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TITLE 3—THE PRESIDENT

PROCLAMATION 2914

PROCLAIMING THE EXISTENCE OF A NATIONAL EMERGENCY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS recent events in Korea and elsewhere constitute a grave threat to the peace of the world and imperil the efforts of this country and those of the United Nations to prevent aggression and armed conflict; and

WHEREAS world conquest by communist imperialism is the goal of the forces of aggression that have been loosed upon the world; and

WHEREAS, if the goal of communist imperialism were to be achieved, the people of this country would no longer enjoy the full and rich life they have with God's help built for themselves and their children; they would no longer enjoy the blessings of the freedom of worshipping as they severally choose, the freedom of reading and listening to what they choose, the right of free speech including the right to criticize their Government, the right to choose those who conduct their Government, the right to engage freely in collective bargaining, the right to engage freely in their own business enterprises, and the many other freedoms and rights which are a part of our way of life; and

WHEREAS the increasing menace of the forces of communist aggression requires that the national defense of the United States be strengthened as speedily as possible:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do proclaim the existence of a national emergency, which requires that the military, naval, air, and civilian defenses of this country be strengthened as speedily as possible to the end that we may be able to repel any and all threats against our national security and to fulfill our responsibilities in the efforts being made through the United Nations and otherwise to bring about lasting peace.

I summon all citizens to make a united effort for the security and well-being of our beloved country and to place its needs foremost in thought and action that the full moral and material strength of the Nation may be readied for the dangers which threaten us.

I summon our farmers, our workers in industry, and our businessmen to make a mighty production effort to meet the defense requirements of the Nation and to this end to eliminate all waste and inefficiency and to subordinate all lesser interests to the common good.

I summon every person and every community to make, with a spirit of neighborliness, whatever sacrifices are necessary for the welfare of the Nation.

I summon all State and local leaders and officials to cooperate fully with the military and civilian defense agencies of the United States in the national defense program.

I summon all citizens to be loyal to the principles upon which our Nation is founded, to keep faith with our friends and allies, and to be firm in our devotion to the peaceful purposes for which the United Nations was founded.

I am confident that we will meet the dangers that confront us with courage and determination, strong in the faith that we can thereby "secure the Blessings of Liberty to ourselves and our Posterity."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of December (10:20 a. m.) in the year of our Lord nineteen [SEAL] hundred and fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 50-12013; Filed, Dec. 16, 1950; 12:46 p. m.]

EXECUTIVE ORDER 10192

AMENDMENT OF EXECUTIVE ORDER NO. 10129 [1] OF JUNE 3, 1950, ENTITLED "ESTABLISHING THE PRESIDENT'S COMMISSION ON MIGRATORY LABOR"

By virtue of the authority vested in me as President of the United States, it

[1] 15 F. R. 3499.

(Continued on p. 9031)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

is ordered that Executive Order No. 10129 of June 3, 1950, be, and it is hereby, amended as follows:

1. The date "December 15, 1950" in paragraph numbered 3 is amended to read "March 1, 1951".

2. The words "Thirty days" in paragraph numbered 8 are amended to read "Sixty days".

HARRY S. TRUMAN

THE WHITE HOUSE,
December 15, 1950.

[F. R. Doc. 50-11961; Filed, Dec. 15, 1950; 2:48 p. m.]

EXECUTIVE ORDER 10193

PROVIDING FOR THE CONDUCT OF THE MOBILIZATION EFFORT OF THE GOVERNMENT

By virtue of the authority vested in me by the Constitution and statutes, including the Defense Production Act of 1950, and as President of the United States and as Commander-in-Chief of the armed forces, it is hereby ordered as follows:

1. There is hereby established in the Executive Office of the President the Office of Defense Mobilization. There shall be at the head of such Office a Director of Defense Mobilization, hereinafter called the Director, who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at the rate of $22,500 per annum.

2. The Director shall on behalf of the President direct, control, and coordinate all mobilization activities of the Executive Branch of the Government, including but not limited to production, procurement, manpower, stabilization, and transport activities.

3. All functions delegated or assigned by or pursuant to the provisions of Executive Orders Nos. 10161 of September 9, 1950 and 10172 of October 12, 1950 shall be performed by the respective officers concerned, subject to the direction and control of the Director.

4. In carrying out the functions conferred upon him by this order, the Director shall from time to time report to the President concerning his operations under this order and issue such directives, consonant with law, on policy and operations to the Federal agencies and departments as may be necessary to carry out the programs developed, the policies established, and the decisions made by the Director. It shall be the duty of all such agencies and departments to execute these directives and to make to the Director such progress and other reports as may be required.

5. The Director may perform the functions conferred upon him by the provisions of this order through such officers and such agencies and in such manner as he shall, consonant with law and the provisions of this order, determine.

6. Within the limitations of funds which may be made available, the Director may employ necessary personnel and make provision for supplies, facilities, and services necessary to discharge his responsibilities.

7. To the extent that any provision of any prior Executive order or directive is inconsistent with the provisions of this order, the latter shall control.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 16, 1950.

[F. R. Doc. 50-12012; Filed, Dec. 16, 1950; 12:47 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 303—COOPERATIVE SUPPRESSION OF PLANT DISEASES AND INSECT PESTS

SUBPART—GOLDEN NEMATODE SUPPRESSIVE PROGRAM, 1950 SEASON

Pursuant to the authority vested by section 6 of the Golden Nematode Act (7 U. S. C., Sup. 3, 150e; 62 Stat. 442), and having determined that the State of New York, through legislation, appropriations, and quarantine regulations has taken action and provided funds and means to carry out effectively a cooperative program to suppress, control, and prevent the spread of the known infestation of the golden nematode in accord with the other provisions of the Golden Nematode Act, the Secretary of Agriculture of the United States and the Commissioner of Agriculture and Markets of the State of New York cooperatively determined that the following procedures and rates shall be used in compensating growers in the portion of Long Island, New York, where the golden nematode is known to occur for carrying out a program for the control and suppression of this nematode during the 1950 season:

Sec.
303.1 Compensation only to nongrowers of potatoes.
303.2 Compensation to nonowners of land involved.
303.3 Compensation to owner-operators.
303.4 Agreement and voucher forms.

AUTHORITY: §§ 303.1 to 303.4 issued under 62 Stat. 443; 7 U. S. C., Sup., 150e.

§ 303.1 *Compensation only to nongrowers of potatoes.* Compensation will be paid only to those growers who refrained from planting potatoes on land infested or exposed to infestation by the golden nematode, and who grew on such lands only such crops as were approved by the Department of Agriculture and Markets of the State of New York.

§ 303.2 *Compensation to nonowners of land involved.* The State of New York, through its Commissioner of Agriculture and Markets, will assume full responsibility for and make the entire compensation payments to growers who refrained from planting potatoes on land which was infested or exposed to infestation by the golden nematode and which was not owned by such growers within the limitations imposed by the provisions of Chapter 321 of the Laws of 1949, of the State of New York.

§ 303.3 *Compensation to owner-operators*—(a) *Apportionment of losses.* Losses to owner-operators of lands infested by or exposed to the golden nematode who refrained from growing potatoes shall be borne by the United States Department of Agriculture, the Department of Agriculture and Markets of the State of New York, and the owner-operator.

(b) *Joint payments by Federal and State governments.* The full and uniform amount to be paid jointly by the United States Department of Agriculture and the Department of Agriculture and Markets of the State of New York to each owner-operator of lands infested by or exposed to the golden nematode shall be at the rate of $120 per acre, divided equally between the two named agencies. The payment of $120 will be made only to owners who have complied in good faith with all regulations concerning the golden nematode promulgated by the United States Department of Agriculture and the Department of Agriculture and Markets of the State of New York.

(c) *Computation of payments.* It has been determined that, based on (1) the estimated value of crops that were approved by the Department of Agriculture and Markets of the State of New York for production on lands infested by the golden nematode, (2) an analysis of the average cost of producing potatoes in Nassau County, Long Island, New York, (3) the average annual yield of potatoes in said Nassau County, and (4) the estimated sale value of potatoes in that area, the joint compensation of $120 per acre will not be more than two-thirds of the total loss accruing to the owner-operator.

§ 303.4 *Agreement and voucher forms.* As a condition of payment each owner-operator shall enter into an agreement with the Department of Agriculture and Markets of the State of New York, which shall be executed at least in duplicate. One fully executed copy of the agreement and a certificate by a responsible officer of the Department of Agriculture and Markets of the State of New York, both of which shall be substantially in the form appended hereto,[1] shall be attached to and made a part of each voucher (Standard Form 1034) executed by a grower seeking to receive compensation from the United States Department of Agriculture. The purpose of the voucher shall be stated substantially as follows:

One-half of compensation for refraining from planting potatoes on _____ acres of land infested by or exposed to the golden nematode.

Agency designated to act for Federal Government. The Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture is hereby authorized to carry out, on behalf of the Federal Government, the cooperative program to suppress, control, and prevent the spread of the golden nematode.

Agent of Secretary of Agriculture to determine eligibility for payment. Harry L. Smith, In Charge, Division of Golden Nematode Control, Hicksville, Long Island, New York, working under the direction of the Chief of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, is hereby designated as the authorized agent of the Secretary of Agriculture in determining eligibility for compensation under the regulations in this subpart and approving the amount of compensation to be provided by the United States Department of Agriculture to any owner-operator who refrained from planting potatoes during 1950.

Enabling legislation by the State of New York authorizing State cooperation, required by section 4 of the Golden Nematode Act as a requisite for Federal participation, was approved March 28, 1949, and regulations pertaining to the cooperative program to suppress the Golden Nematode for the 1949 season became effective September 7, 1949, 7 CFR, Supp., §§ 303.1 to 303.4. The program to suppress the golden nematode was cooperatively reviewed November 17, 1949, and it was jointly agreed that for the season of 1950 the procedures followed in the 1949 season would be continued but that the rate of compensation paid to each owner-operator of lands infested by or exposed to the golden nematode would be reduced to the rate of $120 per acre. Information in reference to this proposed change was presented to the land owners in advance of planting operations. At the same time the land owners were informed that the agreement form required by the State of New York for use during the 1949 season would be used during the 1950 season by the land owners who refrained from growing potatoes exposed to golden nematode infestation. Land owners recognized the value of the program for suppressing, controlling and preventing the spread of the golden nematode and that it was necessary to continue during the 1950 season the regulations adopted for the 1949 season. Compliance with the provisions of the regulations is not obligatory, but confers a benefit upon eligible growers. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found, upon good cause, that further notice and public procedure on these regulations are unnecessary, impracticable and contrary to the public interest, and good cause is found for their issuance effective less than 30 days after publication.

These regulations shall be effective December 18, 1950, and shall supersede 7 CFR, Supp., §§ 303.1 to 303.4, inclusive, effective September 7, 1949.

Done at Washington, D. C., this 13th day of December 1950.

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

Concurred with November 21, 1950.

C. CHESTER DUMOND
Commissioner of Agriculture and Markets, State of New York.

[F. R. Doc. 50-11917; Filed, Dec. 18, 1950; 8:54 a. m.]

[1] Filed as part of the original document.

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 4]

PART 416—CORN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 5290, 6674, 15 F. R. 4161, 6739), are hereby amended for the 1951 and succeeding crop years by adding the following section:

§ 416.19 *Salvage value of silage corn.* In counties designated by the Corporation the provisions of the monetary coverage policy shown in § 416.17 shall apply as amended by a rider which shall contain the following provision:

Notwithstanding any other provisions of the policy, in determining any loss under the contract any production of corn from acreage planted for harvest as grain and used for silage shall be determined and valued on the basis of the higher of (1) the appraised number of bushels of corn in the silage times the price per bushel provided for in section 7 of the policy, or (2) the number of tons of silage times $2.50 per ton.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509; 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

Adopted by the Board of Directors on December 8, 1950.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: December 13, 1950.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-11835; Filed, Dec. 18, 1950; 8:45 a. m.]

[Amdt. 1]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1951 AND SUCCEEDING CROP YEARS

The Cotton Crop Insurance Regulations for the 1951 and Succeeding Crop Years (15 F. R. 6740), are amended as follows:

1. Section 419.14, *The commodity coverage policy*, is amended to change section 14 (a) thereof to read:

14. *Released acreage and released crop.* (a) Any insured acreage on which the cotton crop has been destroyed or substantially destroyed may be released by the Corporation. The cotton crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the land is located and on whose farms similar damage occurred would not further care for the crop or harvest any portion thereof. Also, the cotton crop on acreage which reaches the third stage of production and from which some production is harvested shall be deemed to have been substantially destroyed in the third stage if the total of the harvested production is less than 10 per cent of what the coverage for such acreage would be in the fourth stage of production. No insured acreage may be put to another use until the Corporation releases such acreage. On any acreage where the cotton has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation. All acreage of cotton on the insurance unit, which is not released earlier, shall be deemed to be released upon the signing of a statement in proof of loss for such unit by the insured and an authorized representative of the Corporation.

2. Section 419.14, *The commodity coverage policy*, is further amended to change paragraph (h) of section 29 to read:

(h) "Harvest" means the removal of seed cotton from the open cotton boll or the severance of the open cotton boll from the stalk by either manual or mechanical means. For the purpose of determining the stage of production, any acreage shall be considered as harvested if the production of lint cotton actually harvested therefrom equals 10 percent or more of the coverage for such acreage in the fourth stage of production, unless such acreage is determined by the Corporation to have been destroyed or substantially destroyed in an earlier stage, as defined in section 14.

