The notice of consideration shall contain, or be accompanied by, the following items, as nearly as the circumstances permit:

(a) Information identifying the protest, including the ceiling price regulation or other regulation or order being protested and the docket number;

(b) A list of the documents comprising the completed record of the proceeding;

(c) A brief statement of the issues involved;

(d) A statement of the time (which shall not be less than seven (7) days from the date of the mailing of the notice) and place where a board of review or a subcommittee thereof will hear oral argument;

(e) A list of persons comprising the board of review which is thereby appointed to consider the protest, with their official titles and a designation of the presiding member if the board of review is composed of more than one person.

SEC. 54. *Waiver of right to consideration in whole or in part.* A protestant who has properly requested consideration by a board of review in accordance with section 42 (b) may, if he so desires, waive his right to consideration by a board. If he chooses, he may have his protest considered by a board, waiving his right to oral argument before a board. Such waiver shall be in writing and shall constitute a part of the record of proceedings on the protest. Failure of a protestant to appear at a hearing of oral argument, which he has not waived in accordance with the foregoing, at the time and place specified in the notice of consideration, shall, unless a reasonable excuse is shown, also constitute waiver of his right to consideration by a board. Unexcused failure to appear at a hearing of oral argument shall be noted on the record of proceedings. A waiver by less than all of a group of joint protestants shall not affect the rights of a protestant who has made no waiver.

SEC. 55. *Hearing of oral argument.* (a) Argument before a board of review by a protestant shall ordinarily be limited to one hour except for good cause shown. Where the magnitude of the issues involved warrants more extended discussion, or where the protestants are numerous, the board may extend or limit the time of each protestant in its discretion. Specific argument shall be confined to objections set forth in the protest or to other evidence in the record. Hearings of argument will be open to the public. Where argument is to be heard by a board of review consisting of more than one member, a majority of such board shall constitute a quorum for the purpose of hearing argument. Presentation of oral argument may be accompanied by submission of a brief (see section 41 (c)).

(b) A stenographic report of all hearings of oral argument by boards of review may be taken. The report will be transcribed at the direction of the board if a transcription is desired to facilitate consideration of the protest. The report shall be transcribed if the argument is heard by a subcommittee of a board. If the report is transcribed, a copy shall be available for inspection during business hours in the office of the Recording Secretary of the Office of Price Stabilization, Washington, D. C. Protestants who wish a copy of the report may obtain it by requesting the reporter at the hearing to make a copy for them and paying the cost thereof.

SEC. 56. *Action by boards of review at the conclusion of their consideration of a protest.* Within a reasonable time after the hearing of oral argument or after the closing of the record, if such argument has been waived, a board of review shall submit its recommendations in writing to the Director as to the disposition of the protest. The recommendations of a majority of the members of a board shall constitute the recommendations of the board but the disagreement of any member with the recommendations shall be expressly noted. A board of review shall recommend to the Director that the protest be granted or denied in whole or in part. If it is the opinion of the board that the record in the proceeding should be expanded, it may refer the record of the proceeding to the Director in order that the Director may consider permitting the amendment of the protest or the receipt of additional evidence. Records will, however, be reopened only in very exceptional circumstances and where the requirements of section 39 can be met.

SEC. 57. *Action by Director after receipt of board of review's recommendations.* After receipt of a board of review's recommendations as to the disposition of the protest, the Director shall, within a reasonable time, grant or deny the protest in whole or in part.

DETERMINATION OF PROTEST

SEC. 58. *Order granting protest in whole.* Where the Director grants a protest in whole, a copy of the order shall be sent to the protestant by registered mail. If the protest has been considered by a board of review, the protestant will be advised of the recommendations of the board in an appendix to the Director's order.

SEC. 59. *Order and opinion denying protests in whole or in part.* In the event that the Director denies any protest in whole or in part, a copy of the Director's order and opinion shall be sent to the protestant by registered mail. In such opinion the protestant shall be informed of any economic data or other facts of which the Director has taken official notice, the grounds upon which such decision is based, and (if the protest has been considered by a board of review) the recommendations of a board of review and, if any recommendation of such a board has been rejected, the reason for rejection.

SEC. 60. *Treatment of protest as petition for amendment or an application for adjustment.* Any protest filed against a provision of a ceiling price regulation, or other regulation or order, may, in the discretion of the Director, be treated not only as a protest but also as a petition for amendment of the regulation or order protested or as an application for adjustment pursuant thereto, when the facts produced in connection with the protest justify such treatment.

SEC. 61. *Petitions for reconsideration.* An order denying a protest may include leave to file a petition for reconsideration within a specified period. If the order of denial does include leave to file a petition for reconsideration, the filing of such a petition within the time provided shall automatically vacate the order of denial and reopen the protest proceeding.

ARTICLE VI—INTERPRETATIONS

SEC. 71. *Who may render official interpretations, and the effect thereof.* (a) Action taken in reliance upon and in conformity with an official interpretation of a provision of any regulation or order (prior to any revocation or modification of such interpretation or to any superseding thereof by regulation, order or amendment) shall constitute action in good faith pursuant to the provision of the regulation or order to which such official interpretation relates.

(b) Interpretations of regulations or orders will be regarded by the Office of Price Stabilization as official only where issued by the Chief Counsel of the Office of Price Stabilization or one of his delegatees, and shall be given only in writing. An official interpretation shall be applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which, it is rendered, unless published in the FEDERAL REGISTER as an interpretation of general application.

SEC. 72. *Requests for interpretations: form and contents.* Any person desiring an official interpretation of a regulation or order shall request it in writing from the Chief Counsel of the Office of Price Stabilization. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as is practicable, state the names and post-office addresses of the persons involved. If the interpretation will affect operations of establishments located in more than one state, the request shall name the states in which the establishments are located. No interpretation shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

SEC. 73. *Revocation or modification of interpretation.* Any generally applicable official interpretation of a regulation or order may be revoked or modified by a statement or notice by the Chief Counsel of the Office of Price Stabilization or his delegatees published in the FEDERAL REGISTER. An official interpretation addressed to a particular person may be revoked or modified at any time by a statement in writing mailed to such person and signed by the Chief Counsel of the Office of Price Stabilization or one of his delegatees.

ARTICLE VII—MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. 81. *Witness fees.* Witnesses summoned to give testimony shall be paid the fees and mileage specified by section 705 (c) of the act. Witness fees and mileage shall be paid by the person at whose instance the witness appears.

SEC. 82. *Improper conduct.* Improper conduct, obstructive to the course of any hearing, shall be sufficient cause for the adjournment of that hearing or for the exclusion of the offending party.

SEC. 83. *Continuance or adjournment of hearings.* Any hearing may be continued or adjourned to a later date or a different place by announcement at the hearing by the person who presides.

SEC. 84. *Subpenas.* Subpenas may require the production of documents or the attendance of witnesses at any designated place. Service of a subpena upon a person named therein shall be made by delivering a copy thereof to such person or leaving a copy at his regular place of business or abode and by tendering to him the fees and mileage specified in section 705 (c) of the act. When the subpena is issued at the instance of the Director, fees and mileage need not be tendered. Any person 18 years of age or over may serve a subpena. The person making the service shall make an affidavit thereof describing the manner in which service is made, and return such affidavit on or with the original subpena forthwith to the Recording Secretary. In case of failure to make service, the reasons for the failure should be stated on the original subpena.

SEC. 85. *Representation.* A party in interest to any proceeding governed by Article III, IV, V, or VI of this regulation may by written power of attorney authorize any person to represent him therein. In proceedings governed by Article III, IV, or V, such power of attorney, signed and sworn to by the party in interest, shall be submitted to the Recording Secretary of the Office of Price Stabilization and shall become part of the record in the proceeding.

SEC. 86. *Service of papers.* Notices, orders, and other process and papers may be served personally or by leaving a copy thereof at the principal office or place of business of the person to be served; or by registered mail, or by telegraph. When service is made personally or by leaving a copy at the principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph, the return post-office receipt or telegraph receipt shall be proof of service. Where the party in interest has filed a power of attorney authorizing another person to represent him as provided in section 85, service upon such representative shall be deemed service upon the party in interest.

SEC. 87. *Office hours.* The Washington Office of the Office of Price Stabilization, Washington, D. C., shall be open on week days from 8:30 a. m. until 5:00 p. m. Any person desiring to file papers with the Director of Price Stabilization or with the Recording Secretary of the Office of Price Stabilization or to inspect any documents filed with the Director or Recording Secretary at any time other than the regular office hours, may file a written application with the Recording Secretary of the Office of Price Stabilization requesting permission therefor.

SEC. 88. *Time of filing; effect of Sundays and holidays.* Where a regulation requires the filing of any records, reports, or information, they shall be filed with the appropriate office, and shall be deemed filed on the date received by said office: *Provided,* That where the day or the last day fixed by any regulation or order of the Office of Price Stabilization for taking any action, doing any act required or permitted to be done, or filing any records, reports, or information falls on a Sunday or on a holiday, the action may be taken, the act may be done, or the filing complied with on the next succeeding busines day.