3. Section 419.15, *The monetary coverage policy*, is amended to change section 14 (a) thereof to read:

14. *Released acreage and released crop.* (a) Any insured acreage on which the cotton crop has been destroyed or substantially destroyed may be released by the Corporation. The cotton crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the land is located and on whose farms similar damage occurred would not further care for the crop or harvest any portion thereof. Also, the cotton crop on acreage which reaches the third stage of production and from which some production is harvested shall be deemed to have been substantially destroyed in the third stage if the total value (based on the predetermined price) of the harvested production is less than 10 percent of what the coverage for such acreage would be in the fourth stage of production. No insured acreage may be put to another use until the Corporation releases such acreage. On any acreage where the cotton has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation. All acreage of cotton on the insurance unit, which is not released earlier, shall be deemed to be released upon the signing of a statement in proof of loss for such unit by the insured and an authorized representative of the Corporation.

4. Section 419.15, *The monetary coverage policy*, is further amended to change paragraph (h) of section 29 to read:

(h) "Harvest" means the removal of seed cotton from the open cotton boll or the severance of the open cotton boll from the stalk by either manual or mechanical means. For the purpose of determining the stage of production, any acreage shall be considered as harvested if the production of lint cotton actually harvested therefrom equals in value (based on the predetermined price) ten percent or more of the coverage for such acreage in the fourth stage of production, unless such acreage is determined by the Corporation to have been destroyed or substantially destroyed in an earlier stage, as defined in section 14.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

Adopted by the Board of Directors on December 8, 1950.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: December 13, 1950.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-11834; Filed, Dec. 18, 1950; 8:45 a. m.]

[Amdt. 4]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

APPLICATION FOR INSURANCE

The above-identified regulations, as amended (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161) are hereby amended with respect to crops insured for the 1951 and succeeding crop years as follows:

1. Section 420.24, as amended, is amended to read as follows:

§ 420.24 *Application for insurance.* (a) Application for insurance on a form entitled "Application for Multiple Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, tenant, or sharecropper in all insurable crops in the county. For any crop year applications shall be submitted to the county office on or before the applicable closing date preceding such crop year. The closing dates are as follows:

State and county	*Closing date*
Alabama:	
Butler	Mar. 15
All other counties	Mar. 31
Arkansas	Mar. 31
Colorado:	
Morgan	Sept. 30
Otero	Sept. 30
Weld	Sept. 30
Conejos	Oct. 31
Delaware	Oct. 31
Florida	Mar. 15
Georgia:	
Colquitt	Mar. 15
All other counties	Mar. 31
Illinois:	
Johnson	Mar. 31
All other counties	Oct. 31
Indiana	Oct. 31
Iowa	Mar. 31
Kansas	Sept. 30
Louisiana	Mar. 31
Maryland	Oct. 31
Michigan	Oct. 31
Minnesota:	
Sherburne	Oct. 31
All other counties	Mar. 31
Mississippi	Mar. 31
Missouri	Mar. 31
Nebraska	Sept. 30
New Jersey	Mar. 31
New York	Oct. 31
North Carolina	Mar. 31
North Dakota	Mar. 31
Ohio	Oct. 31
Oklahoma:	
Cleveland	Sept. 30
All other counties	Mar. 31
Oregon	Oct. 31
Pennsylvania	Oct. 31
South Carolina	Mar. 31
South Dakota	Mar. 31
Tennessee	Mar. 31
Texas	Sept. 30
Utah	Oct. 31
West Virginia	Oct. 31
Wisconsin:	
Waupaca	Oct. 31
All other counties	Mar. 31
Wyoming	Oct. 31

(b) Notwithstanding the provisions of paragraph (a) of this section, applications for insurance to begin in the 1951 crop year may be submitted (1) on or before November 30, 1950, in Washakie County, Wyoming, and February 28, 1951, in Malheur County, Oregon, and (2) during the period October 1, 1950, to March 31, 1951, inclusive, (i) in Weld and Otero Counties, Colorado, if the applicant executes and submits with his application a Form FCI–2, "Agreement", which provides that winter wheat seeded for harvest in 1951 shall not be covered by the contract and (ii) in Morgan County, Colorado, if the applicant executes and submits with his application a Form FCI–2, "Agreement", which provides that neither winter wheat nor winter barley, seeded for harvest in 1951 shall be covered by the contract.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507, 508, 509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on December 8, 1950.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: December 13, 1950.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-11831; Filed, Dec. 18, 1950; 8:45 a. m.]

[Amdt. 2]

PART 421—DRY EDIBLE BEAN CROP INSURANCE

SUBPART—REGULATIONS FOR 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 7684, 15 F. R. 2485), are hereby amended with respect to bean crops insured for the 1951 and succeeding crop years as follows:

1. Section 421.26, as amended, is amended by changing the wording preceding paragraph (a) to read as follows:

§ 421.26 *Price for valuing production.* In determining any loss under the contract, the production determined in accordance with the production schedule appearing in Section 17 of the policy shall be valued for the 1950 crop year on the basis of the applicable price below:

2. Section 1 of § 421.32 is amended to read as follows:

1. *Classes of beans insured.* The class or classes of beans insured shall be those specified on the attached rider.

3. Section 29 of § 421.32 is amended by adding the following paragraph:

The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured bean crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. If the insured is not eligible for the above premium reduction, his annual premium may be reduced in any year not to exceed 25 percent if it is determined by the Corporation that his accumulated balance, expressed in dollars, of premiums over indemnities on consecutively insured bean crops exceeds his total coverage (computed on the basis of the coverage applicable to threshed acreage). Nothing in this paragraph shall create in the insured any right to a reduced premium.

4. The following section is hereby added:

§ 421.33 *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured bean crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. If the insured is not eligible for the above premium reduction, his annual premium for any year may be reduced not to exceed 25 percent if it is determined by the Corporation that his accumulated balance, expressed in dollars, of premiums over indemnities on consecutively insured bean crops (ending with the current crop year) exceeds his total coverage (computed on the basis of the coverage applicable to threshed acreage). As used in this section, "consecutively insured crops" means bean crops insured in consecutive years during which insurance was available. Failure to apply for insurance for any year when insurance is offered in the county in which the insured's farm is located shall break the insured's continuity of consecutively insured crops as of such year, even though insurance may not be provided in the county during such year because of failure to meet the minimum participation requirement: *Provided, however,* That failure to apply for insurance for any year will not break the continuity of consecutively insured crops, if (a) the failure to apply for insurance was due to service in active military or naval service of the United States, or (b) the insured establishes to the satisfaction of the Corporation, that failure to apply for insurance for any crop year was due to the fact that beans were not planted in that year. Nothing in this section shall create in the insured any right to a reduced premium.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

Adopted by the Board of Directors on December 8, 1950.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: December 13, 1950.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-11833; Filed, Dec. 18, 1950; 8:45 a. m.]

PART 422—CITRUS CROP INSURANCE

SUBPART—REGULATIONS FOR ANNUAL CONTRACTS FOR 1951 CROP YEAR

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to citrus crop insurance contracts for the 1951 crop year, until amended or superseded by regulations hereafter made.

Sec.
422.21 Availability of citrus crop insurance.
422.22 Coverages per acre.
422.23 Premium.
422.24 Application for insurance.
422.25 The contract.
422.26 Reduction of premium based on good experience.
422.27 Public notice of indemnities paid.
422.28 Refund of excess premium payments.
422.29 Creditors.
422.30 Rounding of fractional units.
422.31 The policy.

AUTHORITY: §§ 422.21 to 422.31, inclusive, issued under secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73–75; as amended; 7 U. S. C. 1507, 1508, 1509.

§ 422.21 *Availability of citrus crop insurance.* (a) Citrus crop insurance will be provided for experimental purposes in Indian River, Lake, and Polk Counties, Florida.

(b) Insurance will not be provided pursuant to applications for citrus insurance filed in a county unless written applications cover the minimum number of farms prescribed by the Federal Crop Insurance Act, as amended. For this purpose an insurance unit shall be counted as one farm.

§ 422.22 *Coverages per acre.* The Corporation shall establish coverages per acre which shall not (a) be in excess of the maximum limitations prescribed by the Federal Crop Insurance Act, as amended, or (b) apply to acreage having a potential production for the 1951 crop year of less than 100 standard field boxes per acre. The coverages established by the Corporation shall be shown on the county actuarial table which shall be on file in the county office.

§ 422.23 *Premium.* (a) The Corporation shall establish premium rates per acre by areas for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for citrus crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table which shall be on file in the county office.

(b) The premium shall be paid on or before April 30, 1951, except that such date may be extended to August 31, 1951, upon the insured making arrangements satisfactory to the Corporation to insure payment of the premium.

§ 422.24 *Application for insurance.* Application for insurance on a Corporation form entitled "Application for Citrus Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, or tenant in a citrus crop. Applications shall be submitted to the county office on or before April 30, 1951.

§ 422.25 *The contract.* Upon acceptance of an application for insurance by the Corporation, the contract shall be in effect and shall consist of the application and policy shown in § 422.31.

§ 422.26 *Reduction of premium based on good experience.* The insured's annual premium may be reduced 25 percent if he has had seven consecutively insured citrus crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. As used in this section, "consecutively insured crops" means the citrus crops insured in consecutive years during which insurance was available. Failure to apply for insurance in any year when insurance is offered in the county in which the insured's grove is located shall break the insured's continuity of consecutively insured crops prior to such year, even though insurance may not be provided in the county during such year because of failure to meet the minimum participation requirement: *Provided, however,* That failure to apply for insurance for any year will not break the continuity of consecutively insured crops, if (a) the failure to apply for insurance was due to service in active military or naval service of the United States, or (b) the insured establishes, to the satisfaction of the Corporation, that failure to apply for insurance was due to the fact that he had no insurable interest in a citrus crop in that year. Nothing in this section shall create in the insured any right to a reduced premium.

§ 422.27 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses in such county.

§ 422.28 *Refund of excess premium payments.* Refund of any excess premium payment will be made only to the person who made such payment, except

that where a person who is entitled to a refund of an excess premium payment has died, has been judicially declared incompetent, or has disappeared, the provisions of the policy with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

§ 422.29 *Creditors.* An interest in an insured citrus crop existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle any holder of any such interest to any benefits under the contract.

§ 422.30 *Rounding of fractional units.* The premium and the total coverage shall be rounded to cents. Fractions of acres shall be rounded to tenths of acres. The percent of damage shall be rounded to tenths of a percent. Computations shall be carried one digit beyond the digit that is to be rounded. If the last digit is 1, 2, 3, or 4, the rounding shall be downward. If the last digit is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 422.31 *The policy.* The provisions of the citrus crop insurance policy for the 1951 crop year are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or referred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the "Corporation") does hereby insure

---------- ----------
(Name) (Policy No.)
---------- ---------- Florida
(Address) (County)

(hereinafter designated as the "insured") against unavoidable loss on his citrus crops due to freeze, hail, hurricane, or tornado.

In witness whereof, the Corporation has caused this policy to be issued this------ day of----------, 1951.

FEDERAL CROP INSURANCE CORPORATION,
By ----------
(State Crop Insurance Director)

TERMS AND CONDITIONS

1. *Kinds of citrus insured.* The kinds of citrus insured shall be all varieties of oranges, grapefruit, and tangerines.

2. *Insurable acreage.* Any acreage is insurable only if a coverage is shown therefor on the county actuarial table (including maps and related forms) on file in the county office. Acreage having a potential production of less than 100 standard field boxes per acre is uninsurable.

3. *Responsibility of insured to report acreage and interest.* Each applicant shall specify on his application the number of insurable acres of citrus in the county in which he expects to have an interest as of May 1, 1951, and his expected interest in each such acreage. These data may be revised by the applicant on or before May 15, 1951, to show the actual insurable acreage of citrus in which he has an interest on May 1, 1951, and his interest therein. Unless so revised, the data on the application shall constitute the insured's report of his citrus acreage and his interest therein on May 1, 1951.

4. *Insured acreage.* The insured acreage with respect to each insurance unit shall be the insurable acreage of citrus in which the insured has an interest on May 1, 1951, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

5. *Insured interest.* The insured interest in the citrus crops covered by the contract shall be the insured's interest on May 1, 1951, as reported by the insured or the interest which the Corporation determines as the insured's actual interest in the insurable citrus crops on this date, whichever the Corporation shall elect. For the purpose of determining the amount of any loss the insured interest shall not exceed the insured's actual interest at the time of damage.

6. *Coverage per acre.* The coverage per acre shall be the number of dollars established by the Corporation for the area in which the insured acreage is located, and is shown on the county actuarial table on file in the county office.

7. *Insurance period.* Insurance shall attach on May 1, 1951. Insurance shall cease with respect to any portion of a citrus crop covered by the contract upon harvest but in no event shall the insurance remain in effect after June 30, 1952, unless such time is extended in writing by the Corporation.

8. *Causes of loss not insured against.* The contract shall not cover loss caused by (a) failure to follow recognized good grove practices, (b) failure properly and without unreasonable delay to care for, harvest, salvage, or market the insured crops, (c) failure of a marketing agency or buyer to accept delivery of marketable fruit, (d) drought, (e) flood, (f) lightning, (g) fire, (h) excessive rain, (i) wildlife, (j) insect infestation, (k) plant disease, (l) normal dropping of fruit, (m) neglect or malfeasance of the insured or of any person in his household or employment or connected with the grove as caretaker, tenant or wage hand, or (n) any cause of loss other than freeze, hail, hurricane, or tornado; nor shall it cover damage to blossoms in any case, or damage to fruit which will not mature by June 30, 1952.

9. *Notice of loss or damage.* (a) If a loss under the contract is probable, notice in writing (unless otherwise provided by the Corporation) shall be given the Corporation at the county office within 7 days after each material damage to the insured crop from an insured cause. Such notice shall state the cause and date of damage and probable percentage of damage.

(b) In the case of freeze or hail, if the extent of damage cannot be determined until after the damaged fruit is harvested, an additional notice in writing (unless otherwise provided by the Corporation), stating the date that harvest of the damaged fruit was completed for the insurance unit, shall be given the Corporation at the county office within 15 days of such date.

(c) If notice(s) is not given as required by this section, the Corporation reserves the right to reject any claim for indemnity.

10. *No abandonment.* There shall be no liability under the contract on any citrus crop or part thereof which is abandoned by the insured without a release by the Corporation. There shall be no abandonment of any crop or portion thereof to the Corporation.

11. *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation, on a Corporation form entitled "Statement in Proof of Loss for Citrus", such information regarding the manner and extent of the loss as may be required by the Corporation. This form containing such information shall be executed and submitted, for each loss claimed, within (a) ninety days after the time of damage in the case of hurricane or tornado or (b) sixty days after the completion of harvesting the damaged fruit in the case of freeze or hail, but in no event later than July 31, 1952, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made, and that such loss has been directly caused by one or more of the hazards insured against during the insurance period, and that the insured further establish that no part of the loss has arisen from or been caused by, either directly or indirectly, any of the causes of loss not insured against by the contract.

12. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 13 (e). An insurance unit consists of (a) all the insurable acreage of citrus in the county in which the insured has 100 percent interest on May 1, 1951, or (b) all such insurable acreage in the county in which two or more persons have 100 percent interest on May 1, 1951, excluding any other acreage of citrus in the county in which such persons do not have 100 percent interest on such date. Acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table.

13. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by multiplying the coverage for such unit by the average percent of damage for all citrus crops on such unit, except that no loss shall be payable if the average percent of damage for the unit during the insurance period is less than 10 percent.

(b) The amount of coverage with respect to any insurance unit shall be determined by multiplying the insured acreage of citrus on such unit by the insured interest and the result by the coverage per acre.

(c) The average percent of damage for all citrus crops on any insurance unit shall be based upon the percent of damage to each kind of fruit on the unit and the insurable acreage in each such kind.

(d) The percent of damage for each kind of fruit on any insurance unit shall be the ratio of the number of standard field boxes of fruit lost from an insured cause(s) to the total number of standard field boxes of such kind of fruit which was or would have been produced, as determined by the Corporation. In the case of partial damage by freeze or hail, the number of standard field boxes of partially damaged fruit lost will be determined by the Corporation on the basis of 85 pounds per box for grapefruit, 90 pounds per box for oranges, and 95 pounds per box for tangerines. The number of boxes of each kind of fruit which was or would have been produced shall include (1) fruit picked before the insured damage occurs, (2) fruit remaining on the trees after the damage occurs, (3) fruit lost from the insured cause(s) of damage, and (4) any other fruit not included in items (1) through (3), including fruit lost from causes not insured against. Fruit lost shall include any fruit which is unmarketable as fruit or for juice due to an insured cause(s) and the destroyed portion (based on weight) of any fruit which is partially damaged by freeze or hail, as determined by the Corporation.

(e) If production from two or more insurance units, or from any insurance unit(s) and uninsured acreage, is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may (i) allocate either the commingled production or the amount of loss or both between the acreage involved in any manner it deems appropriate or (ii) void the insurance on the insurance unit(s) involved and declare the premium for such unit(s) forfeited by the insured.

14. *Payment of indemnity.* (a) Indemnities shall be paid only by check. The amount of indemnity will be payable within thirty days after a satisfactory proof of loss is approved by the Corporation but if payment is delayed for any reason the Corporation shall not be liable for interest or damages on account of such delay.

(b) Indemnities shall be subject to all provisions of the contract, and the Corporation shall have the right to deduct from any indemnity the unpaid amount of any obligation of the insured to the Corporation.

(c) Any idemnity payable under the contract shall not be subject to attachment, levy, garnishment, or any other legal process before payment to the insured or such other person(s) as may be entitled thereto under the provisions of the contract.

(d) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable except with the consent of the Corporation.

15. *Payment to transferee.* If the insured transfers all or a part of his insured interest in a citrus crop before the end of the insurance period the transferee upon written request made by the transferor will be entitled to the benefits, and subject to the terms and conditions, of the contract accruing after the transfer with respect to the interest so transferred. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 17. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place.

16. *Death, incompetence or disappearance of insured.* (a) The contract and any assignment made to secure the premium thereon shall bind and apply to the benefit of the insured's heir(s), administrator, executor, guardian or conservator.

(b) If the insured dies, is judicially declared incompetent or disappears any indemnity which is or becomes part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation shall pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, but if the indemnity exceeds $500.00 the Corporation may withhold payment until a legal representative of the estate is qualified. In such case, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit, the determination of the Corporation as to the existence or non-existence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid and shall be a bar to recovery by any other person(s).

17. *Collateral assignment.* The original insured may assign his right to an indemnity under the contract by executing a Corporation form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

18. *Records and access to grove.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep, or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all citrus produced on each insurance unit covered by the contract, and on any uninsured acreage in which he has an interest. As often as may be reasonably required, any person(s) designated by the Corporation shall have access to such records and the grove(s) for purposes related to the contract.

19. *Voidance of contract.* The Corporation may void the contract and declare the premium(s) forfeited without waiving any right or remedy, including the right to collect the amount of the premium, if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or the subject thereof, or (b) the insured shall neglect to use all reasonable means to care for, save or salvage the citrus crop(s) whether before or after damage has occurred, or (c) the insured fails to give any notice, or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed.

20. *Modification of contract.* No notice to any representative of the Corporation or knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

21. *General.* (a) In addition to the terms and provisions in the application and policy, the Citrus Crop Insurance Regulations for the 1951 crop year shall govern with respect to (1) minimum participation requirement, (2) closing date for filing applications for insurance, (3) refund of excess premium payments, (4) creditors, and (5) rounding of fractional units.

(b) Copies of the Citrus Crop Insurance Regulations for the 1951 crop year and the forms referred to in this policy are available at the county office.

22. *Meaning of terms.* For the purpose of the Citrus Crop Insurance Program, the term:

(a) "Contract" means the accepted application for insurance, this policy and any riders thereto.

(b) "County actuarial table" means the form and related material (including the crop insurance maps) approved by the Corporation for listing the coverage per acre and the premium rates per acre applicable in the county, and shall be on file in the county office.

(c) "County office" means the Production and Marketing Administration county office.

(d) "Crop year" means the period May 1, 1951 through June 30, 1952, and is referred to as the 1951 crop year.

(e) "Harvest" means (i) any severance of the fruit from the tree either by pulling or clipping or (ii) picking the marketable fruit from the ground.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(g) "Share tenant" means a person who rents land from another person for a share of the citrus crop(s) or proceeds therefrom produced on such land.

23. *Amount of premium.* (a) The premium rate per acre will be the applicable number of dollars established by the Corporation for the coverage and rate area in which the insured acreage is located and is shown on the county actuarial table on file in the county office. The premium for each insurance unit under the contract will be based upon (1) the insured acreage, (2) the applicable premium rate(s), and (3) the insured interest(s) in the citrus crop on May 1, 1951. The premium for the contract shall be the total of the premiums computed for all insurance units covered by the contract. The premium with respect to any insured acreage shall be regarded as earned on May 1, 1951.

(b) The insured's annual premium may be reduced 25 percent if he has had seven consecutively insured citrus crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. Nothing in this paragraph shall create in the insured any right to a reduced premium.

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

Adopted by the Board of Directors on December 8, 1950.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: December 13, 1950.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-11832; Filed, Dec. 18, 1950; 8:45 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 877.3]

PART 877—SUGARCANE; PUERTO RICO

1950-51 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in San Juan, Puerto Rico, on October 5 and 6, 1950, the following determination is hereby issued:

§ 877.3 *Fair and reasonable prices for the 1950-51 crop of Puerto Rican sugarcane.* A processor-producer of sugarcane in Puerto Rico who applies for payment under the act shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1950-51 crop, if the requirements of this determination are met.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means 96° raw sugar.

(2) "Settlement period" means the period in which sugarcane is delivered by the producer to the processor-producer and shall be either two weeks, fortnight, four weeks, month, or such other period as may be agreed upon between the producer and the processor-producer.

(3) "Fortnight" means (i) the first 15 days of a 29, 30, or 31 day month or the first 14 days of a 28 day month; or (ii) the last 14 days of a 28 or 29 day month, the last 15 days of a 30 day month, or the last 16 days of a 31 day month.

(4) "Average price of raw sugar" means the simple average of the daily spot quotations of raw sugar of the New York Coffee and Sugar Exchange (domestic contract), adjusted to a duty paid basis by adding to each daily quotation the United States duty prevailing

on Cuban raw sugar on that day, for the period on which settlement is based, except that, if the Director of the Sugar Branch determines that for any such period such average price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, the Director may designate the average price to be effective under this determination. Average prices of raw sugar for successive settlement periods shall be computed from (i) December 4, 1950, in the case of a two-week or four-week period; and (ii) December 1, 1950, in the case of a fortnight or month; *Provided*, That if the commencement or ending of grinding at the mill does not coincide with the beginning or the ending of a regular settlement period, the average price of raw sugar for such period shall be computed (1) on the full settlement period, if grinding commenced during the first one-half or ended during the last one-half of such period; or (2) on the last one-half of the full settlement period if grinding commenced during the last one-half of such period; or (3) the first one-half of the full settlement period if grinding ended during the first one-half of such period.

(5) "F. o. b. mill price" means the average price of raw sugar minus selling and delivery expenses (converted to a pound unit) actually incurred by the processor-producer for raw sugar sold for shipment outside of Puerto Rico or minus equivalent deductions for raw sugar sold or processed in Puerto Rico. (As used in this definition selling and delivery expenses shall include those items listed in schedule "A" attached hereto and made a part hereof.)

(6) "Inferior varieties of sugarcane" means surgarcane of the Saccharum Spontaneum or Saccharum Sinense variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caladonia, or Coimbatore varieties).

(7) "Yield of raw sugar" means (i) for varieties other than inferior varieties of sugarcane, the yield of raw sugar per one hundred pounds of sugarcane determined for each settlement period in accordance with whichever of the following formulas is agreed upon between the producer and the processor-producer:

$$R=(S-0.3B)F$$

where:

R = Recoverable sugar yield, 96° polarization.

S = Polarization of the crusher juice obtained from the sugarcane of each producer.

B = Brix of the crusher juice obtained from the sugarcane of each producer.

F = Factor obtained from the fraction whose numerator is the average yield of sugar of 96° polarization obtained from the aggregate grinding during each settlement period in which the sugarcane of the producer has been ground, and whose denominator is the average polarization of the crusher juice minus three-tenths of the brix of the crusher juice, both components of the denominator being obtained from the aggregate grinding during the settlement period in which the sugarcane of the producer has been ground; or

$$R=FS$$

where:

R = Recoverable sugar yield, 96° polarization.

S = Polarization of the crusher juice obtained from the sugarcane of each producer during each settlement period.

F = Fraction whose numerator is the average yield of sugar of 96° polarization obtained from the aggregate grinding during each settlement period in which the sugarcane of the producer has been ground, and whose denominator is the average polarization of the crusher juice obtained from the aggregate grinding during the settlement period in which the sugarcane of the producer has been ground; or

(ii) For inferior varieties of sugarcane, the yield of raw sugar per 100 pounds of sugarcane determined for each settlement period in accordance with the formula prescribed by the Public Service Commission for the 1949–50 crop.

(b) *Basic payment.* (1) The basic payment for sugarcane delivered by the producer (colono) to the processor-producer during a settlement period shall be made either by the delivery to the producer of his share of raw sugar, packed in customary bags, or by the payment to the producer of the money value of his share of raw sugar, as agreed upon by the producer and the processor-producer.

(2) For sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, such basic payment shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's sugarcane:

Pounds of raw sugar per 100 pounds of sugarcane:	*Percentage*
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be calculated to the nearest one-tenth point.

(3) For sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, such basic payment shall be not less than the quantity determined by subtracting 3⅓ pounds of raw sugar from the yield of raw sugar of the producer's sugarcane.

(4) If settlement with the producer is made in cash, the processor-producer shall pay, or contract to pay, the producer the money value of his share of raw sugar determined from the following:

(i) For sugarcane from which was made the producer's share of raw sugar which is within the marketing allotment of the processor-producer during the period from the commencement of grinding until the termination of grinding of all 1950–51 crop sugarcane in Puerto Rico, the average price of raw sugar for the settlement period, converted to the f. o. b. mill price.

(ii) For sugarcane from which was made the producer's share of raw sugar which is within an increase in the marketing allotment of the processor-producer occurring after the termination of grinding of all 1950–51 crop sugarcane in Puerto Rico, the average price of raw sugar for the marketing days within the thirty-day period (commencing with the first marketing day) immediately following the effective date of the order permitting the marketing of such raw sugar, converted to the f. o. b. mill price.

(iii) For sugarcane from which was made the producer's share of raw sugar which is not within the marketing allotment of the processor-producer in the calendar year 1951, the average price of raw sugar for the period January 1, 1952, through February 28, 1952, converted to the f. o. b. mill price, and further by deducting storage, handling costs, insurance, personal property taxes levied on raw sugar, and other related costs actually incurred on such raw sugar for the period January 1, 1952 through February 28, 1952.

(iv) For the purpose of subdivisions (i) and (iii) of this subparagraph, the portion of the producer's share of raw sugar within and not within the marketing allotment of the processor-producer shall be calculated for each settlement period, subject to adjustment after final data are available. Such portions shall be determined by applying to the producer's share of raw sugar produced from his sugarcane during the settlement period the percentages obtained by dividing the quantities of raw sugar within and not within, respectively, the marketing allotment of the processor-producer by the total quantity of raw sugar produced by the processor-producer. For the purpose of subdivision (ii) of this subparagraph, the portion of the producer's share of such raw sugar within an increase in the marketing allotment of the processor-producer occurring after the termination of grinding of all 1950–51 crop sugarcane in Puerto Rico shall be determined by applying to the producer's share of raw sugar produced from his sugarcane for the 1950–51 crop the percentage obtained by dividing the quantity of raw sugar within an increase in the marketing allotment of the processor-producer by the total quantity of raw sugar produced by the processor-producer.