SEC. 89. *Confidential information: inspection of documents filed with the Recording Secretary of the Office of Price Stabilization.* (a) Information obtained under section 705 of the act, which the Director deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, shall not be published or disclosed unless the Director determines that the withholding thereof is contrary to the interest of the national defense.

(b) All protests and orders and opinions in connection therewith are open to inspection in the office of the Recording Secretary of the Office of Price Stabilization, upon such reasonable conditions as he may prescribe. Information submitted in a protest proceeding with a request for confidential treatment, and confidential material incorporated by the Director into a protest proceeding, will be treated as confidential to the extent consistent with the proper conduct of the protest proceeding. In the event of a complaint being filed in the Emergency Court of Appeals, such information and such material will be included in the transcript of the protest proceeding to the extent that it is material under the complaint.

(c) All letters denying petitions for amendment and all orders and opinions granting or denying in whole or in part any application are open to inspection in the office of the Recording Secretary of the Office of Price Stabilization, upon such reasonable conditions as he may prescribe.

(d) To the extent that this section provides for the disclosure of confidential information, it shall be deemed a determination by the Director, pursuant to section 705 (e) of the Defense Production Act of 1950, that the withholding of such information is contrary to the interest of the national defense.

SEC. 90. *Definitions.* As used in this part, unless the context otherwise requires, the term:

(a) "Act" means the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.).

(b) "FEDERAL REGISTER" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), as amended.

(c) "Ceiling price regulation" means any regulation or order establishing a ceiling on prices.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

(e) "Protestant" means a person subject to any provision of a regulation or order relating to price controls, who files a protest in accordance with section 407 (a) of the act.

(f) "Price hearing" means any formal or informal opportunity to present evidence which may be ordered by the Director in connection with any action or proceedings related to price control.

(g) "Holiday" includes New Year's Day, Washington's birthday, Memorial Day, Independence Day, Labor Day, Armistice Day, Christmas Day, and any day designated as a holiday (or as a day of public fasting or thanksgiving) by the President or the Congress of the United States.

SEC. 91. *Amendment of this regulation.* Any provision of this regulation may be amended or revoked by the Director at any time. Such amendment or revocation shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication, unless otherwise specified therein.

Effective date. This revision of Price Procedural Regulation 1 shall become effective on May 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 25, 1951.

[F. R. Doc. 51-6184; Filed, May 25, 1951; 10:14 a. m.]

Chapter XV—Federal Reserve System

[Regulation X, Interpretations 32 and 33]

REG. X—REAL ESTATE CREDIT

INT. 32—PUBLIC UTILITY

Privately owned public warehouse. A privately owned public warehouse used for the storage of grain and other foodstuffs is not a "public utility" within the meaning of section 2 (s) of Regulation X, and hence is not excluded from the

definition of "nonresidential structure" by section 2 (r) (4) (i) of the Regulation, even though the operations of the warehouse are supervised by a Federal or State agency. It is the Board's opinion that a warehouse is not similar to a transportation company, electric light or power company, or other similar companies specifically mentioned in section 2 (s).

INT. 33—CHURCH CONSTRUCTION

Church unit engaged in extending credit. A church organized on a nationwide basis has a central organization which, in turn, has boards and agencies. The church also has regional organizations which, in turn, have a number of congregations and missions. Each such unit of the church is a corporate entity. Credit sometimes is extended by such units in connection with new construction being purchased or constructed by other units of the church. The question has been raised whether the credit is subject to the provisions of Regulation X.

The credit is not subject to the Regulation if the new construction is a church because section 2 (r) (3) of the Regulation excludes churches from the definition of "nonresidential structure". However, credit extended to finance the purchase or construction of new construction covered by the Regulation is subject to the Regulation when the unit of the church extending the credit is a Registrant, that is, if the unit has made sufficient extensions of credit to be deemed to be engaged in the business of extending real estate credit. So long as such units are corporate entities, the funds borrowed must be considered as funds of the units lending them rather than funds of the over-all church organization.

It may be noted, however, that the Regulation does not affect in any way the purchase or construction of new construction by a unit of the church in possession of the necessary funds, or its participation on an equity basis in the construction or purchase of new construction by another unit of the church.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Interpret or apply sec. 602, Pub. Law 774, 81st Cong., E. O. 10161)

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

[F. R. Doc. 51-6068; Filed, May 25, 1951; 8:46 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 2, Amendment 1]

DFO 2—PROCESSED FRUITS AND VEGETABLES; SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of this amendatory order are necessary and appropriate to promote the national defense; and it is, therefore, made effective pursuant to the Defense Production Act of 1950 (Pub. Law 744, 81st Cong., approved September 8, 1950), Executive Order No. 10161 (15 F. R. 6105), Executive Order No. 10200 (16 F. R. 61), Defense Production Administration Delegation No. 1 (16 F. R. 738), and Secretary's Memorandum No. 1270, as amended (15 F. R. 6424; 16 F. R. 2446). In the formulation of Defense Order 2 (16 F. R. 3345), there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. Since this amendment is merely a clarification of Defense Food Order 2, consultation with industry representatives concerning the proposed action is not deemed necessary.

The purpose of this amendment to Defense Food Order 2 is to make it clear that the persons subject to the provisions of the order and sub-orders thereunder are those who actually process the specified foods, whether for themselves or for others. The food so processed is to be included in computing, and complying with, requisite set-aside obligations.

Defense Food Order 2 (16 F. R. 3345) is amended as follows:

1. Delete the provisions of paragraph (c) of section 1, *Definitions*, and substitute, in lieu thereof, the following:

(c) "Processor" means any person engaged in commercial processing resulting in the production of processed food for his own account or for the account of others.

2. Add a new paragraph (g) at the end of section 1 as follows:

(g) "Produce" means to process for the processor's own account or for the account of others.

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

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

Done at Washington, D. C., this 23d day of May 1951.

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

[F. R. Doc. 51-6105; Filed, May 24, 1951; 9:10 a. m.]

[Defense Food Order 2, Sub-Order 2]

DFO 2—PROCESSED FRUITS AND VEGETABLES; SET ASIDE REQUIREMENTS

SO 2—CANNED FRUITS—SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and this order is, therefore, made effective pursuant to the authority vested in me by Defense Food Order 2 (16 F. R. 3345). In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This order names the canned fruits which are required to be set aside and reserved for procurement by Government agencies pursuant to Defense Food Order 2. In addition, it provides a formula for determining the specific quantity of each canned fruit to be set aside by each processor. This formula consists of the establishment for each processor of a "base pack," to which is applied a prescribed percentage stated in the order. The order prescribes a time schedule for processors to meet in accumulating the set-aside quantity as the packing season progresses. It also sets forth processors' reporting requirements. It designates the Quartermaster General, United States Department of the Army, and his designees as the authorized purchasers of the canned fruits so set aside and reserved.

The composition of the quantity of canned fruits set aside under this order is not prescribed, but the order does indicate the preferences of Government agencies with respect to type, style, grade, and container sizes and types for each canned fruit.

The order does not apply to any processor whose aggregate set-aside quotas for all canned fruits amount to less than 1,500 cases.

Sec.
1. Definitions.
2. Canned fruits to be set aside and reserved.
3. Stocks to be set aside.
4. Table I.
5. Exemptions.
6. Reports.
7. Designation of authorized purchasers.
8. Territorial scope.

AUTHORITY: Sections 1 to 8, issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *Definitions.* (a) Except as otherwise provided in this order, terms used in this order shall have the same meaning as when used in Defense Food Order 2 (16 F. R. 3345).

(b) "Canned fruit" means each of the processed foods produced during the quota period therefor and listed in Column A of Table I.

(c) "Table I" means Table I set forth in section 4 of this order.

(d) "Quota period" means:

(1) With respect to canned apples, pineapple, and pineapple juice, the period beginning on June 1, 1951, and ending on May 31, 1952, both dates inclusive; and

(2) With respect to any other canned fruit, the period beginning on January 1, 1951, and ending on December 31, 1951, both dates inclusive.

(e) "Quota period pack" means, with respect to any canned fruit, the aggregate quantity thereof produced during the quota period therefor.

(f) "Base period" means:

(1) With respect to canned berries and plums the period beginning on January 1, 1949, and ending on December 31, 1949, both dates inclusive;

(2) With respect to canned apples, pineapple, and pineapple juice, the period beginning on June 1, 1950, and ending on May 31, 1951, both dates inclusive; and

(3) With respect to any other canned fruit, the period beginning on January 1, 1950, and ending on December 31, 1950, both dates inclusive.

(g) "Base pack" means:

(1) With respect to any canned fruit produced by any processor during the base period therefor, the aggregate quantity of the canned fruit so produced; and

(2) With respect to any canned fruit that was not produced by a processor during the base period therefor, the quota period pack of such canned fruit.

SEC. 2. *Canned fruits to be set aside and reserved.* (a) The aggregate quantity of a particular canned fruit that each processor is required, pursuant to Defense Food Order 2, to set aside and reserve for the requirements of Government agencies shall be the lesser of (1) the amount obtained by multiplying his base pack for such canned fruit by the percentage listed therefor in Column B of Table I, or (2) his quota period pack of such canned fruit. Such aggregate quantity shall be the quota for such processor for such canned fruit.