(v) Notwithstanding the provisions of subdivisions (i), (ii), (iii) and (iv) of this subparagraph, if the producer and the processor-producer agree to make settlement for the producer's share of raw sugar produced from all sugarcane delivered by the producer during the settlement period on the basis of the average price of raw sugar for the settlement period converted to the f. o. b. mill price, and if the processor-producer makes a final and complete settlement in cash within 14 days after the end of such period, or within such extension of such period as may be approved by the Director, Caribbean Area Office, the processor-producer shall be deemed to have met the requirements of this subparagraph. In such case the f. o. b. mill price shall be calculated by using estimated selling and delivery expenses as approved by the Caribbean Area Office, PMA, San Juan, Puerto Rico.

(c) *Molasses payment.* For each ton of sugarcane delivered, the processor-producer shall pay to the producer an amount equal to the product of (1) 66 percent of the net proceeds per gallon of blackstrap molasses of the 1950–51 crop in excess of five cents per gallon and (2) the average production of blackstrap molasses per ton of sugarcane of the 1950–51 crop processed at the mill.

(d) *General.* (1) If sugarcane is delivered to the processor-producer in the name of a person other than the producer thereof (commonly referred to as "purchasing agent"), the processor-producer shall make payment to the producer of such sugarcane in accordance with the provisions of this determination.

(2) When payment is made to the producer by the delivery of raw sugar, the processor-producer shall store and insure (or agree to store and insure) all such sugar through December 31, 1951, free of charge to the producer: *Provided*, That the producer shall bear any charges arising out of the necessity of utilizing outside storage facilities for such sugar prior to January 1, 1952.

(3) When payment is made to the producer by the delivery of raw sugar, the processor-producer shall share (or agree to share) with the producers on a pro rata basis all ocean shipping facilities available to the processor-producer.

(4) Allowances made to producers or costs absorbed by the processor-producer for services and transportation for the 1949–50 crop shall be borne by the processor-producer for the 1950–51 crop: *Provided*, That, nothing in this subparagraph shall be construed as prohibiting modifications of practices which may be necessary because of unusual circumstances, any change in allowances resulting from such modifications to be subject to approval of the Caribbean Area Office, PMA, San Juan, Puerto Rico.

(5) The processor-producer shall submit to the Caribbean Area Office, PMA, San Juan, Puerto Rico, within a reasonable time prior to the commencement of grinding, a statement setting forth the method and period of settlement for sugarcane with each producer. In addition, for those processor-producers who make settlements with producers in cash, the processor-producer shall, at the same time, submit a statement whether settlements with any producers will be made under the option set forth in paragraph (b) (4) (v). In the event the option under paragraph (b) (4) (v) is to be used, the processor-producer shall submit the names of the producers who will receive settlement under such paragraph, certify that agreements to settle on such basis have been entered into between the producer and processor-producer, and submit for approval the estimated selling and delivery expenses which will be used by the processor-producer in arriving at the f. o. b. mill price.

(6) The processor-producer shall submit in duplicate to the Caribbean Area Office, Production and Marketing Administration, San Juan, Puerto Rico, a statement verified by a certified public accountant of the deductions made in determining the f. o. b. mill price and deductions relating to carry-over sugar.

(e) *Subterfuge.* The processor-producer shall not reduce returns to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable prices to be paid by a processor-producer (i. e., a producer who is directly or indirectly a processor of sugarcane—hereinafter referred to as "processor") for sugarcane of the 1950–51 crop purchased from other producers. It prescribes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the act. In this statement the foregoing determination, as well as determinations for prior years, will be referred to as "price determination", identified by the crop year for which effective.

(b) *Requirements of the act.* The act requires that in determining fair and reasonable prices public hearings be held and investigations made. Accordingly, on October 5 and 6, 1950, a public hearing was held in San Juan, Puerto Rico, at which time interested persons presented testimony with respect to fair and reasonable prices for the 1950–51 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in Puerto Rico. In this price determination consideration has been given to testimony presented at the hearing and to information resulting from the investigations.

(c) *Background.* Determinations of fair and reasonable prices for sugarcane in Puerto Rico have been issued for each crop beginning with the 1937–38 crop. The first price determination provided for a sharing ratio of 63 percent for producers and 37 percent for processors of the raw sugar, or the value of raw sugar, recovered when such recovery was 9 pounds or more per one hundred pounds of sugarcane. This sharing ratio was changed in the 1942–43 price determination to 65–35 percent for sugarcane yielding 12 pounds or more of raw sugar and 63–37 percent for sugarcane yielding 9 to 12 pounds of raw sugar. In the 1946–47 price determination producer participation was increased 1½ percent for sugarcane yielding 9 pounds or more of raw sugar when the average price of raw sugar (duty-paid basis, delivered) exceeded $5.00 per one hundred pounds during a settlement period.

In the 1947–48 price determination a sliding settlement scale based upon the yield of raw sugar from sugarcane replaced the "flat" sharing scale for sugarcane yielding 9 pounds or more of raw sugar. This scale became effective when the average price of raw sugar exceeded $5.00 per one hundred pounds and provided for a base sharing ratio of 63.5 percent for producers and 36.5 percent for processors for sugarcane yielding from 9 to 9.99 pounds of raw sugar per one hundred pounds of sugarcane. The producers' percentage sharing increased 1 percent for each additional one-pound yield interval above the 9 to 9.99 pound interval up to a maximum of 67.5 percent for sugarcane yielding 13 pounds or more of raw sugar. The sliding settlement scale of payment has been continued for each crop since the 1947–48 price determination. The processors' share at all such levels of recoveries was correspondingly decreased. When the average price of raw sugar was $5.00 per one hundred pounds or less, the sharing ratio remained at 63–37 percent for sugarcane yielding from 9 to 12 pounds of sugar and 65–35 percent for sugarcane yielding 12 pounds or more of sugar. In the 1949–50 price determination the sharing ratios applicable at raw-sugar prices of $5.00 per one hundred pounds or less were eliminated. Changes made in the sharing ratio since the 1937–38 crop have brought the producers' share of total proceeds from sugar more in line with the share of total costs.

Price determinations from 1937–38 through 1945–46 have provided that the producers' share of raw sugar from sugarcane yielding less than 9 pounds of sugar for each one hundred pounds of sugarcane and for certain inferior varieties of sugarcane was to be that agreed upon between producers and processors in prior contracts. In the 1946–47 price determination the producers' share of raw sugar from such sugarcane was to be the percentage agreed upon in prior contracts plus 1½ percent if the New York price of raw sugar was in excess of $5.00 per one hundred pounds for the settlement period. This provision was revised in the 1947–48 price determination to require settlements for such sugarcane on the basis of current agreements between processors and producers.

In the 1941–42 price determination provision was made for producers to share in the proceeds from the sale of molasses because the price of molasses had risen to a point where it became a significant factor in the total income of the industry. The provision has been continued each year except for the 1942–43 crop when it was eliminated primarily because of the lack of shipping facilities.

In the 1948–49 price determination provision was made for an optional method of settlement for sugarcane from which was made the producers' share of carry-over sugar in the event that marketing allotments were established during 1949. The option provided that settlements could be based on the average raw sugar price prevailing during the period the carry-over sugar was likely to be sold, January and February of 1950, rather than the average price for the settlement period in which the cane was delivered. A similar provision was included in the 1949–50 price determination.

The 1949–50 price determination was amended in two respects. Early in the grinding season of the 1949–50 crop it became apparent that some Puerto Rican sugar of that crop might be sold through CCC for shipment to points other than the continental United States and local markets, at prices below the New York price. Inasmuch as it would not have been equitable to require settlements for such sugar on the basis of the

New York price of raw sugar, the 1949–50 price determination was amended to provide for settlements based on the actual price received for such sugar, converted to the f. o. b. mill price. Later in 1950 marketing allotments were rescinded which permitted the marketing of sugar in excess of the last effective marketing allotments. Unusual conditions which affected the marketing of raw sugar during this period resulted in raw sugar prices somewhat higher than those prevailing during the settlement period in which the sugarcane was delivered. To provide for equitable settlement for sugarcane from which such excess sugar was made, the determination again was amended to provide that settlements for such sugarcane were to be made on the basis of the average price of raw sugar for the marketing days within the 30-day period immediately following the effective date of the amendment.

(d) *1950–51 price determination.* The 1950–51 price determination continues the terms and conditions of the 1949–50 price determination, as amended, except for the following changes:

(1) The settlement scale has been revised to provide for sharing percentages at each one-tenth pound of sugar recovered per 100 pounds of sugar cane from 9 to 13 pounds. This will largely eliminate the anomalies present in the 1949–50 price determination scale where disproportionate sharing relationships existed at the upper and lower limits of the full one pound sugar recovery intervals. The new scale maintains at the midpoints of the one pound recovery intervals the same sharing percentages that existed in the 1949–50 price determination scale and, hence, the sharing of sugar recoveries between producers and processors is not materially altered.

(2) The basis for sharing net returns from blackstrap molasses has been changed to provide that producers receive 66 percent of such net returns in excess of five cents per gallon, instead of 50 percent of such net returns in excess of 4 cents per gallon. In view of present and prospective high prices of blackstrap molasses, this change is necessary to maintain between producers and processors the basic sharing relationship established by the 1949–50 price determination.

(3) Admissible items of selling and delivery expenses are set forth in a separate schedule and made a part of this determination in an effort to clarify the definition of the f. o. b. mill price of raw sugar.

(4) The method of settlement for inferior varieties of sugarcane and for sugarcane yielding less than 9 pounds of raw sugar per 100 pounds of sugarcane is prescribed, whereas in previous determinations settlements for such sugarcane were to be as agreed upon between the producer and the processor. This change incorporates into the determination the established methods of settlement for inferior varieties of sugarcane and low sugar yielding sugarcane.

(5) Separate methods are prescribed for making cash settlements for sugarcane from which was made the producers' share of (a) raw sugar within the marketing allotment of the processor during the period from the commencement of grinding until the termination of grinding of all 1950–51 crop sugarcane; (b) raw sugar within an increase in the marketing allotment of the processor occurring after the termination of grinding of the Puerto Rican 1950–51 crop and (c) raw sugar not within the marketing allotment of the processor in the calendar year 1951. These settlement methods will provide for an equitable sharing between producers and processors of variable market prices and costs which result from the operation of the quota provisions of the Act. The determination also provides for an optional method of settlement under which producers and processors may agree to final and complete settlement (except for the molasses payment) in cash within 14 days after the end of the settlement period for the producers' share of raw sugar made from all sugarcane delivered by the producer during the settlement period. This option is included for use in those cases where the producer prefers to receive immediate cash settlement for his sugarcane and the processor prefers to assume the risks of future marketing of the producers' share of raw sugar.

(6) In instances where allowances were made to producers or costs were absorbed by the processor for services and transportation for 1949–50 crop sugarcane, the determination provides that such costs or allowances shall be borne by the processor for the 1950–51 crop. This provision incorporates into the determination those allowances or absorptions for services and transportation which are an integral part of the sharing relationship of producers and processors.

At the public hearing representatives of both producers and processors expressed dissatisfaction with the division of sugar proceeds as provided by the application of the settlement scale of the 1949–50 price determination. In both instances, the recommendations, if adopted, would have resulted in drastic changes in the sharing of sugar returns to benefit either the producers or the processors. An examination of available data shows that economic changes have not been such as to indicate the need for a revision of the basic sharing relationship established in the 1949–50 price determination. This determination with the indicated changes maintains for the 1950–51 crop substantially the same sharing relationship established for the 1949–50 crop and is, therefore, deemed to provide fair and reasonable prices for sugarcane of the 1950–51 crop.

Accordingly, I thereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup., 1131)

Issued this 13th day of December 1950.

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

SCHEDULE A—ADMISSIBLE SELLING AND DELIVERY EXPENSES

Shipping and selling expenses shall be those expenses actually incurred by the processor-producer in the delivery and selling of the 1950–51 crop sugar. Such expenses shall commence with the unstacking of raw sugar at the warehouse and shall include such expenses incurred thereafter incidental to the delivery of the raw sugar to the purchaser.

Expenses shall be either actual payments to contractors for necessary services purchased or the costs incurred by the processor-producers in furnishing necessary services. Following is a list of these services considered admissible for settlement of the 1950–51 crop:

1. Necessary outside storage.
2. Unstacking, tallying and loading, limited, however, to the last storage place from which sugar is moved to shipside.
3. Freight from warehouse to dock, including covering cars when necessary.
4. Handling at dock, including unloading, stacking, and tallying.
5. Wharfage, lighterage, and dock warehousing when incurred as an item separate from wharfage.
6. Shore risk insurance from warehouse to ship and marine and war risk insurance.
7. Ocean freight.
8. Rebagging and mending labor whenever and wherever incurred.
9. Brokerage.
10. Exchange.
11. Weighing, testing, sampling, mending and taring at destination.
12. Freight demurrage resulting from causes beyond the control of the shipper.
13. Dispatch earned, or other offsetting credits arising from selling and delivery services, shall be treated as offsetting credits against expense.

When any of the necessary services are furnished by the processor-producer, costs incurred shall include for each of the services rendered:

1. Direct and immediate supervisory labor.
2. Taxes and insurance assessed or charged to the processor-producer on such labor and a proportionate share of retirement and pension, bonuses and vacation expenses properly allocable to such labor.
3. Direct supplies.
4. Maintenance labor and supplies required for the facilities used.
5. Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.
6. Administrative expenses and interest shall be excluded from such costs.