(b) The canned fruit quotas are not required to be of any special composition; however, Table I sets forth the preferences of Government agencies with respect to the types, styles, grades, and container sizes and types for each of the canned fruits.

SEC. 3. *Stocks to be set aside.* (a) Except as otherwise prescribed in paragraph (b) of this section, each processor shall set aside and reserve his quota of each canned fruit in accordance with the following schedule:

(1) At least 50 percent of his quota not later than the date on which such processor's aggregate production of his quota period pack of the canned fruit is in an amount equal to 40 percent of his base pack of such canned fruit; and

(2) The balance of his quota not later than the date on which such processor's aggregate production of his quota period pack of the canned fruit is in an amount equal to 80 percent of his base pack of such canned fruit.

(b) With respect to each processor whose base pack of a particular canned fruit is his quota period pack, in accordance with section 1 (g) (2), the foregoing percentages shall be applied to the respective processor's estimate of his base pack.

SEC. 4. TABLE I—*Canned fruits: Set aside percentages and preferences with respect to style of pack, grade, and container sizes and types.*

Canned fruits (A)	Percentage of base pack (B)	Type—Style: Sequence denotes preference unless otherwise specified (C)	Grade preference [1]: First (D)	Grade preference [1]: Second (E)	Preferred container sizes and types [2] (F)
Apples	24	Sliced, heavy pack	U. S. Standard	U. S. Fancy	10's-2's.
Apricots	26	Halves, unpeeled	U. S. Choice	U. S. Fancy	10's-2½'s-8 oz.
Blackberries	28		(3)		10's-2's.
Blueberries	10		(4)		10's-2's.
Cherries, RSP	25	Water pack	U. S. Standard		10's-2's.
Cherries, sweet	27	1. Dark, unpitted 2. Light, unpitted	U. S. Choice	U. S. Fancy	10's-2½'s-8 oz.
Figs	41	Kadota	U. S. Choice	U. S. Fancy	10's-2½'s-2's.
Fruit cocktail	14		U. S. Choice	U. S. Fancy	10's-2½'s-8 oz.
Peaches	15	1. Yellow clingstone (1. Halves, 2. Slices, 3. Quarters.) 2. Yellow freestone (1. Halves, 2. Slices, 3. Quarters.)	U. S. Choice	U. S. Fancy	10's-2½'s-8 oz.
Pears	14	Bartlett (1. Halves, 2. Quarters)	U. S. Choice	U. S. Fancy	10's-2½'s-8 oz.
Pineapple	13	1. Sliced whole 2. Tidbits 3. Chunks 4. Crushed [5]	U. S. Choice	U. S. Fancy	10's-2½'s.
Pineapple juice	12	(Sweetened or unsweetened) Unsweetened	U. S. Fancy		3 cyl's-10's.
Purple plums	26	Whole, unpeeled, unpitted	U. S. Choice	U. S. Fancy	10's-2½'s-8 oz.

[1] Grades are those defined in applicable U. S. Standards.
[2] 75 percent of requirements are preferred in container size listed first.
[3] Federal Specification Z-B-421, grade D, water pack or pie.
[4] Federal Specification Z-B-491 a, grade C, water pack.
[5] Not more than 30 percent of requirement is preferred of crushed style.

SEC. 5. *Exemptions.* The provisions of this order shall not apply to any processor whose aggregate set aside quotas for all canned fruits amount to less than 1,500 cases.

SEC. 6. *Reports*—(a) *Base period production.* Each processor shall file with the Director, within 30 days after the effective date of this order, an accurate report on DFO Form–4 showing the following information with respect to each canned fruit produced by such processor during the base period:

(1) Date; name and address of processor; and

(2) Total quantity, in terms of dozens of containers, by container types and sizes.

(b) *Quota period production.* Each processor who proposes to produce any canned fruit during the quota period which he did not produce during the base period shall file with the Director, (1) within 30 days after the effective date of this order, a report on DFO Form–4 showing his estimate of his proposed production of such canned fruit during the quota period, and (2) within 10 days after the completion of his quota period pack of such canned fruit, an additional report on DFO Form–4 showing his actual production thereof during the quota period. Estimated production and actual production shall be shown on DFO Form–4 in the column headed "Quantity of Pack" and shall indicate that the information thereunder relates to the quota period pack by marking such column "Estimated" or "Actual 1951 Production," as the case may be.

(c) *Time of filing.* Any report required to be filed pursuant to this order shall be deemed to be filed when it is post-marked, if mailed, or when it is received by the Director, if otherwise delivered.

SEC. 7. *Designation of authorized purchasers.* The Quartermaster General, United States Department of the Army, and each of his designees for such purpose are hereby designated as authorized purchasers of canned fruit set aside and reserved under this order, pursuant to Defense Food Order 2, for the requirements of Government agencies, in such amounts as are specifically approved by the Director.

SEC. 8. *Territorial scope.* Except as prescribed with respect to canned pineapple and canned pineapple juice, the provisions of this order shall be applicable within the 48 States of the United States, and the District of Columbia. With respect to canned pineapple and canned pineapple juice, the provisions of this order shall also be applicable within Puerto Rico and the Territory of Hawaii.

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

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

Done at Washington, D. C., this 23d day of May 1951.

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

[F. R. Doc. 51-6104; Filed, May 24, 1951; 9:10 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 978]

[Docket No. AO 184–A7]

HANDLING OF MILK IN NASHVILLE, TENN., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Davidson County Courthouse, Nashville, Tennessee, beginning at 10:00 a. m., c. s. t., May 31, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order (No. 78) for the Nashville, Tennessee, marketing area have been proposed as follows:

By the Nashville Milk Producers, Inc.:

1. Amend § 978.4 so as to provide for two classes, namely combining the present Classes I and II to be known as Class I and renaming the present Class III Class II. Also, delete the present allowable shrinkage provision and provide that all shrinkage and unaccounted for milk be classified as Class I.

2. Amend § 978.5 (a) (1) to provide that the average price paid by the Midwestern condenseries for 3.5 percent milk will be adjusted to a 4.0 percent butterfat basis on a direct ratio (price ÷3.5×4).

3. Amend § 978.5 (a) (3) to provide for using the nonfat dry milk solids price spray process quoted at the Chicago, Illinois market, rather than the price quoted f. o. b. (spray and roller) Chicago area manufacturing plants. And change the present yield factor of 7½ pounds to 8½ pounds (no change on butter portion of present butterpowder formula).

4. Amend § 978.5 (b) (1) so as to establish floor prices for Class I milk (present I & II) of $6.10 per hundredweight of milk containing 4.0 percent butterfat, effective July, 1951, through March, 1952. *Provided*, That if during the 12 months prior to the month immediately preceding each delivery period from July, 1951, through March, 1952, the total volume of milk received from producers by all handlers and priced in Class II (present Class III) was more or less than 25 percent during such 12 months period, the Class I price shall be increased or decreased by 3 cents per hundredweight for each full percentage point that such Class II percentage is more or less than 25 percent. *Provided further*, That during the period July 1951–March 1952, the provision in § 978.4 (f) (ii) shall not be in effect. (Eliminates proration of other source skim milk to Class I).

5. Delete § 978.5 (b) (2). (Eliminates present Class II price.)

6. Renumber § 978.5 (b) (3) as (2) and delete the following named companies:

Swift & Co., Lawrenceburg, Tenn.
Giles County Dairy Products Co., Pulaski, Tenn.
Borden & Co., Lewisburg, Tenn.
Borden & Co., Fayetteville, Tenn.

and substitute therefor the following:

Wilson & Co., Franklin, Tenn.
Sumner County Cooperative Creamery, Gallatin, Tenn.
Pet Milk Co., Franklin, Ky.
Pet Milk Co., Bowling Green, Ky.

and provide for an increase in the Class II price (present Class III) by adding 15 cents per hundredweight for the months of August through March, inclusive.

7. Amend § 978.5 (c) (1) by substituting 1.3 for 1.4. (Reduces handlers Class I butterfat differential.)

8. Delete § 978.5 (c) (2). (Eliminates present Class II handler butterfat differential.)

9. Renumber § 978.5 (c) (3) as (2) and substitute 1.15 for 1.2. (Reduces handler butterfat differentials for manufacturing milk.)

10. Add to § 978.3 as paragraph (d) the following:

(d) Reports from the Market Administrator to Cooperative Associations. On or before the 15th day after the end of each delivery period, the Market Administrator shall report to each cooperative association as described in § 978.1 (f) the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handlers were used in each class.

By Foremost Dairies, Inc.:

11. Amend the classification provisions to the effect that skim milk and butterfat transferred or diverted by handlers in the form of fluid cream to a non-fluid milk plant shall be classified as Class II, except that it shall be classified in another class, if (i) the handler reports its use in another class and the operator of the receiving plant certifies to the market administrator in writing not later than the last day of the month next following the month in which such cream was shipped that such cream was used in the class reported by the handler, (ii) the operator of the non-fluid milk plant maintains books and records showing utilization of all skim milk and butterfat at such plant which are made available if requested by the purpose of verification, (iii) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such certification: *Provided*, That, if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified on the basis of the next highest-priced use in accordance with the classes set forth in paragraph (b) of § 978.4.

By all handlers under the regulation of order No. 78:

12. Amend the pricing provisions of the order, to the effect that the basic formula price used in determining the Class I and Class II prices for the current delivery period shall be based on the prices obtaining during the delivery period immediately preceding for the items represented by subparagraphs (a) (1), (a) (2), (a) (3) and (b) (3) of § 978.5.

By the Dairy Branch, Production and Marketing Administration:

13. Make such other changes as may be required to make the entire marketing agreement and the order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement, and the order now in effect, may be procured from the market administrator, 309 Presbyterian Building, Nashville 3, Tennessee, or from the Hearing Clerk, United States Department of Agriculture, Room 1353 South Building, Washington 25, D. C., or may be there inspected.

Filed at Washington, D. C., this 23d day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51–6106; Filed, May 25, 1951; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR, Part 6]

MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

OPEN SEASONS, SHOOTING HOURS AND BAG LIMITS

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), as amended, notice is hereby given that the Secretary of the Interior proposes to take the following action:

To adopt amendments to the regulations relating to migratory birds and

certain game mammals which will specify open seasons, shooting hours, and bag limits for migratory game birds, and will define conditions under which depreciation permits will be issued.

The proposed amendments specifying open seasons, limits and shooting hours for migratory game birds except woodcock, coot and waterfowl, but including scoter, eider and old squaw ducks in open coastal waters beyond outer harbor limits in north Atlantic Coast States and waterfowl and coot in Alaska, and those relating to other matters will be adopted not later than August 1, 1951, and will become effective September 1, 1951. The proposed amendments specifying open seasons, limits and shooting hours for woodcock, other waterfowl and coot will be adopted not later than August 31, 1951 and will become effective October 1, 1951.

The public is hereby invited to participate in the preparation of the amended regulations to be adopted as set forth above, by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C. on or before July 9, 1951.

DALE E. DOTY,
Assistant Secretary of the Interior.

MAY 22, 1951.

[F. R. Doc. 51-6064; Filed, May 25, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM 08285]

OKLAHOMA

NOTICE OF FILING OF PLAT OF SURVEY

MAY 21, 1951.

Notice is given that the plat of original survey of the following described lands, accepted February 15, 1949, will be officially filed in this Bureau effective at 10:00 a. m. on the 35th day after the date of this notice:

INDIAN MERIDIAN, OKLAHOMA

T. 16 N., R. 14 W.,
Sec. 31, lot 8;
Sec. 32, lot 6.

The area described aggregates 49.00 acres.

Available data indicates that the land is level river bottom accretion land.

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

At the hour and date specified above the said land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

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

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51-5974; Filed, May 25, 1951; 8:45 a. m.]

Office of the Secretary

[Order No. 2637]

SUPERINTENDENT, NATIONAL CAPITAL PARKS, NATIONAL PARK SERVICE

DELEGATION OF AUTHORITY WITH RESPECT TO PERFORMANCE OF DUTIES BY U. S. PARK POLICE ON DAYS OFF

1. The Superintendent, National Capital Parks, is authorized to permit officers or members of the United States Park Police force voluntarily to perform duty as such officers or members on their days off, as provided in the act of March 27, 1951 (Pub. Law 13, 82d Cong.).

2. Actions heretofore taken by the Superintendent, National Capital Parks, with respect to permitting such officers or members voluntarily to perform duty on their days off as provided in the above-mentioned act, are hereby ratified.

(R. S. 161; 5 U. S. C. 22)

Issued this 21st day of May 1951.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-6065; Filed, May 25, 1951; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 26]

BULOVA WATCH CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Bulova Watch Company, 630 Fifth Avenue, New York 20, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section

and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of Bulova Watches manufactured by Bulova Watch Company having the brand name(s) "Bulova" shall be the proposed retail ceiling prices listed by Bulova Watch Company in its application dated April 18, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 25, 1951, Bulova Watch Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Bulova Watch Company must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------- per -------{unit. dozen. etc.}	
Terms ------- (net or percent EOM, etc.)	$-------;

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 25, 1951.

[F. R. Doc. 51-6163; Filed, May 25, 1951; 8:46 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 27]

HONEYBUGS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Honeybugs, Inc., 47 West 34th Street, New York 1, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of Women's Footwear manufactured by Honeybugs, Inc. having the brand name(s) "Honeybugs" and "Honeydebs" shall be the proposed retail ceiling prices listed by Honeybugs, Inc. in its application dated May 9, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order

shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 25, 1951, Honeybugs, Inc. must mark each article for which a ceiling price hase been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Honeybugs, Inc. must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------- per -------{unit. dozen. etc.	
Terms ------- (net or percent EOM, etc.)	$-------;

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 25, 1951.

[F. R. Doc. 51-6164; Filed, May 25, 1951; 8:46 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 28]

ARTISTIC FOUNDATIONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Artistic Foundations, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of foundation garments manufactured by Artistic Foundations, Inc., 417 Fifth Avenue, New York 16, N. Y., having the brand names "Flexees," "Profile," "Corsees," "Panteez," "Avant Bra" and "Coolaire" and described in the manufacturer's printed Spring 1951 Price Chart enclosed with the manufacturer's application dated March 9, 1951. The manufacturer's prices listed below carry a discount of 8/10, EOM.

BRASSIERES

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$15.00	$1.95
21.00	2.95
28.50	3.95
36.00	4.95
42.00	5.95
GIRDLES AND COMBINATIONS	
$22.50	$2.95
36.00	4.95
48.00	6.95
54.00	7.95
60.00	8.95
72.00	10.95
78.00	11.95
84.00	12.95
102.00	15.95
120.00	18.95

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 25, 1951, Artistic Foundations, Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $---------

On and after July 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Artistic Foundations, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 25, 1951.

[F. R. Doc. 51-6165; Filed, May 25, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9801]

CHARLES H. CHAMBERLAIN

ORDER CONTINUING HEARING

In re application of Charles H. Chamberlain, Bellefontaine, Ohio, Docket No. 9801, File No. BP-7675, for construction permit.

The Commission having under consideration a petition filed on May 16, 1951, by Charles H. Chamberlain, requesting that the hearing now scheduled to be held on the above-entitled application, on May 25, 1951, at Washington, D. C., be continued for a period of sixty days, or without date; and

It appearing, from the allegations in the said petition that the petitioner is now preparing and expects to file in the near future, a petition to reconsider and grant his application without a hearing which, if granted, may render unnecessary a formal hearing thereon; and

It further appearing, that all of the parties to the above-entitled proceeding have agreed to a grant of the petition under consideration and to a waiver of § 1.745 of the Commission's rules, relating to the timely filing of motions;

It is ordered, this 18th day of May 1951, That the above-entitled petition be, and it is hereby, granted, and that the hearing on the above-entitled application is hereby continued until further order.

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

[F. R. Doc. 51-6097; Filed, May 25, 1951; 8:50 a. m.]

[Docket No. 9941]

HARMCO, INC. (KROY)

ORDER CONTINUING HEARING

In re application of Harmco, Inc. (KROY), Sacramento, California, Docket No. 9941, File No. BP-7918, for construction permit.

The Commission having under consideration a petition filed May 10, 1951, by Harmco, Inc. (KROY), Sacramento, California, requesting a continuance of the hearing presently scheduled for June 7, 1951, at Washington, D. C., in the proceeding upon its above-entitled application for construction permit; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, this 18th day of May 1951, That the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Friday, September 7, 1951, at Washington, D. C.

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

[F. R. Doc. 51-6096; Filed, May 25, 1951; 8:50 a. m.]

[Docket Nos. 9978, 9979]

SOUTHLAND BROADCASTING CO. AND FREQUENCY BROADCASTING SYSTEM, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Southland Broadcasting Company, New Orleans, Louisiana, File No. BL-4036, Docket No. 9978, for license to cover construction permit for Station KCIJ, Shreveport, Louisiana, and application of Southland Broadcasting Company and Frequency Broadcasting System, Inc., File No. BAP-149, Docket No. 9979, for assignment of construction permit of Station KCIJ, Shreveport, Louisiana.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of May 1951;

The Commission having under consideration the above applications for license to cover construction permit for Station KCIJ, Shreveport, Louisiana, and for consent to assignment of the aforesaid construction permit from Southland Broadcasting Company to Frequency Broadcasting System, Inc.; and

It appearing, on the basis of information contained in the above applications and information obtained by the Commission in the course of its independent investigation of the matter, that serious questions relating to a possible unauthorized construction of KCIJ and an unauthorized assignment of the construction permit for Station KCIJ are present and that, therefore, the Commission is unable, at this time, to conclude that grants of the above applications would be in the public interest, convenience and necessity;

It is ordered, that the applications of Southland Broadcasting Company for license to cover construction permit for Station KCIJ and for consent to assignment of that construction permit to Frequency Broadcasting System, Inc., be designated for hearing in a consolidated proceeding to be held in New Orleans, Louisiana on July 23, 1951, upon the following issues with respect to the aforesaid license application:

1. To obtain full information as to the method or methods of financing of Southland Broadcasting Company from July 17, 1947, the date of filing of applications for construction permits for new standard broadcast stations in New Orleans (BP-6212—WMRY) and Shreveport (BP-6211—KCIJ), Louisiana, to date and the sources of such financing and, more particularly, to determine whether the aforesaid method or methods so employed materially deviated from representations made with respect thereto in the aforesaid applications for construction permits.