In the event that facilities used in providing the necessary services are also used for other purposes by the processor-producer, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director, PMA Caribbean Area Office, may, by administrative interpretation, permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor-producer in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f. o. b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director, Caribbean Area Office, PMA, San Juan, Puerto Rico, may be allowed in lieu of expenses actually incurred.

The following certification shall be made on statements submitted to the Caribbean Area Office, PMA, San Juan, Puerto Rico:

CERTIFICATION

I hereby certify that the expenses set forth herein are properly chargeable as selling and delivery expenses in accordance with Schedule "A" of the determination of fair and reasonable prices for the 1950–51 crop of Puerto Rican sugarcane.

[F. R. Doc. 50-11923; Filed, Dec. 18, 1950; 8:54 a. m.]

TITLE 26—INTERNAL REVENUE

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

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5821]

PART 173—DISPOSITION OF SUBSTANCES USED IN THE MANUFACTURE OF DISTILLED SPIRITS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Document 50-11662, appearing in the issue for Friday, December 15, 1950, on page 8932, the original document is corrected so that the reference to §§ 173.3 and 173.5 will read §§ 173.1 and 173.3, respectively.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

By virtue of and pursuant to the authority which the President of the United States has delegated to the Secretary of the Treasury by Executive Order No. 9193 which delegations were made by the President of the United States by virtue of and pursuant to the authority vested in him by the Constitution, by the First War Powers Act, 1941, and by the Trading With the Enemy Act of October 6, 1917, as amended, the following regulations relating to Foreign Assets Control are prescribed. These regulations shall constitute Chapter V, Subtitle B of Title 31 of the Code of Federal Regulations.

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

SUBPART A—RELATION OF THIS CHAPTER TO OTHER LAWS AND REGULATIONS

SUBPART B—PROHIBITIONS

SUBPART C—GENERAL DEFINITIONS

SUBPART D—INTERPRETATIONS

SUBPART E—LICENSES AND AUTHORIZATIONS

SUBPART F—REPORTS

SUBPART G—PENALTIES

SUBPART H—PROCEDURES

AUTHORITY: §§ 500.101 to 500.807 issued under sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR 1943 Cum. Supp., E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR 1948 Supp.

SUBPART A—RELATION OF THIS CHAPTER TO OTHER LAWS AND REGULATIONS

§ 500.101 *Relation of this chapter to other laws and regulations including 8 CFR Ch. II.* (a) This chapter is independent of 8 CFR Ch. II. The prohibitions contained in this chapter are in addition to the prohibitions contained in 8 CFR Ch. II. No license or authorization contained in or issued pursuant to 8 CFR Ch. II shall be deemed to authorize any transaction prohibited by this chapter, nor shall any license or authorization issued pursuant to any other provision of law (except this chapter) be deemed to authorize any transaction so prohibited.

(b) No license or authorization contained in or issued pursuant to this chapter shall be deemed to authorize any transaction to the extent that it is prohibited by reason of the provisions of any law or any statute other than section 5 (b) of the Trading With the Enemy Act, as amended, or any proclamation, order or regulation other than those contained in or issued pursuant to this chapter.

SUBPART B—PROHIBITIONS

§ 500.201 *Transactions involving designated foreign countries or their nationals; effective date.* (a) All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, rulings, instructions, licenses, or otherwise, if either such transactions are by, or on behalf of, or pursuant to the direction of any designated foreign country, or any national thereof, or such transactions involve property in which any designated foreign country, or any national thereof, has at any time on or since the effective date of this section had any interest of any nature whatsoever, direct or indirect:

(1) All transfers of credit and all payments between, by, through, or to any banking institution or banking institutions wheresoever located, with respect to any property subject to the jurisdiction of the United States or by any person (including a banking institution) subject to the jurisdiction of the United States;

(2) All transactions in foreign exchange by any person within the United States; and

(3) The exportation or withdrawal from the United States of gold or silver coin or bullion, currency or securities, or the earmarking of any such property, by any person within the United States.

(b) All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, rulings, instructions, licenses, or otherwise, if such transactions involve property in which any designated foreign country, or any national thereof, has at any time on or since the effective date of this section had any interest of any nature whatsoever, direct or indirect:

(1) All dealings in, including, without limitation, transfers, withdrawals, or exportations of, any property or evidences of indebtedness or evidences of ownership of property by any person within the United States; and

(2) All transfers outside the United States with regard to any property or property interest subject to the jurisdiction of the United States.

(c) Any transaction for the purpose or which has the effect of evading or avoiding any of the prohibitions set forth in paragraphs (a) or (b) of this section is hereby prohibited.

(d) The term "designated foreign country" means a foreign country in the following schedule and the term "effective date" and the term "effective date of this section" mean with respect to any designated foreign country, or any national thereof, 12:01 a. m., eastern standard time, of the date specified in the following schedule:

SCHEDULE

Country and Effective Date

1. China: December 17, 1950.
2. North Korea, i. e., Korea north of the 38th parallel of North Latitude: December 17, 1950.

With respect to any country and for any other purpose for which an "effective date" is not otherwise provided the "effective date" shall be December 17, 1950.

§ 500.202 *Transactions with respect to securities registered or inscribed in the name of a designated national.* Unless authorized by a license expressly referring to this section, the acquisition, transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of, or the endorsement or guaranty of signatures on, or otherwise dealing in any security (or evidence thereof) registered or inscribed in the name of any designated national is prohibited irrespective of the fact that at any time (either prior to, on, or subsequent to the "effective date") the registered or inscribed owner thereof may have, or appears to have, assigned, transferred or otherwise disposed of any such security.

§ 500.203 *Effect of transfers violating the provisions of this chapter.* (a) Any transfer after the "effective date" which is in violation of any provision of this chapter or of any regulation, ruling, instruction, license, or other direction or authorization thereunder and involves any property in which a designated national has or has had an interest since such "effective date" is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power or privilege with respect to such property.

(b) No transfer before the "effective date" shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or interest in, any property in which a designated national has or has had an interest since the "effective date" unless the person with whom such property is held or maintained had written notice of the transfer or by any written evidence had recognized such transfer prior to such "effective date."

(c) Unless otherwise provided, an appropriate license or other authorization issued by or pursuant to the direction or authorization of the Secretary of the Treasury before, during or after a transfer shall validate such transfer or render it enforceable to the same extent as it would be valid or enforceable but for the provisions of section 5 (b) of the Trading With the Enemy Act, as amended, and this chapter and any ruling, order, regulation, direction or instruction issued thereunder.

(d) Transfers of property which otherwise would be null and void, or unenforceable, by virtue of the provisions of this section shall not be deemed to be null and void, or unenforceable pursuant to such provisions, as to any person with whom such property was held or maintained (and as to such person only) in cases in which such person is able to establish each of the following:

(1) Such transfer did not represent a willful violation of the provisions of this chapter by the person with whom such property was held or maintained;

(2) The person with whom such property was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer required a license or authorization by or pursuant to the provisions of this chapter and was not so licensed or authorized or if a license or authorization did purport to cover the transfer, that such license or authorization had been obtained by misrepresentation or the withholding of material facts or was otherwise fraudulently obtained; and

(3) Promptly upon discovery that

(i) Such transfer was in violation of the provisions of this chapter or any regulation, ruling, instruction, license or other direction or authorization thereunder, or

(ii) Such transfer was not licensed or authorized by the Secretary of the Treasury, or

(iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation or the withholding of material facts or was otherwise fraudulently obtained

the person with whom such property was held or maintained filed with the Treasury Department, Washington, D. C., a report in triplicate setting forth in full the circumstances relating to such transfer. The filing of a report in accordance with the provisions of this paragraph shall not be deemed to be compliance or evidence of compliance with paragraph (d) (1) and (2) of this section.

(e) Unless licensed or authorized by § 500.504 or otherwise licensed or authorized pursuant to this chapter any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property in which on or since the "effective date" there existed the interest of a designated foreign country or national thereof.

(f) For the purpose of this section the term "property" includes gold, silver, bullion, currency, coin, credit, securities (as that term is defined in section 2 (1) of the Securities Act of 1933, as amended), bills of exchange, notes, drafts, acceptances, checks, letters of credit, book credits, debts, claims, contracts, negotiable documents of title, mortgages, liens, annuities, insurance policies, options and futures in commodities, and evidences of any of the foregoing. The term "property" shall not, except to the extent indicated, be deemed to include chattels or real property.

SUBPART C—GENERAL DEFINITIONS

§ 500.301 *Foreign country.* The term "foreign country" also includes, but not by way of limitation:

(a) The state and the government of any such territory on or after the "effective date" as well as any political subdivision, agency, or instrumentality thereof or any territory, dependency, colony, protectorate, mandate, dominion, possession or place subject to the jurisdiction thereof,

(b) Any other government (including any political subdivision, agency, or instrumentality thereof) to the extent and only to the extent that such government exercises or claims to exercise control, authority, jurisdiction or sovereignty over territory which on the "effective date" constituted such foreign country,

(c) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since the "effective date", acting or purporting to act directly or indirectly for the benefit or on behalf of any of the foregoing, and

(d) Any territory which on or since the "effective date" is controlled or occupied by the military, naval or police forces or other authority of such foreign country.

§ 500.302 *National.* (a) The term "national" shall include

(1) A subject or citizen of or any person who has been domiciled or resident in a foreign country at any time on or since the "effective date."

(2) Any partnership, association, corporation, or other organization, organized under the laws of, or which on or since the "effective date" had or has had its principal place of business in a foreign country, or which on or since such effective date was or has been controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, was or has been owned or controlled by, directly or indirectly, a foreign country and/or one or more nationals thereof as defined in this section.

(3) Any person to the extent that such person is, or has been, since the "effective date" acting or purporting to act directly or indirectly for the benefit or on behalf of any national of a foreign country.

(4) Any other person who there is reasonable cause to believe is a "national" as herein defined.

(b) The Secretary of the Treasury retains full power to determine that any person is or shall be deemed to be a "national" within the meaning of this section, and to specify the foreign country of which such person is or shall be deemed to be a national.

§ 500.303 *Nationals of more than one foreign country.* (a) Any person who by virtue of any provision in this chapter is a national of more than one foreign country shall be deemed to be a national of each of such foreign countries.

(b) In any case in which a person is a national of two or more designated foreign countries, a license or authorization with respect to nationals of one of such designated foreign countries shall not be deemed to apply to such person unless a license or authorization of equal or greater scope is outstanding with respect to nationals of each other designated foreign country of which such person is a national.

(c) In any case in which the combined interests of two or more designated foreign countries and/or nationals thereof are sufficient in the aggregate to constitute control or ownership of 25 per centum or more of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of a partnership, association, corporation or other organization, but such control or a substantial part of such stock, shares, bonds, debentures, notes, drafts, or other securities or obligations is not held by any one such foreign country and/or national thereof, such partnership, association, corporation or other organization shall be deemed to be a national of each of such foreign countries.

§ 500.304 [Reserved.]

§ 500.305 *Designated national.* The term "designated national" shall mean any country designated in § 500.201 and any national thereof including any person who is a specially designated national.

§ 500.306 *Specially designated national.* (a) The term "specially designated national" shall mean:

(1) Any person who is determined by the Secretary of the Treasury to be a specially designated national,

(2) Any person who on or since the "effective date" has acted for or on behalf of the Government or authorities exercising control over any designated foreign country, or

(3) Any partnership, association, corporation or other organization which on or since the "effective date" has been owned or controlled directly or indirectly by the Government or authorities exercising control over any designated foreign country or by any specially designated national.

§ 500.307 *Unblocked national.* Any person licensed as an "unblocked national" shall, while so licensed, be regarded as a person within the United States who is not a national of any designated foreign country: *Provided, however,* That the licensing of any person as an "unblocked national" shall not be deemed to suspend in any way the requirements of any section of this chapter relating to reports, and the production of books, documents, records, etc.

§ 500.308 *Person.* The term "person" means an individual, partnership, association, corporation, or other organization.

§ 500.309 *Transactions.* The phrase "transactions which involve property in which any designated foreign country, or any national thereof, has any interest of any nature whatsoever, direct or indirect," includes, but not by way of limitation (a) any payment or transfer to any such designated foreign country or national thereof, (b) any export or withdrawal from the United States to such designated foreign country, and (c) any transfer of credit, or payment of an obligation, expressed in terms of the currency of such designated foreign country.

§ 500.310 *Transfer.* The term "transfer" shall mean any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property and without limitation upon the foregoing shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the appointment of any agent, trustee, or other fiduciary; the creation or transfer of any lien; the issuance, docketing, filing, or the levy of or under any judgment, decree, attachment, execution, or other judicial or administrative process or order, or the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition, or the exercise of any power of appointment, power of attorney, or other power.

§ 500.311 *Property; property interests.* Except as defined in § 500.203 (f) for the purposes of that section the terms "property" and "property interest" or "property interests" shall include, but not by way of limitation, money, checks, drafts, bullion, bank deposits, savings accounts, any debts, indebtedness obligations, notes, debentures, stocks, bonds, coupons, any other financial securities, bankers' acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership or indebtedness, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, real estate and any interest therein, leaseholds, ground rents, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks, copyrights, contracts or licenses affecting or involving patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future, or contingent.

§ 500.312 *Interest.* The term "interest" when used with respect to property shall mean an interest of any nature whatsoever, direct or indirect.

§ 500.313 *Property subject to the jurisdiction of the United States.* (a) The phrase "property subject to the jurisdiction of the United States" includes, without limitation, securities, whether registered or bearer, issued by:

(1) The United States or any State, district, territory, possession, county,

municipality, or any other subdivision or agency or instrumentality of any thereof; or

(2) Any person within the United States whether the certificate which evidences such property or interest is physically located within or outside the United States.