2. To obtain full information as to all contracts, agreements or understandings, past or present, between Southland Broadcasting Company, its officers, directors, stockholders or agents, and Frequency Broadcasting System, Inc., its officers, directors, stockholders or agents, with respect to the construction and op-

eration of Station KCIJ, with particular reference to:

a. A certain contract of October 10, 1949, between Southland Broadcasting Company and Frequency Broadcasting System, Inc., for assignment of the construction permit for Station KCIJ to Frequency.

b. A certain contract dated February 8, 1950, between Southland Broadcasting Company and Frequency Broadcasting System, Inc., for construction of Station KCIJ by Frequency.

c. The payment, loan, or advance of funds by Frequency Broadcasting System, Inc., its officers, directors, stockholders or agents, or other persons, to Southland Broadcasting Company, its officers, directors, stockholders or agents, pursuant to the agreements referred to in (a) and (b), above, or pursuant to any other agreements which the said parties may have concluded among themselves, and to determine the nature and purpose of such payments, loans, or advances.

3. To determine whether the execution of any of the contracts, agreements or understandings referred to in Issue No. 2, above, the terms thereof or any acts of commission or omission with respect thereto, were in violation of section 319 of the Communications Act of 1934, as amended, or in violation of the rules and regulations of the Commission, with particular reference to §§ 1.321, 1.342 and 1.343 of said rules and regulations.

4. To determine whether Southland Broadcasting Company, its officers, directors, stockholders or agents, have concealed information from the Commission regarding the ownership, operation, construction or control of Station KCIJ or the financial condition of Southland Broadcasting Company, or have misrepresented facts concerning such ownership, operation, construction or control of Station KCIJ or the financial condition of Southland Broadcasting Company, in applications, reports or letters which they have filed with the Commission.

5. To determine the disposition, since the date of commencement of operation of Station KCIJ, of income received from such operation, and the manner of and authority for such disposition.

6. To determine whether the public interest, convenience and necessity would be served by grant of the above-entitled application.

And with respect to the aforesaid assignment application, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the proposed assignee, its officers, directors and stockholders, to operate and control Station KCIJ.

2. To obtain full information regarding all past and present contracts, agreements, understandings or arrangements entered into between the proposed assignor and the proposed assignee with respect to the assignment of construction permit of Station KCIJ, including the consideration to be paid and the properties to be received therefor, and more particularly to determine whether the terms of Section IV of the contract of sale (Exhibit 2, BAP–149) between Southland Broadcasting Company and Frequency Broadcasting System, Inc. conflicts with § 3.109 (a) of the Commission's rules and regulations.

3. To obtain full information as to the extent and method of participation, if any, by the proposed assignee in the construction and operation of Station KCIJ.

4. To determine the plans of the proposed assignee for the staffing and programming of Station KCIJ and all other plans for the operation of that station.

5. To determine whether the assignee, in violation of sections 301 and 319 of the Communications Act of 1934, as amended, has constructed and operated Station KCIJ without a construction permit or license being issued to the assignee therefor.

6. To determine whether the public interest, convenience and necessity would be served by grant of the above-entitled application.

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

[F. R. Doc. 51–6098; Filed, May 25, 1951; 8:50 a. m.]

[Mexican Change List No. 127]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

APRIL 10, 1951.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEJO	Monterrey, Nuevo Leon	1150 kilocycles, 1 kw	D	III	Sept. 1, 1951
XEAR, XEJM	do	1450 kilocycles (delete—see assignment on 1,480 kc./s.) 250 w.	U	IV	Nov. 25, 1951
XEAR	Monterrey Nuevo Leon	1480 kilocycles, 500 w—N/1 kw—D	U	III–B	Sept. 1, 1951
XEOB	Torreon, Coahuila	1490 kilocycles, 250 w. (increase in power from 100 w to 250 w).	U	IV	

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

[F. R. Doc. 51–6099; Filed, May 25, 1951; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 34]

MIDDLEWEST MOTOR FREIGHT BUREAU

APPLICATION FOR APPROVAL OF AGREEMENT

MAY 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed May 18, 1951; by: J. D. Lawson, Attorney-in-Fact, P. O. Box 2298, Kansas City 13, Mo.

Agreement involved: An agreement between and among common carriers by motor vehicle relating to rates, charges, rules, regulations and practices for the transportation of property wholly or in part by motor vehicle, in interstate commerce (1) between points in Middlewest territory, with certain exceptions, and (2) between points in the territory described in (1), on the one hand, and on the other, points in Central States and Southwestern territories, and (3) between Central States territory and Southwestern territory, as such territories are defined in the by-laws of the Middlewest Motor Freight Bureau; and procedures for the joint initiation, considerations, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–6100; Filed, May 25, 1951; 8:50 a. m.]

[Rev. S. O. 874, General Permit 18]

EVANS MILLING CO. ET AL.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act serving Evans Milling Company, Indianapolis, Indiana, Decatur Milling Company, Decatur, Illinois, or Charles A. Krause Milling Co., Milwaukee, Wisconsin, to disregard the provisions of Revised Service Order No. 874 insofar as they apply to Corn Grits, Corn Meal, and/or Hominy Feed in Bulk when Evans Milling Company, Decatur Milling Company or Charles A. Krause Milling Company advise that service would be denied because of their inability to meet the minimum requirements because of inability of loading device to load to within 24 inches of roof of cars, except at ends of car. However, the total weight of such shipments shall be or exceed 80,000 pounds.

The waybills shall show reference to this general permit, and Evans Milling Company, Decatur Milling Company, or Charles A. Krause Milling Company shall furnish the Permit Agent the car numbers, initials, weights, and destinations of the cars shipped under this Permit and also car numbers, initials, and weights of all cars loaded with Corn Grits, Corn Meal, and/or Hominy Feed in Bulk shipped; such information to be furnished on the first of each month.

This general permit shall become effective at 12:01 a. m., May 23, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this Permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of May 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-6101; Filed, May 25, 1951; 8:50 a. m.]

[Rev. S. O. 876, General Permit 6-L]

WOOD FLOORING

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) (2) of Revised Service Order No. 876 (16 F. R. 3620, 4276), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to disregard the provisions of Revised Service Order No. 876 insofar as they apply to Wood Flooring provided the shipment of such Wood Flooring is loaded to within not less than 5 feet of the roof of the car.

The waybills shall show reference to this general permit, and all consignors shipping cars under this permit shall furnish the Permit Agent the car numbers, initials, weights, and destinations of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., May 24th, 1951, and shall expire at 11:59 p. m., September 30, 1951, unless otherwise modified, changed, suspended, or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of May 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-6102; Filed, May 25, 1951; 8:50 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 47-A]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 47, and good cause appearing therefor:

It is orderd, That:

(a) King's I. C. C. Order No. 47 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 11:00 a. m., May 21, 1951.

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

Issued at Washington, D. C., May 21, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-6078; Filed, May 25, 1951; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6351]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO

MAY 23, 1951.

Notice is hereby given that, on May 22, 1951, the Federal Power Commission issued its order entered May 22, 1951, in the above-designated matter, authorizing transmission of electric energy to Mexico, and superseding previous authorization by order of January 13, 1950, Docket No. E-6224, California Electric Power Company, published in the FEDERAL REGISTER January 24, 1950 (15 F. R. 385).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6080; Filed, May 25, 1951; 8:48 a. m.]

[Docket No. E-6357]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

MAY 22, 1951.

Take notice that on May 21, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power & Light Company (hereinafter called "Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon and Washington, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of a total of $16,100,000 in Promissory Notes. Applicant proposes to borrow between the date of receiving all necessary authorizations for the proposed transaction and June 30, 1952, from the banks listed below in the amounts indicated, and will issue to said banks Unsecured Promissory Notes bearing interest at the rate of 3½ percent per annum and maturing as follows: $2,600,000 in aggregate principal amount to mature and be payable in amounts of $200,000 on each July 29 and January 29 beginning July 29, 1951, and ending July 29, 1957; and $13,500,000 in aggregate principal amount to mature and be payable in amounts of $900,000 on each May 15 and November 15 beginning May 15, 1954, and ending May 15, 1961:

Name of bank	*Amount of commitment*
Guaranty Trust Co. of New York	$7,084,000
The Chase National Bank of the City of New York	4,025,000
The National City Bank of New York	4,025,000
The American Express Co., Inc., New York Agency	966,000

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

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 11th day of June 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6079; Filed, May 25, 1951; 8:48 a. m.]

[Docket Nos. G-1619 and G-1636]

EL PASO NATURAL GAS CO.

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

MAY 23, 1951.

Notice is hereby given that, on May 22, 1951, the Federal Power Commission issued its findings and orders entered May 22, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

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

[F. R. Doc. 51-6081; Filed, May 25, 1951; 8:48 a. m.]

[Docket Nos. G-1442 and G-1511]

NORTHERN NATURAL GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MAY 22, 1951.

On July 17, 1950, Northern Natural Gas Company (Applicant), a Delaware corporation of Omaha, Nebraska, filed an application in Docket No. G-1442 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of approximately 13.9 miles of 8⅝-inch natural-gas branch transmission line extending from a point on Applicant's 24-inch loop line in Section 30, Township 90 North, Range 26 West, Wright County, Iowa, in a northwesterly direction to an electric generating plant of the Corn Belt Power Cooperative near Humboldt, Iowa, all as more fully described in the application on file with the Commission and open to public inspection.

On October 16, 1950, Applicant filed an application in Docket No. G-1511 for certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of approximately 1.5 miles of 2⅜-inch branch pipeline to serve the National By-Products, Inc., rendering plant near La Platte, Nebraska, and a measuring and regulating station near the rendering plant site, all as more fully described in the application on file with the Commission and open to public inspection.

Notice of the application in Docket No. G-1442 was published in the FEDERAL REGISTER on July 28, 1950 (15 F. R. 4875). Notice of the application in Docket No. G-1511 was published in the FEDERAL REGISTER on October 28, 1950 (15 F. R. 7283-84).

The Commission finds: Orderly procedure requires that the above-mentioned applications filed in Docket Nos. G-1442 and G-1511 be consolidated for purposes of hearing.

The Commission orders:

(A) The said applications at Docket Nos. G-1442 and G-1511 be and they are hereby consolidated for the purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on June 13, 1951, at 10:00 a. m. e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the applications at Docket Nos. G-1442 and G-1511.

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

Date of issuance: May 22, 1951.

By the Commission.

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

[F. R. Doc. 51-6066; Filed, May 25, 1951; 8:45 a. m.]

[Project No. 1218]

GEORGIA POWER CO.

NOTICE OF ORDER DETERMINING NET CHANGES IN ORIGINAL COST OF PROJECT AND PRESCRIBING ACCOUNTING THEREFOR

MAY 23, 1951.

Notice is hereby given that, on May 22, 1951, the Federal Power Commission issued its order entered May 22, 1951, determining net changes in actual legitimate original cost of project and prescribing accounting therefor in the above-entitled matter.

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

[F. R. Doc. 51-6082; Filed, May 25, 1951; 8:48 a. m.]

[Docket No. G-1673]

REPUBLIC LIGHT, HEAT AND POWER CO., INC.

ORDER FIXING DATE OF HEARING

MAY 22, 1951.

On April 18, 1951, Republic Light, Heat and Power Company, Inc. (Applicant), a New York corporation with its principal place of business at Buffalo, New York, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a compressor station near Caledonia, New York, consisting of one 165-hp. gas engine driven compressor unit, and appurtenant facilities.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 8, 1951 (16 F. R. 4262).

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 6, 1951, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Date of issuance: May 22, 1951.

By the Commission.

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

[F. R. Doc. 51-6067; Filed, May 25, 1951; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2624]

NEW ENGLAND POWER CO. AND LOWELL ELECTRIC LIGHT CORP.

NOTICE OF PROPOSED ISSUANCE OF PRINCIPAL AMOUNT OF PROMISSORY NOTE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of May A. D. 1951.

Notice is hereby given, that New England Power Company ("NEPCO") and The Lowell Electric Light Corporation ("Lowell"), subsidiary public utility companies of New England Electric System, a registered holding company, have filed applications-declarations, pursuant to the Public Utility Holding Company Act of 1935. The filing designates sections 6 (a) and 7 of the act and Rule U-42 (b) (2) promulgated thereunder as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than May 31, 1951, at 12:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 12:30 p. m., e. d. s. t., on May 31, 1951, said applications-declarations, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said applications-declarations, which are

on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

NEPCO proposes to issue under the terms and provisions of a bank loan agreement to five banks, namely, The First National Bank of Boston, The Chase National Bank of the City of New York, Central Hanover Bank and Trust Company, Irving Trust Company and The New York Trust Company, from time to time but not later than December 31, 1951, promissory notes in the aggregate principal amount up to but not exceeding $12,000,000. Said notes will mature April 1, 1952, and will bear interest at not less than 2½ percent per annum nor more than 2¾ percent per annum. The proceeds from said notes will be used by NEPCO to finance temporarily its construction program through 1951.

Lowell proposes to issue under the terms and provisions of a bank loan agreement to the above named banks, from time to time but not later than November 1, 1951, promissory notes in an aggregate amount up to but not exceeding $2,700,000. Lowell's new notes will mature April 1, 1952 and will bear interest at not less than 2½ percent nor more than 2¾ percent. Of the proceeds to be derived from said notes, $2,100,000 will be used to retire an equivalent principal amount of notes now outstanding, and the balance to finance temporarily its construction program through 1951.

NEPCO's bank agreement provides, among other things, for commitment commissions at the rate of ¼ of 1 percent per annum on the average daily difference between the amount of the banks' commitment and the amount borrowed thereunder while, in the case of Lowell, no commitment commission will be paid.

Each of the applicants-declarants states that if any permanent financing is done before the maturity date of the notes proposed to be issued, it will apply the proceeds from such financing in reduction of, or in total payment of, promissory notes authorized and then outstanding and the amount of notes, authorized but then unissued, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the amount of promissory notes at the time outstanding.

The applications-declarations state that incidental services in connection with the proposed transactions will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $1,000 for each of the applicants-declarants, or the aggregate sum of $2,000. Other expenses, not including out-of-pocket expenses or counsel fees of The First National Bank of Boston, as agent for the five lending banks, but including the printing of the bank loan agreements, are estimated not to exceed $100 for each of the applicants-declarants or the aggregate sum of $200.

The applications-declarations further state that no state commission has jurisdiction over the proposed transactions.

Each of the applicants-declarants request that the Commission's order herein become effective forthwith upon issuance.

By the Commission.

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

[F. R. Doc. 51-6071; Filed, May 25, 1951; 8:46 a. m.]

[File No. 70-2520]

AMERICAN GAS AND ELECTRIC CO.

ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of May A. D. 1951.

The Commission having, by order dated December 19, 1950, granted and permitted to become effective an application-declaration, as amended, filed pursuant to the Public Utility Holding Company Act of 1935, by American Gas and Electric Company ("American"), a registered holding company, involving, among other things, the offering by American of 116,622 shares of its common stock in exchange for 162,030 shares of common stock of Central Ohio Light & Power Company ("Central Ohio"), an electric utility company; and

The Commission having by said order reserved jurisdiction over the fees and expenses of the various legal counsel and accountants to be paid by American in connection with the proposed transactions; and

Statements having been filed with respect to requested legal and accounting fees aggregating $46,300 and expenses in the aggregate amount of $3,116.15 which are itemized as follows:

	Requested fees	Expenses	Total
Counsel			
Simpson, Thacher & Bartlett, for American	$20,000	$1,370.00	$21,370.00
Miles, Walsh, O'Brien and Morris for Floyd W. Woodcock	15,000	1,025.77	16,025.77
Power and Griffith, for Central Ohio	7,500	353.39	7,853.39
	42,500	2,749.16	45,249.16
Accountants			
Niles and Niles, for American	2,000		2,000.00
La Frentz & Co., for Central Ohio	1,800	366.99	2,166.99
	3,800	366.99	4,166.99
Total	46,300	3,116.15	49,416.15

The Commission having considered said statements and finding that the requested fees and expenses are not unreasonable and deeming it appropriate that jurisdiction with respect thereto be released:

It is ordered, That the jurisdiction heretofore reserved over such fees and expenses be, and hereby is, released.

By the Commission.

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

[F. R. Doc. 51-6070; Filed, May 25, 1951; 8:46 a. m.]

[File No. 70-2625]

LAWRENCE GAS AND ELECTRIC CO.

NOTICE OF FILING FOR AUTHORITY TO ISSUE PRINCIPAL AMOUNT OF PROMISSORY NOTES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of May A. D. 1951.

Notice is hereby given that Lawrence Gas and Electric Company ("Lawrence") a public utility subsidiary company of New England Electric System, a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935. The filing has designated section 7 of the act and Rule U-42 (b) (2) promulgated thereunder as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than May 31, 1951, at 12:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 12:30 p. m., e. d. s. t., on May 31, 1951, said declaration, as filed or as amended, may be permited to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Lawrence proposes, under the terms and provisions of a bank loan agreement, to issue to five banks, namely, The First National Bank of Boston, The Chase National Bank of the City of New York, Central Hanover Bank and Trust Company, Irving Trust Company and The New York Trust Company, from time to time but not later than December 31, 1951, promissory notes in an aggregate principal amount up to but not exceeding $2,000,000. Said notes will mature April 1, 1952, and will bear interest at the rate of not less than 2½ percent per annum

nor more than 2¾ percent per annum. The proposed bank load agreement provides, among other things, for the payment of commitment commissions at the rate of ¼ of 1 percent per annum for the period from May 15, 1951, to December 31, 1951, on the average daily difference between the amount of the banks' commitments and the amount borrowed.