(b) The phrase "property subject to the jurisdiction of the United States" also includes, without limitation, securities, whether registered or bearer, by whomsoever issued, if the certificate evidencing such property or interest is physically located within the United States.

§ 500.314 *Banking institution.* The term "banking institution" shall include any person engaged primarily or incidentally in the business of banking, of granting or transferring credits, or of purchasing or selling foreign exchange or procuring purchasers and sellers thereof, as principal or agent, or any person holding credits for others as a direct or incidental part of his business, or any broker; and, each principal, agent, home office, branch or correspondent of any person so engaged shall be regarded as a separate "banking institution."

§ 500.315 [Reserved.]

§ 500.316 *License.* The term "license" shall mean any license or authorization contained in or issued pursuant to this chapter.

§ 500.317 *General license.* A general license is any license or authorization the terms of which are set forth in this chapter.

§ 500.318 *Specific licenses.* A specific license is any license or authorization issued pursuant to this chapter but not set forth in this chapter.

§ 500.319 *Blocked account.* The term "blocked account" shall mean an account in which any designated national has an interest, with respect to which account payments, transfers or withdrawals or other dealings may not be made or effected except pursuant to an authorization or license authorizing such action. The term "blocked account" shall not be deemed to include accounts of unblocked nationals.

§ 500.320 *Domestic bank.* The term "domestic bank" shall mean any branch or office within the United States of any of the following which is not a national of any designated foreign country: any bank or trust company incorporated under the banking laws of the United States or of any state, territory, or district of the United States, or any private bank or banker subject to supervision and examination under the banking laws of the United States or of any state, territory or district of the United States. The Secretary of the Treasury may also authorize any other banking institution to be treated as a "domestic bank" for the purpose of this definition or for the purpose of any or all sections of this chapter.

§ 500.321 *United States; continental United States.* The term "United States" means the United States and all areas under the jurisdiction or authority thereof including the Panama Canal Zone and the Trust Territory of the Pacific Islands. The term "continental United States" means the states of the United States, the District of Columbia, and the Territory of Alaska.

§ 500.322 *Authorized trade territory; member of the authorized trade territory.* (a) The term "authorized trade territory" shall include:

(1) North, South, and Central America, including the Caribbean region;

(2) Africa;

(3) Oceania, including Indonesia and the Philippines;

(4) Andorra, Austria, Belgium, Denmark, Eire, the Federal Republic of Germany and the Western sectors of Berlin, Finland, France (including Monaco), Greece, Iceland, Italy, Liechtenstein, Luxembourg, the Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, the United Kingdom and Yugoslavia;

(5) Afghanistan, Bhutan, British Malaya, Burma, Ceylon, Formosa, the French Establishments in India, Hong Kong, India, Indo-China, Iran, Iraq, Israel, Japan, Kuwait, Lebanon, Macao, Nepal, Oman, Pakistan, Portuguese India, Saudi Arabia, South Korea, Syria, Thailand, Trans-Jordan, and Yemen;

(6) Any colony, territory, possession, or protectorate of any country included within this paragraph but the term shall not include the United States.

(b) The term "member of the authorized trade territory" shall mean any of the foreign countries or political subdivisions comprising the authorized trade territory.

§ 500.323 *Occupied area.* The term "occupied area" shall mean any territory occupied by a designated foreign country which was not occupied by such country prior to June 25, 1950.

§ 500.324 [Reserved.]

§ 500.325 *National securities exchange.* The term "national securities exchange" shall mean an exchange registered as a national securities exchange under section 6 of the Securities Exchange Act of 1934 (48 Stat. 885, 15 U. S. C. 78f).

§ 500.326 *Custody of safe deposit boxes.* Safe deposit boxes shall be deemed to be in the "custody" not only of all persons having access thereto but also of the lessors of such boxes whether or not such lessors have access to such boxes. The foregoing shall not in any way be regarded as a limitation upon the meaning of the term "custody".

§ 500.327 *Blocked estate of a decedent.* The term "blocked estate of a decedent" shall mean any decedent's estate in which a designated national has an interest. A person shall be deemed to have an interest in a decedent's estate if he (a) was the decedent; (b) is a personal representative; or (c) is a creditor, heir, legatee, devisee, distributee, or beneficiary.

§ 500.328 *Status of the recognized governments of China and Korea and of the diplomatic and consular representatives of China and Korea.* (a) Those portions of China and Korea which are under the control of the Governments of China and Korea which are recognized by the United States are not included within the term designated foreign country.

(b) The diplomatic and consular representatives of the Governments of China and Korea which are recognized by the United States are not deemed to be acting or purporting to act directly or indirectly for the benefit or on behalf of any designated foreign country.

SUBPART D—INTERPRETATIONS

§ 500.401 *Reference to amended sections.* Reference to any section of this chapter or to any regulation, ruling, order, instruction, direction or license issued pursuant to this chapter shall be deemed to refer to the same as currently amended unless otherwise so specified.

§ 500.402 *Effect of amendment of sections of this chapter or of other orders, etc.* Any amendment, modification, or revocation of any section of this chapter or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Secretary of the Treasury pursuant to sections 3 (a) or 5 (b) of the Trading With the Enemy Act, as amended, shall not unless otherwise specifically provided be deemed to affect any act done or omitted to be done, or any suit or proceeding had or commenced in any civil or criminal case, prior to such amendment, modification, or revocation, and all penalties, forfeitures, and liabilities under any such section, order, regulation, ruling, instruction or license shall continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 500.403 *Termination and acquisition of the interest of a designated national.* (a) Except as provided in § 500.525, whenever a transaction licensed or authorized by or pursuant to this chapter results in the transfer of property (including any property interest) away from a designated national, such property shall no longer be deemed to be property in which a designated national has or has had an interest unless there exists in such property an interest of a designated national, the transfer of which has not been effected pursuant to license or other authorization.

(b) Unless otherwise specifically provided in a license or authorization contained in or issued pursuant to this chapter if property (including any property interest) is transferred to a designated national such property shall be deemed to be property in which there exists the interest of a designated national.

§ 500.404 *Transactions between principal and agent.* A transaction between any person within the United States and any principal, agent, home office, branch, or correspondent, outside the United States of such person is a transaction prohibited by section 500.201 of this chapter to the same extent as if the parties to the transaction were in no way affiliated or associated with each other.

§ 500.405 *Exportation of securities, etc. to designated foreign countries.* Section 500.201 of this chapter prohibits the exportation of securities, currency, checks, drafts and promissory notes to designated foreign countries.

§ 500.406 *Drafts under irrevocable letters of credit; documentary drafts.* Section 500.201 prohibits the presentation, acceptance or payment of:

(a) Drafts or other orders for payment drawn under irrevocable letters of credit issued in favor or on behalf of any designated national;

(b) Drafts or other orders for payment, in which any designated national has on or since the "effective date" had any interest, drawn under any irrevocable letter of credit; and

(c) Documentary drafts in which any designated national has on or since the "effective date" had any interest.

§ 500.407 *Administration of blocked estates of decedents.* Section 500.201 prohibits all transactions incident to the administration of the blocked estate of a decedent, including the appointment and qualification of personal representatives, the collection and liquidation of assets, the payment of claims, and distribution to beneficiaries. Attention is directed to § 500.523 which authorizes certain transactions in connection with the administration of blocked estates of decedents.

§ 500.408 *Access to certain safe deposit boxes prohibited.* Section 500.201 prohibits access to any safe deposit box within the United States in the custody of any designated national or containing any property in which any designated national has any interest or which there is reasonable cause to believe contains property in which any such designated national has any interest. Attention is directed to § 500.517 which authorizes access to such safe deposit boxes under certain conditions.

§ 500.409 *Certain payments to designated foreign countries and nationals through third countries.* Section 500.201 prohibits any request or authorization made by or on behalf of a bank or other person within the United States to a bank or other person in the authorized trade territory as a result of which request or authorization such latter bank or person makes a payment or transfer of credit either directly or indirectly to a designated national.

SUBPART E—LICENSES AND AUTHORIZATIONS

§ 500.501 [Reserved.]

§ 500.502 *Effect of subsequent licenses or authorizations.* No license or other authorization contained in this chapter or otherwise issued by or under the direction of the Secretary of the Treasury pursuant to section 3 (a) or 5 (b) of the Trading With the Enemy Act, as amended, shall be deemed to authorize or validate any transaction effected prior to the issuance thereof, unless such license or other authorization specifically so provides.

§ 500.503 *Exclusion from licenses and authorizations.* The Secretary of the Treasury reserves the right to exclude from the operation of any license or from the privileges therein conferred or to restrict the applicability thereof with respect to particular persons, transactions or property or classes thereof. Such action shall be binding upon all persons receiving actual notice or constructive notice thereof.

§ 500.504 *Certain judicial proceedings with respect to property of designated nationals.* (a) Subject to the limitations of paragraphs (b), (c) and (d) of this section judicial proceedings are authorized with respect to property in which on or since the "effective date" there has existed the interest of a designated national.

(b) A judicial proceeding is authorized by this section only if it is based upon a cause of action which accrued prior to the "effective date."

(c) This section does not authorize or license:

(1) The entry of any judgment or of any decree or order of similar or analogous effect upon any judgment book, minute book, journal or otherwise, or the docketing of any judgment in any docket book, or the filing of any judgment roll or the taking of any other similar or analogous action.

(2) Any payment or delivery out of a blocked account based upon a judicial proceeding nor does it authorize the enforcement or carrying out of any judgment or decree or order of similar or analogous effect with regard to any property in which a designated national has an interest.

(d) If a judicial proceeding relates to property in which there exists the interest of any designated national other than a person who would not have been a designated national except for his relationship to an occupied area, such proceeding is authorized only if it is based upon a claim in which no person other than any of the following has had an interest since the "effective date":

(1) A citizen of the United States;

(2) A corporation organized under the laws of the United States or any State, territory or possession thereof, or the District of Columbia;

(3) A natural person who is and has been since the "effective date" a resident of the United States and who has not been a specially designated national;

(4) A legal representative (whether or not appointed by a court of the United States) or successor in interest by inheritance, devise, bequest, or operation of law, who fall within any of the categories specified in paragraph (d) (1) (2) and (3) of this section but only to the same extent that their principals or predecessors would be qualified by such paragraph.

§ 500.505 *Certain persons in the United States unblocked.* (a) Except as provided in paragraph (b) of this section the following are hereby licensed as unblocked nationals:

(1) Any individual in the United States except an individual who on or after the "effective date," was in, or who, on or since such date, has acted or purported to act directly or indirectly for the benefit of or on behalf of any designated foreign country,

(2) Any partnership, association, corporation, or other organization which is a national of a designated foreign country solely by reason of the interest of persons licensed by this section.

(b) This section does not license as an unblocked national any person who is a specially designated national.

§ 500.506 *Certain persons in authorized trade territory unblocked.* (a) Except as provided in paragraph (b) of this section the following are hereby licensed as unblocked nationals:

(1) Any individual in the authorized trade territory except an individual who on or after the "effective date", was in, or who on or since such date, has acted or purported to act directly or indirectly for the benefit of, or on behalf of any designated foreign country,

(2) Any partnership, association, corporation, or other organization which is a national of a designated foreign country solely by reason of the interest of persons licensed by this section.

(b) This section does not license as an unblocked national any person who is a specially designated national.

§ 500.507. *Individuals who are citizens of, and residing only in the United States, unblocked.* (a) Any individual who is a citizen of the United States, residing only in the United States, and who is a national of a designated foreign country solely by reason of having been formerly domiciled or resident therein is hereby licensed as an unblocked national.

(b) This section does not license as an unblocked national any individual citizen of the United States who is a national of a designated foreign country by reason of any fact other than his former domicile or residence in such country.

§ 500.508 *Payments to blocked accounts in domestic banks.* (a) Any payment or transfer of credit to a blocked account in a domestic bank in the name of any designated national is hereby authorized providing such payment or transfer shall not be made:

(1) From any blocked account in a domestic bank; or

(2) From any other blocked account if such payment or transfer represents, directly or indirectly, a transfer of the interest of a designated national to any other country or person.

(b) This section does not authorize:

(1) Any payment or transfer to any blocked account held in a name other than that of the designated national who is the ultimate beneficiary of such payment or transfer; or

(2) Any foreign exchange transaction including, but not by way of limitation, any transfer of credit, or payment of an obligation, expressed in terms of the currency of any foreign country.

(c) This section does not authorize any payment or transfer of credit comprising an integral part of a transaction which cannot be effected without the subsequent issuance of a further license.

(d) This section does not authorize the crediting of the proceeds of the sale of securities held in a blocked account or a sub-account thereof, or the income derived from such securities to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities were held.

§ 500.509 *Entries in certain accounts for normal service charges.* (a) Any banking institution within the United States is hereby authorized to:

(1) Debit any blocked account with such banking institution (or with another office within the United States of such banking institution) in payment or reimbursement for normal service charges owed to such banking institution by the owner of such blocked account.

(2) Make book entries against any foreign currency account maintained by it with a banking institution in any designated foreign country for the purpose of responding to debits to such account for normal service charges in connection therewith.

(b) As used in this section, the term "normal service charge" shall include charges in payment or reimbursement for interest due, cable, telegraph, or telephone charges; postage costs; custody fees; small adjustment charges to correct bookkeeping errors; and, but not by way of limitation, minimum balance charges, account carrying charges, notary and protest fees, and charges for reference books, photostats, credit reports, transcripts of statements, registered mail insurance, stationery and supplies, check books, and other similar items.

§ 500.510 *Payments to the United States, States and political subdivisions.* (a) The payment from any blocked account to the United States or any agency or instrumentality thereof or to any State, territory, district, county, municipality or other political subdivision in the United States, of customs duties, taxes, and fees payable thereto by the owner of such blocked account is hereby authorized.

(b) This section also authorizes transactions incident to the payment of customs duties, taxes, and fees from blocked accounts, such as the levying of assessments, the creation and enforcement of liens, and the sale of blocked property in satisfaction of liens for customs duties, taxes, and fees.

§ 500.511 *Transactions by certain business enterprises.*

(a) Except as provided in paragraphs (b), (c) and (d) of this section any partnership, association, corporation or other organization which on the "effective date" was actually engaged in a commercial, banking or financial business within the United States and which is a national of any designated foreign country, is hereby authorized to engage in all transactions ordinarily incidental to the normal conduct of its business activities within the United States.

(b) This section does not authorize any transaction which would require a license if such organization were not a national of any designated foreign country.

(c) This section does not authorize any transaction by a specially designated national.

(d) Any organization engaging in business pursuant to this section shall not engage in any transaction, pursuant to this section or any other license or authorization contained in this chapter, which, directly or indirectly, substantially diminishes or imperils the assets of such organization or otherwise prejudicially affects the financial position of such organization.

(e) No dealings with regard to any account shall be evidence that any person having an interest therein is actually engaged in commercial, banking or financial business within the United States.

§ 500.512 *Transactions incident to trade with members of the authorized trade territory.* (a) All transactions ordinarily incident to the importing and exporting of goods, wares and merchandise between the United States and any of the members of the authorized trade territory or between the members of the authorized trade territory are hereby authorized provided the following terms and conditions are complied with:

(1) Such transaction shall not be by, or on behalf of, or pursuant to the direction of any designated national not within the authorized trade territory;

(2) Such transaction shall not involve property in which any designated national not within the authorized trade territory, has at any time on or since the "effective date" had any interest; and

(3) Any banking institution within the United States, prior to issuing, confirming or advising letters of credit, or accepting or paying drafts drawn, or reimbursing themselves for payments made, under letters of credit, or making any other payment or transfer of credit, in connection with any importation or exportation pursuant to this section, or engaging in any other transaction herein authorized, shall satisfy itself (from the shipping documents or otherwise) that: (i) Any such transaction is incident to a bona fide importation or exportation and is customary in the normal course of business, and that the value of such importation or exportation reasonably corresponds with the sums of money involved in financing such transactions; and (ii) such importation or exportation is or will be made pursuant to all the terms and conditions of this section.

(b) Subject to all other terms and conditions of this section any national of a designated foreign country doing business within the United States pursuant to a license is also hereby authorized, while so licensed, to engage in any transaction referred to in paragraph (a) of this section to the same extent that such national is licensed to engage in such transaction involving persons within the authorized trade territory who are not nationals of a designated foreign country.

(c) Any transaction engaged in by a bank within the authorized trade territory pursuant to the order of or for the account of any national of a designated foreign country within the authorized trade territory is also hereby authorized, upon the terms and conditions prescribed in paragraph (a) (1) and (2) of this section, to the same extent, and under the same circumstances, as though such transaction were solely for the account of such bank: *Provided*, That this paragraph does not authorize:

(1) Any payment, transfer or withdrawal from any blocked account,

(2) Any transaction by or on behalf of or pursuant to the direction of a specially designated national or a designated national not within the authorized trade territory, or,

(3) Any transaction which involves any property in which on or since the "effective date" any specially designated national or any designated national not within the authorized trade territory has had an interest.

(d) This section does not authorize any transaction with a partnership, association, corporation or other organization within the authorized trade territory which is organized under the laws of, or which on or since the "effective date" had or has had its principal place of business in a designated foreign country or which on or since such effective date was or has been controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, was or has been owned or controlled by, directly or indirectly, such designated foreign country or one or more nationals thereof not within the authorized trade territory.

§ 500.513 *Purchase and sale of certain securities.* (a) The bona fide purchase and sale of securities on a national securities exchange by banking institutions within the United States for the account, and pursuant to the authorization, of nationals of any designated foreign country and the making and receipt of payments, transfers of credit, and transfers of such securities which are necessary incidents of any such purchase or sale are hereby authorized provided the following terms and conditions are complied with:

(1) In the case of the purchase of securities, the securities purchased shall be held in an account in a banking institution within the United States in the name of the national whose account was debited to purchase such securities; and

(2) In the case of the sale of securities, the proceeds of the sale shall be credited to an account in the name of the national for whose account the sale was made and in the banking institution within the United States which held the securities for such national.

(b) This section does not authorize the crediting of the proceeds of the sale of securities held in a blocked account or a sub-account thereof, to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities were held.

(c) Securities issued or guaranteed by the Government of the United States or any State, territory, district, county, municipality, or other political subdivision thereof (including agencies and instrumentalities of the foregoing) need not be purchased or sold on a national securities exchange, but purchases or sales of such securities shall be made at market value and pursuant to all other terms and conditions prescribed in this section.

§ 500.514 *Payment of dividends and interest on and redemption and collection of securities.* (a) The payment to, and receipt by, a banking institution within the United States of funds or other property representing dividends or interest on securities held by such banking institution in a blocked account is hereby authorized provided the funds or other property are credited to or deposited in a blocked account in such banking institution in the name of the national for whose account the securities were held. Notwithstanding § 500.202, this paragraph authorizes the foregoing transactions although such securities are registered or inscribed in the name of any designated national and although the national in whose name the securities are registered or inscribed may not be the owner of such blocked account.

(b) The payment to, and receipt by, a banking institution within the United States of funds payable in respect of securities (including coupons) presented by such banking institution to the proper paying agents within the United States for redemption or collection for the account and pursuant to the authorization of nationals of any designated country is hereby authorized provided the proceeds of the redemption or collection are credited to a blocked account in such banking institution in the name of the national for whose account the redemption or collection was made.

(c) The performance of such other acts, and the effecting of such other transactions, as may be necessarily incident to any of the foregoing, are also hereby authorized.

(d) This section does not authorize the crediting of the proceeds of the redemption or collection of securities (including coupons) held in a blocked account or a sub-account thereof, or the income derived from such securities to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities were held.

(e) This section does not authorize any issuer or other obligor, with respect to a security, who is a designated national, to make any payment, transfer or withdrawal.

§ 500.515 *Transfers of securities to blocked accounts in domestic banks.* (a) Transactions ordinarily incident to the transfer of securities from a blocked account in the name of any person to a blocked account in the same name in a domestic bank are hereby authorized provided the following terms and conditions are complied with:

(1) Such securities shall not be transferred from any blocked account in a domestic bank; and

(2) Such securities shall not be transferred from any other blocked account if such transfer represents, directly or indirectly, a transfer of the interest of a designated national to any other country or person.

(b) This section does not authorize the transfer of securities held in a blocked account or sub-account thereof to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities were held.

§ 500.516 *Voting and soliciting of proxies on securities.* Notwithstanding § 500.202, the voting and the soliciting of proxies or other authorizations is authorized with respect to the voting of securities issued by a corporation organized under the laws of the United States or of any State, territory, or district thereof, in which a designated national has any interest.

§ 500.517 *Access to safe deposit boxes under certain conditions.* (a) Access to any safe deposit box leased to a designated national or containing property in which any designated national has an interest, and the deposit therein or removal therefrom of any property is hereby authorized, provided the following terms and conditions are complied with:

(1) Access shall be permitted only in the presence of an authorized representative of the lessor of such box; and

(2) In the event that any property in which any designated national has any interest is to be removed from such box, access shall be permitted only in the presence of an authorized representative of a banking institution within the United States, which may be the lessor of such box, which shall receive such property into its custody immediately upon removal from such box and which shall hold the same in a blocked account under an appropriate designation indicating the interest therein of designated nationals.

(b) The terms and conditions set forth in paragraph (a) of this section shall not apply to access granted to a representative of the Office of Alien Property pursuant to any rule, regulation or order of such Office.

(c) The lessee or other person granted access to any safe deposit box pursuant to this section (except an agent or representative of the Office of Alien Property) shall furnish to the lesser a certificate in triplicate that he has filed or will promptly file a report on Form TFR–603 with respect to such box, if leased to a designated national and with respect to all property contained in the box to which access is had in which any designated national has an interest. The lessor shall transmit two copies of such certificate to the Treasury Department, Washington, D. C. The certificate is required only on the first access to the box. In case a report on Form TFR–603 has not been made on or before January 31, 1951, a report is hereby required to be filed on Form TFR–603 in accordance with the provisions of § 500.603. When no other date is applicable, the effective date of reporting shall be the date of access. All reports on Form TFR–603 made pursuant to this section shall bear on their face or have securely attached to them a statement reading, "This report is filed pursuant to 31 CFR 500.517".

§ 500.518 *Payments for living, traveling and similar personal expenses in the United States.* (a) Payments and transfers of credit in the United States from blocked accounts in domestic banking institutions held in the name of an individual within the United States to or upon the order of such individual are hereby authorized provided the following terms and conditions are complied with:

(1) Such payments and transfers of credit may be made only for the living, traveling, and similar personal expenses in the United States of such individual or his family; and

(2) The total of all such payments and transfers of credit made under this section from the accounts of such individual may not exceed $250 in any one calendar month.

§ 500.519 *Limited payments from accounts of United States citizens abroad.* (a) Payments and transfers of credit from blocked accounts for expenditures within the United States or the authorized trade territory of any citizen of the United States who is within any foreign country are hereby authorized provided the following terms and conditions are complied with:

(1) Such payments and transfers shall be made only from blocked accounts in the name of, or in which the beneficial interest is held by, such citizen or his family; and

(2) The total of all such payments and transfers made under this section shall not exceed $1,000 in any one calendar month for any such citizen or his family.

(b) This section does not authorize any remittance to any designated foreign country or, any payment, transfer, or withdrawal which could not be effected without a license by a person within the United States who is not a national of any designated foreign country.

§ 500.520 *Payments from accounts of United States citizens in employ of United States in foreign countries and certain other persons.* (a) Banking institutions within the United States are hereby authorized to make all payments, transfers and withdrawals from accounts in the name of citizens of the United States while such citizens are within any foreign country in the course of their employment by the Government of the United States.

(b) Banking institutions within the United States are also hereby authorized to make all payments, transfers and withdrawals from accounts in the name of members of the armed forces of the United States and of citizens of the United States accompanying such armed forces in the course of their employment by any organization acting on behalf of the Government of the United States while such persons are within any foreign country.

(c) This section is deemed to apply to the accounts of members of the armed forces of the United States and of citizens of the United States accompanying such armed forces in the course of their employment by the Government of the United States or by any organization acting on its behalf even though they are captured or reported missing.

§ 500.521 *Certain remittances for necessary living expenses.* (a) Remittances by any person to any individual

who is within any foreign country are hereby authorized on the following terms and conditions:

(1) Such remittances are made only for the necessary living expenses of the payee and his household and do not exceed $100 in any one calendar month to any one household;

(2) Such remittances are not made from a blocked account other than from an account in a banking institution within the United States in the name of, or in which the beneficial interest is held by, the payee or members of his household;

(3) Such remittances are not made from a blocked account which is blocked pursuant to Executive Order No. 8389, as amended;

(4) If the payee is within any designated foreign country, such remittances must be made through a domestic bank and any domestic bank is authorized to effect such remittances which, however, may be effected only by the payment of the dollar amount of the remittance to a domestic bank for credit to a blocked account in the name of a banking institution within such country.

(b) This section does not authorize any remittance to an individual for the purpose of defraying the expenses of a person not constituting part of his household.

(c) As used in this section, the term "household" shall mean:

(1) Those individuals sharing a common dwelling as family; or

(2) Any individual not sharing a common dwelling with others as a family.

§ 500.522 *Certain remittances to United States citizens in foreign countries.* (a) Remittances by any person through any domestic bank to any individual who is a citizen of the United States within any foreign country are hereby authorized and any domestic bank is authorized to effect such remittances, on the following terms and conditions:

(1) Such remittances do not exceed $1,000 in any one calendar month to any payee and his household and are made only for the necessary living and traveling expenses of the payee and his household, except that an additional sum not exceeding $1,000 may be remitted once to such payee if such sum will be used for the purpose of enabling the payee or his household to return to the United States;

(2) Such remittances are not made from a blocked account other than from an account in a banking institution within the United States in the name of, or in which the beneficial interest is held by, the payee or members of his household;

(3) If the payee is within any designated foreign country, such remittances must be made through a domestic bank and must be effected by the payment of the dollar amount of remittance to a domestic bank for credit to a blocked account in the name of a banking institution within such country.

(b) This section does not authorize any remittance to an individual for the purpose of defraying the expenses of a person not constituting part of his household.

(c) As used in this section, the term "household" shall mean:

(1) Those individuals sharing a common dwelling as family; or

(2) Any individual not sharing a common dwelling with others as a family.

§ 500.523 *Transactions incident to the administration of decedent's estates.* (a) The following transactions are authorized in connection with the administration of the assets in the United States of any blocked estate of a decedent:

(1) The appointment and qualification of a personal representative;

(2) The collection and preservation of such assets by such personal representative and the payment of all costs, fees and charges in connection therewith; and

(3) The payment by such personal representative of funeral expenses and expenses of the last illness.

(b) In addition to the authorization contained in paragraph (a) of this section, all other transactions incident to the administration of assets situated in the United States of any blocked estate of a decedent are authorized if:

(1) The decedent was not a national of a designated foreign country at the time of his death;

(2) The decedent was a citizen of the United States and a national of a designated foreign country at the time of his death solely by reason of his presence in a designated foreign country as a result of his employment by, or service with the United States Government; or

(3) The gross value of the assets within the United States does not exceed $5,000.