The proceeds to be derived from the proposed notes will be used by Lawrence for the payment of $100,000 face amount of presenty outstanding promissory notes and to finance temporarily its construction program through the year 1951 and to pay for the conversion costs in connection with the distribution of natural gas which the company expects will be available in the latter half of 1951.

Lawrence proposes that if any permanent financing is done, or if all or substantially all of its gas properties are sold, before the maturity of the notes proposed to be issued, it will apply the proceeds therefrom in reduction of, or in total payment of, notes then outstanding, and the balance of such amount of notes then authorized but unissued, if any, will be reduced by the amount, if any, by which such permanent financing, or the proceeds from the sale of gas properties, exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed transactions will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $1,000. Other expenses, not including the out-of-pocket expenses or counsel fees of The First National Bank of Boston as agent for the lending banks but including the printing of the bank loan agreement, are estimated not to exceed $100.

The declaration further states that no state commission has jurisdiction over the proposed transactions.

Lawrence requests that the Commission's order herein become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-6072; Filed, May 25, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17825]

AKIRA TAKAHASHI

In re: Cash owned by Akira Takahashi.

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

1. That Akira Takahashi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Cash in the amount of $137.20, presently in the possession of the Treasuary Department of the United States in Trust Fund Account, Symbol 158881, "Unclaimed Monies of Individuals Whose Whereabouts are Unknown", in the name of Akira Takahashi, and any and all rights to demand, enforce and collect the same, and

b. Cash in the amount of $265.00, presently in the possession of Federal Reserve Bank of New York, New York, New York, in the name of Akira Takahashi, and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 51-6042; Filed, May 24, 1951; 8:49 a. m.]

[Vesting Order 13347, Amdt.]

IKU TETSUI

In re: Rights of Ichiro Tetsui, also known as Takero Tetsui, et al. under insurance contract. File No. D-39-19070-H-3. Vesting Order No. 13347, dated June 1, 1949, is hereby amended to read as follows:

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

1. That Ichiro Tetsui, also known as Takero Tetsui, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Iku Tetsui, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,200,193, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Rinkichi Tasaka, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Iku Tetsui, deceased, are not within a designated country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

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

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

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

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 51-6044; Filed, May 24, 1951; 8:49 a. m.]

[Vesting Order 17789]

CARL CONRADI

In re: Bonds owned by Carl Conradi, also known as Karl Conradi and as Carlo Conradi. F-28-20012.

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

1. That Carl Conradi, also known as Karl Conradi and as Carlo Conradi, on or since the effective date of Executive

Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) Chicago, Milwaukee, St. Paul and Pacific Railroad Company 5 Percent Convertible Adjustment Mortgage Gold Bond, Series A, of $1,000.00 face value, in bearer form bearing the number M18269, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bond,

b. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) The Central Pacific Railway Company First Refunding 4 Percent Mortgage Gold Bond, of $1,000.00 face value, in bearer form bearing the number 80487, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bond, and

c. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) The Atchison, Topeka and Santa Fe Railway Company 4 Percent General Mortgage Bond, of $1,000.00 face value, in bearer form bearing the number M34564, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bond,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6085; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17813]

BANQUE JORDAAN, S. A.

In re: Accounts maintained in the name of Banque Jordaan, S. A., Paris, France, and owned by persons whose names are unknown. F-27-6512.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banque Jordaan, S. A., Paris, France]

Column I Name and address of institution which maintains account	Column II Designation of account
Central Hanover Bank & Trust Co., 70 Broadway, New York, N. Y.	(a) Deposit account Banque Jordaan and (b) drafts advised outstanding account of Banque Jordaan; as described by the Central Hanover Bank & Trust Co. in its report on Form OAP-700, bearing its Serial No. 22.

[F. R. Doc. 51-6086; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17804]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation, or Societe de Banque Suisse, Lausanne, Switzerland, and owned by persons whose names are unknown. F-63-2748 (Lausanne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States

with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON.
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corporation, or Societe de Banque Suisse, Lausanne, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	(a) Ordinary a/c consisting of cash in the amount of $8,258.00, (b) Ordinary a/c consisting of cash in the amount of $280, securities payable in dollars of indeterminable value, and securities not payable in dollars of indeterminable value, (c) Ordinary a/c consisting of securities payable in dollars, valued at $13,470, (d) General ruling 6/17, (e) Special a/c B 41900, (f) Special a/c B 52195, (g) Special a/c B 52195 general ruling 6/17, (h) Special a/c 5736 general ruling 6/17, (i) Special a/c B 33981, (j) Special a/c 33981 general ruling 6/17, (k) Special a/c B 41900 general ruling 6/17 consisting of cash in the amount of $4,868 as described on page 1 of the rider to form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its serial No. 0085, (l) General ruling 6 a/c consisting of cash in the amount of $80, (m) General ruling 6 a/c consisting of securities payable in dollars, valued at $30, (n) Ordinary a/c Cert. 292, (o) Ordinary a/c Cert. 300, (p) Ordinary a/c Cert. 302, (q) Ordinary a/c Cert. 306, (r) Ordinary a/c Cert. 307, (s) Special a/c B 41900 general ruling 6/17 consisting of cash in the amount of $337 as described on Page 2 of the Rider to form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0085, and (t) Special a/c 4999 general ruling 6/17; as described by the Swiss Bank, New York Agency, in its report on Form OAP-700, bearing its Serial No. 0085.	$7,299.15, from Ordinary a/c (a), which according to license application NY 869081 filed by Swiss Bank Corp., New York Agency, represents claims of persons domiciled Hungary and Roumania.

[1] Also excluded from this Vesting Order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since October 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-6040; Filed, May 24, 1951; 8:48 a. m.]

[Vesting Order 17824]

WERNER VON SCHNITZLER

In re: Securities owned by and debt owing to Werner von Schnitzler. F-28-2586.

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

1. That Werner von Schnitzler, whose last known address is Giersberg, Post Muenstereifel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Carl M. Loeb, Rhoades & Co., 61 Broadway, New York 6, New York, arising out of a credit balance, in an account on the books of the aforesaid Carl M. Loeb, Rhoades & Co., entitled Estate of Alfred C. P. Honigmann, and any and all rights to demand, enforce and collect the same, and

b. All those certain securities presently in the custody of Carl M. Loeb, Rhoades & Co., 61 Broadway, New York 6, New York, in an account entitled Estate of Alfred C. P. Honigmann, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6090; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17814]

BANCO DI ROMA "FRANCE"

In re: Accounts maintained in the name of Banco Di Roma "France," Paris, France, and owned by persons whose names are unknown. F-27-2628.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banco Di Roma "France", Paris, France]

Column I Name and address of institution which maintains account	Column II Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Banco Di Roma "France" old account, Paris, France, as described by the Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 24.

[F. R. Doc. 51-6087; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17815]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation, Neuchatel, Switzerland, and owned by persons whose names are unknown. F-63-2748 (Neuchatel).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corp. Neuchatel, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	(a) Ordinary a/c, (b) general ruling 6/17 a/c, and (c) ordinary a/c I. D. 30; as described by the Swiss Bank Corp., New York Agency, in its report on Form OAP-700, bearing its Serial No. 0075.

[F. R. Doc. 51-6088; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17843]

BLANCA BARONIN COTTA ET AL.

In re: Trust Agreement dated April 12, 1924, between Blanca Baronin Cotta, grantor and the National Savings and Trust Company, et al., trustees, and amendment thereto dated July 30, 1930. File Nos. F-28-844-G-1 and F-28-844.

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

1. That Freifrau Blanca Cotta von Cottendorf, Baron Alfred von Palm, Blanca Freifrau von Eyb, nee von Palm, Verena von Palm, Josi von Palm, Silvia von Palm, Marina von Palm, Hubertus von Palm, Irene von St. Andre, Alexander Magnus von St. Andre, Roland von St. Andre, Bertold von St. Andre and Christa von St. Andre, whose last known

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

2. That the issue, names unknown, of Freifrau Blanca Cotta von Cottendorf, of Baron Alfred von Palm and of Irene von St. Andre and the spouse, name unknown, of Freifrau Blanca Cotta von Cottendorf, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to and arising out of or under that certain trust agreement dated April 12, 1924, by and between Blanca Baronin Cotta, Grantor, and the National Savings and Trust Company, Charles T. Tittmann and Reeves T. Strickland, trustees, and amendment thereto dated July 30, 1930, including but not limited to the right of Blanca Baronin Cotta to terminate, revoke and alter the said trust agreement presently being administered by the National Savings and Trust Company, Washington, D. C., and by Charles T. Tittmann, 1718 Connecticut Avenue NW., Washington, D. C. as trustees, and

b. All property in the possession, custody or control of the said National Savings and Trust Company and of the said Charles T. Tittmann, trustees, under that certain trust agreement dated April 12, 1924, by and between Blanca Baronin Cotta, Grantor, and the National Savings and Trust Company, Charles T. Tittmann and Reeves T. Strickland, trustees, and amendment thereto dated July 30, 1930, including particularly but not limited to:

(1) Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, together with any and all rights thereunder and thereto.

(2) An undivided one-third (⅓) interest in those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, together with all declared and unpaid dividends thereon, and

(3) The sum of $5,658.42 as of February 13, 1951, together with any and all accruals thereto.

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

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Freifrau Blanca Cotta von Cottendorf, of Baron Alfred von Palm and of Irene von St. Andre and the spouse, name unknown, of Freifrau Blanca Cotta von Cottendorf, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3–a hereof, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3–b hereof, subject to all lawful fees and disbursements of the National Savings and Trust Company, and of Charles T. Tittmann, as trustees, under that certain trust agreement dated April 12, 1924, between Blanca Baronin Cotta, Grantor, and the National Savings and Trust Company, Charles T. Tittmann and Reeves T. Strickland, trustees, and amendment thereto dated July 30, 1930.

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Face value	Certificate Nos.	Description of issue	Face value	Certificate Nos.
United States Treasury, 2½ percent bonds due Mar. 15, 1958.	$1,000	42617H	United States Treasury, 2¼ percent bonds due June 15, 1972-67.	$1,000	170757H
	1,000	58301A		1,000	343306F
	1,000	58302B		1,000	387480L
	500	12500L		1,000	390480L
	500	10981A		1,000	390481A
United States Treasury, 2½ percent bonds due Dec. 15, 1968-63.	500	40511A	United States Treasury, 2¼ percent bonds due Dec. 15, 1972-67.	10,000	124862B
	500	37631A		10,000	1690L
United States Treasury, 2½ percent bonds due Dec. 15, 1969-64.	1,000	210435E		10,000	214757H
				10,000	214758J
United States Treasury, 2½ percent bonds due Mar. 15, 1970-65.	500	73655E		10,000	214759K
	500	261876F		5,000	134250L
United States Treasury, 2½ percent bonds due Mar. 15, 1971-66.	1,000	176790L		1,000	270067H
				1,000	270068J
United States Treasury, 2½ percent bonds due Sept. 15, 1972.	500	20995E		1,000	565851A
	500	18377H		1,000	575101A
	500	18378J		1,000	575102B
	500	18354D		1,000	575103C
United States Treasury, 2½ percent bonds due June 15, 1972-67.	1,000	329895E		1,000	44937H
	1,000	207828J		1,000	772777H
	1,000	170756F			

EXHIBIT B

Name of issuer	Place of incorporation	Type of stock	Par value	Certificate Nos.	Number of shares
The Bancokentucky Co.	Delaware	Capital	$10	C 59	100
Do	do	do	10	C 60	100
Do	do	do	10	C-042	80
Summit Branch R. R. Co.	Pennsylvania	do	50	3755	65

[F. R. Doc. 51-6091; Filed, May 25, 1951; 8:50 a. m.]

[Vesting Order 17851]

BARON ALFRED PALM ET AL.

In re: Trust Agreement dated April 12, 1924, between Baron Alfred Palm, grantor, and National Savings and Trust Company et al., trustees. File No. F-28-450-G-1.

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

1. That Baron Alfred von Palm, Blanca Freifrau von Eyb, nee von Palm, Verena von Palm, Josi von Palm, Silvia von Palm, Marina von Palm, Hubertus von Palm, Verena von Palm, nee Hoffmann, Irene von St. Andre, Blanka (Blanca) Cotta von Cottendorf, Alexander-Magnus von St. Andre, Roland St. Andre, Bertold St. Andre and Christa St. Andre, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Baron Alfred von Palm, of Irene von St. Andre, and of Blanka (Blanca) Cotta von Cottendorf, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to and arising out of or under that certain trust agreement dated April 12, 1924, by and between Baron Alfred Palm, Grantor, and the National Savings and Trust Company, Charles T. Tittmann and Reeves T. Strickland, trustees, including but not limited to the right of Baron Alfred von Palm to terminate, revoke and alter the said trust agreement presently being administered by the National Savings and Trust Company, Washington, D. C., and by Charles T. Tittmann, 1718 Connecticut Avenue, NW., Washington, D. C., as trustees, and

b. All property in the possession, custody or control of the said National Savings and Trust Company and of the said Charles T. Tittmann, trustees, under that certain trust agreement dated April 12, 1924, by and between Baron Alfred Palm, Grantor, and the National Savings and Trust Company, Charles T. Tittmann and Reeves T. Strickland, trustees, including particularly but not limited to:

(1) Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, together with any and all rights thereunder and thereto.

(2) An undivided one-third (⅓) interest in those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, together with all declared and unpaid dividends thereon, and

(3) The sum of $6,116.26 as of February 13, 1951, together with any and all accruals thereto,

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

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Baron Alfred von Palm, of Irene von St. Andre and of Blanka (Blanca) Cotta von Cottendorf, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-b hereof, subject to all lawful fees and disbursements of the National Savings and Trust Company, and of Charles T. Tittmann, as trustees, under that certain trust agreement dated April 12, 1924, between Baron Alfred Palm, Grantor, and the National Savings and Trust Company, Charles T. Tittmann and Reeves T. Strickland, trustees.

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Face value	Certificate nos.	Description of issue	Face value	Certificate nos.
United States Treasury, 2½ percent bonds due Sept. 15, 1972.	$1,000	81326F	United States Treasury, 2½ percent bonds due Dec. 15,1972-67.	$10,000	214767H
	500	20846F		5,000	134248J
	500	28049K		1,000	270069K
United States Treasury, 2½ percent bonds due Mar. 15, 1958.	1,000	2986F		1,000	270070L
	1,000	40356F		1,000	564823C
	1,000	56182B		1,000	575107H
	500	10607H		1,000	575108J
	500	10689K		1,000	575109K
United States Treasury, 2½ percent bonds due Dec. 15, 1968-63.	500	40510L		1,000	772778J
	500	37633C		1,000	772779K
United States Treasury, 2½ percent bonds due Mar. 15, 1970-65.	500	73581A	United States Treasury, 2½ percent bonds due June 15, 1972-67.	1,000	329896F
	500	261877H		1,000	207824D
United States Treasury, 2½ percent bonds due Dec. 15, 1964-69.	1,000	210436F		1,000	207825E
				1,000	207826F
United States Treasury, 2½ percent bonds due Mar. 15, 1971-66.	1,000	176791A		1,000	207827H
				1,000	390482B
United States Treasury, 2½ percent bonds due Dec. 15, 1972-67.	10,000	124863C		1,000	390483C
	10,000	214764D		1,000	390484D
	10,000	214765E			
	10,000	214766F			

EXHIBIT B

Name of issuer	Place of incorporation	Type of stock	Par value	Certificate Nos.	Number of shares
The Bancokentucky Co	Delaware	Capital	$10	C 59	100
Do	do	do	10	C 60	100
Do	do	do	10	C-042	80
Summit Branch R. R. Co	Pennsylvania	do	50	3755	65

[F. R. Doc. 51-6092; Filed, May 25, 1951; 8:50 a. m.]

[Vesting Order 17816]

LOMBARD, ODIER & CIE

In re: Accounts maintained in the name of Lombard, Odier & Cie., Geneva, Switzerland, and owned by persons whose names are unknown. F-63-226.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Lombard, Odier & Cie., Geneva, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
J. P. Morgan & Co., Inc., 23 Wall St., New York, N. Y.	(a) Lombard Odier & Cie., A account (S-2210), (b) Lombard Odier & Cie., A account, G R No. 6 account (C-2258), and (c) Lombard Odier & Cie., Geneva, A account (2210); as described by J. P. Morgan & Co., Inc., in its report on Form OAP-700, bearing its Serial No. 24; (d) Lombard Odier & Cie., B account Y R No. 6, account (C2259), and (e) Lombard Odier & Cie., Geneva, account B (2211); as described by J. P. Morgan & Co., Inc., in its report on Form OAP-700, bearing its Serial No. 25.
Dominick & Dominick, 14 Wall St., New York 5, N. Y.	(a) Lombard Odier & Cie., Geneva, account "A", and (b) Lombard Odier & Cie., Geneva, account "A", general ruling No. 6 (U. S. dollar) account; as described by Dominick & Dominick in its report on Form OAP-700, bearing its Serial No. 21.

[F. R. Doc. 51-6089; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17853]

HERMAN WIECHMANN

In re: Mortgage participation certificate owned by Herman Wiechmann. File No. F-28-31422.

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

1. That Herman Wiechmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $1,250.08 representing the proceeds of Mortgage Participation Certificate No. 21 of Series No. A-689, issued to Herman Wiechmann by Clinton B. Snyder, substituted trustee appointed by order of the Court of Chancery of the State of New Jersey on November 6, 1935 in the matter of Seaboard Trust Company individually and as trustee vs. Josephine Shea, et als., defendant, and accruals thereto in the possession, custody or or control of the Clerk, Chancery Division, Supreme Court of New Jersey,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6093; Filed May 25, 1951; 8:50 a. m.]

[Return Order 970]

MARTHA WESTFAL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Martha Westfal, New York, N. Y.; Claim No. 5570; April 11, 1951 (16 F. R. 3206); $6,062.78 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 22, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6094; Filed, May 25, 1951; 8:50 a. m.]