(c) Any property or interest therein distributed pursuant to this section to a designated national shall be regarded for the purpose of this chapter as property in which such national has an interest and shall accordingly be subject to all the pertinent sections of this chapter. Any payment or distribution of any funds, securities or other choses in action to a designated national shall be made by deposit in a blocked account in a domestic bank or with a public officer, agency, or instrumentality designated by a court having jurisdiction of the estate. Any such deposit shall be made in one of the following ways:

(1) In the name of the national who is the ultimate beneficiary thereof;

(2) In the name of a person who is not a national of a designated foreign country in trust for the national who is the ultimate beneficiary; or

(3) Under some other designation which clearly shows the interest therein of such national.

(d) Any distribution of property authorized pursuant to this section may be made to a trustee of any testamentary trust or to the guardian of an estate of a minor or of an incompetent.

(e) This section does not authorize:

(1) Any designated national to act as personal representative or co-representative of any estate;

(2) Any designated national to represent, directly or indirectly, any person who has an interest in an estate;

(3) Any designated national to take distribution of any property as the trustee of any testamentary trust or as the guardian of an estate of a minor or of an incompetent; or

(4) Any transaction which could not be effected if no designated national had any interest in such estate.

(f) Any payment or distribution authorized by this section may be deposited in a blocked account in a domestic bank or with a public officer, agency, or instrumentality designated by the court having jurisdiction of the estate in one of the ways prescribed in paragraphs (c) (1), (c) (2) or (c) (3) of this section, but this section does not authorize any other transaction directly or indirectly at the request, or upon the instructions of any designated national.

§ 500.524 *Payment from, and transactions in the administration of certain trusts and estates.* (a) Any bank or trust company incorporated under the laws of the United States, or of any State, Territory, or District of the United States, or any private bank subject to supervision and examination under the banking laws of any state of the United States, acting as trustee of any trust administered in the United States or as legal representative of any estate of an infant or incompetent administered in the United States, in which trust or estate one or more persons who are nationals of a designated foreign country have an interest, beneficial or otherwise, or are co-trustees or co-representatives, is hereby authorized to engage in the following transactions:

(1) Payments of distributive shares of principal or income to all persons legally entitled thereto upon the condition prescribed in paragraph (b) of this section.

(2) Other transactions arising in the administration of such trust or estate which might be engaged in if no national of a designated foreign country were a beneficiary, co-trustee or co-representative of such trust or estate upon the condition prescribed in paragraph (b) of this section.

(b) Any payment or distribution of any funds, securities or other choses in action to a national of a designated foreign country under this section shall be made by deposit in a blocked account in a domestic bank in the name of the national who is the ultimate beneficiary thereof.

(c) Any payment or distribution into a blocked account in a domestic bank in the name of any such national of a designated foreign country who is the ultimate beneficiary of and legally entitled to any such payment or distribution is authorized by this section, but this section does not authorize such trustee or legal representative to engage in any other transaction at the request, or upon the instructions, of any beneficiary, co-trustee or co-representative of such trust or estate or other person who is a national of any designated foreign country.

§ 500.525 *Certain transfers by operation of law.* (a) The following are hereby authorized:

(1) Any transfer of any dower, curtesy, community property, or other in-

terest of any nature whatsoever, provided that such transfer arises solely as a consequence of the existence or change of marital status;

(2) Any transfer to any person by intestate succession;

(3) Any transfer to any person as administrator, executor, or other fiduciary by reason of any testamentary disposition; and

(4) Any transfer to any person as administrator, executor or fiduciary by reason of judicial appointment or approval in connection with any testamentary disposition or intestate succession.

(b) Except to the limited extent authorized by § 500.523 or by any other license or authorization contained in or issued pursuant to this chapter no transfer to any person by intestate succession and no transfer to any person as administrator, executor, or other fiduciary by reason of any testamentary disposition, and no transfer to any person as administrator, executor, or fiduciary by reason of judicial appointment or approval in connection with any testamentary disposition or intestate succession shall be deemed to terminate the interest of the decedent in the property transferred if the decedent was a designated national.

§ 500.526 *Transactions involving blocked life insurance policies.* (a) The following transactions are hereby authorized:

(1) The payment of premiums and interest on policy loans with respect to any blocked life insurance policy;

(2) The issuance, servicing or transfer of any blocked life insurance policy in which the only blocked interest is that of one or more of the following:

(i) A member of the armed forces of the United States or a person accompanying such forces (including personnel of the American Red Cross, and similar organizations);

(ii) An officer or employee of the United States; or

(iii) A citizen of the United States resident in a designated foreign country; and

(3) The issuance, servicing or transfer of any blocked life insurance policy in which the only blocked interest (other than that of a person specified in paragraph (a) (2) of this section) is that of a beneficiary.

(b) Paragraph (a) of this section does not authorize:

(1) Any payment to the insurer from any blocked account except a blocked account of the insured or beneficiary, or

(2) Any payment by the insurer to a national of a designated foreign country unless payment is made by deposit in a blocked account in a domestic bank in the name of the national who is the ultimate beneficiary thereof,

(c) The application, in accordance with the provisions of the policy or the established practice of the insurer, of the dividends, cash surrender value, or loan value, of any blocked life insurance policy is also hereby authorized for the purpose of:

(1) Paying premiums;

(2) Paying policy loans and interest thereon;

(3) Establishing paid-up insurance; or

(4) Accumulating such dividends or values to the credit of the policy on the books of the insurer.

(d) As used in this section:

(1) The term "blocked life insurance policy" shall mean any life insurance policy or annuity contract, or contract supplementary thereto, in which there is a blocked interest.

(2) Any interest of a national of a designated foreign country shall be deemed to be a "blocked interest."

(3) The term "servicing" shall mean the following transactions with respect to any blocked life insurance policy;

(i) The payment of premiums, the payment of loan interest, and the repayment of policy loans;

(ii) The effecting by a life insurance company or other insurer of loans to an insured;

(iii) The effecting on behalf of an insured of surrenders, conversions, modifications, and reinstatements; and

(iv) The exercise or election by an insured of non-forfeiture options, optional modes of settlement, optional disposition of dividends, and other policy options and privileges not involving payment by the insurer.

(4) The term "transfer" shall mean the change of beneficiary, or the assignment or pledge of the interest of an insured in any blocked life insurance policy subsequent to the issuance thereof.

(e) This section does not authorize any transaction with respect to any blocked life insurance policy issued by a life insurance company or other insurer which is a national of a designated foreign country or which is not doing business or effecting insurance in the United States.

§ 500.527 *Certain transactions with respect to United States patents, trademarks, and copyrights.* (a) There are hereby authorized,

(1) The filing in the United States Patent Office of applications for letters patent and for trademarks registration;

(2) The making and filing in the United States Copyright Office of applications for registration or renewal of copyrights;

(3) The prosecution in the United States Patent Office of applications for letters patent and for trademarks registration;

(4) The receipt of letters patent or trademark registration certificates or copyright registration or renewal certificates granted pursuant to any such applications

in which any designated national has at any time on or since the "effective date" had any interest.

(b) This section further authorizes, subject to the terms and conditions prescribed in paragraphs (c) and (d) of this section, the execution and recording of any instrument recordable in the United States Patent Office or the United States Copyright Office which affects title to or grants any interest in, including licenses under, any United States letters patent, trademark registration, copyright or renewal thereof, or application therefor, in which a designated national, who is such a national solely by reason of his relationship to an occupied area, has at any time on or since the "effective date" had any interest, or which constitutes or evidences a transaction made by, or on behalf of, or pursuant to the direction of or with such a designated national, or if any of the parties to such instrument is such a designated national.

(c) Any such instrument the recording or the execution and recording of which is authorized by paragraph (b) of this section shall be recorded in the United States Patent Office or in the United States Copyright Office within ninety days of the date of execution thereof or ninety days from the "effective date" whichever is the longer period, or within such further time as may be allowed by the Secretary of the Treasury. The person presenting such instrument for recording shall file therewith in the United States Patent Office or United States Copyright Office a statement that such instrument is being recorded in accordance with the provisions of this section.

(d) Any such instrument the recording or the execution and recording of which is authorized by paragraph (b) of this section may be set aside by the Secretary of the Treasury at any time within a period of three years from the date of recording except that the Secretary of the Treasury may in his discretion reduce such period of time with respect to any such instrument after the recording thereof, and further, the patents, trademarks, interests, applications, or rights thereunder so transferred may be vested by the Secretary of the Treasury.

(e) This section also authorizes the payment from blocked accounts or otherwise, of fees currently due to the United States Government in connection with any transactions authorized by this section.

(f) This section further authorizes the payment from blocked accounts or otherwise of the reasonable and customary fees and charges currently due to attorneys or representatives within the United States in connection with the transactions referred to in paragraphs (a), (b), and (e) of this section, provided that such payment shall not exceed

(1) $100 for the preparation, filing, and prosecution of any letters patent; or (2) $50 for the preparation, filing and prosecution of any application for a trademark registration; or (3) $25 for the securing and registration of any copyright; or (4) $35 for the preparation and filing of any amendment to a pending application for letters patent or for a trademark registration.

(g) This section also authorizes the payment of a nominal consideration not exceeding one dollar, to any party to an instrument executed or recorded hereunder with respect to the property affected by such instrument, as long as such instrument is subject to being set aside in accordance with paragraph (d) of this section.

§ 500.528 *Certain transactions with respect to blocked foreign patents, trademarks and copyrights authorized.* (a)

The following transactions by any person who is not a designated national are hereby authorized:

(1) The filing and prosecution of any application for a blocked foreign patent, trademark or copyright, or for the renewal thereof;

(2) The receipt of any blocked foreign patent, trademark or copyright;

(3) The filing and prosecution of opposition or infringement proceedings with respect to any blocked foreign patent, trademark, or copyright, and the prosecution of a defense to any such proceedings;

(4) The payment of fees currently due to the government of any foreign country, either directly or through an attorney or representative, in connection with any of the transactions authorized by paragraph (a) (1), (2) and (3) of this section or for the maintenance of any blocked foreign patent, trademark or copyright; and

(5) The payment of reasonable and customary fees currently due to attorneys or representatives in any foreign country incurred in connection with any of the transactions authorized by paragraph (a) (1), (2), (3) or (4) of this section.

(b) Payments effected pursuant to the terms of paragraph (a) (4) and (5) of this section may not be made from any blocked account. Such payments shall be made in the manner and under the conditions specified in § 500.522 (a) (3) if the payee is within any designated foreign country.

(c) As used in this section the term "blocked foreign patent, trademark, or copyright" shall mean any patent, petty patent, design patent, trademark or copyright issued by any foreign country, in which a designated foreign country or national thereof has an interest, including any patent, petty patent, design patent, trademark, or copyright issued by a designated foreign country.

§ 500.529 *Powers of attorney.* (a) No power of attorney, whether granted before or after the "effective date" shall be invalid by reason of any of the provisions of this chapter with respect to any transaction licensed by or pursuant to the provisions of this chapter.

(b) This section does not authorize any transaction pursuant to a power of attorney if such transaction is prohibited by § 500.201 and is not otherwise licensed or authorized by or pursuant to this chapter.

(c) This section does not authorize the creation of any power of attorney in favor of any person outside of the United States or the exportation from the United States of any power of attorney.

§ 500.530 *Exportation of powers of attorney or instructions relating to certain types of transactions.* (a) The exportation to any foreign country of powers of attorney or other instruments executed or issued by any person within the United States who is not a national of a designated foreign country, which are limited to authorizations or instructions to effect transactions incident to the following, are hereby authorized upon the condition prescribed in paragraph (b) of this section:

(1) The representation of the interest of such person in a decedent's estate which is being administered in any designated foreign country and the collection of the distributive share of such person in such estate;

(2) The maintenance, preservation, supervision or management of any property located in any designated foreign country in which such person has an interest; and

(3) The conveyance, transfer, release, sale or other disposition of any property specified in paragraph (a) (1) of this section or any real estate or tangible personal property if the value thereof does not exceed the sum of $5,000 or its equivalent in foreign currency.

(b) No instrument which authorizes the conveyance, transfer, release, sale or other disposition of any property may be exported under this section unless it contains an express stipulation that such authority may not be exercised if the value of such property exceeds the sum of $5,000 or the equivalent thereof in foreign currency.

(c) As used in this section, the term "tangible personal property" shall not include cash, bullion, deposits, credits, securities, patents, trademarks, or copyrights.

§ 500.531 *Payment of certain checks and drafts.* (a) Any banking institution within the United States is hereby authorized to make payments from blocked accounts with such banking institution:

(1) Of checks and drafts drawn or issued prior to December 17, 1950, and to accept and pay and debit to such accounts drafts drawn prior to December 17, 1950, under letters of credit provided:

(i) The amount involved in any one payment, acceptance, or debit does not exceed $500; or

(ii) The check or draft was within the United States in process of collection by a domestic bank on or prior to December 17, 1950; and

(2) Of documentary drafts drawn under irrevocable letters of credit issued or confirmed by a domestic bank prior to December 17, 1950.

(b) This section does not authorize any payment to a designated national, except payments into a blocked account in a domestic bank, unless such designated national is otherwise licensed to receive such payment.

(c) The authorization contained in this section shall expire at the close of business on January 17, 1951.

§ 500.532 *Completion of certain securities transactions.* (a) Banking institutions within the United States are hereby authorized to complete, on or before December 21, 1950, purchases and sales made prior to 12:01 a. m., Eastern Standard Time, December 17, 1950, of securities purchased or sold for the account of any designated national, provided the following terms and conditions are complied with:

(1) The proceeds of such sale are credited to a blocked account in a banking institution in the name of the person for whose account the sale was made; and

(2) The securities so purchased are held in a blocked account in a banking institution in the name of the person for whose account the purchase was made.

(b) This section does not authorize the crediting of the proceeds of the sale of securities held in a blocked account or a sub-account thereof, to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities were held.

§ 500.533 *Transactions incident to exportations to designated countries.* (a) All transactions ordinarily incident to the exportation of goods, wares and merchandise from the United States to any person within a designated foreign country are hereby authorized, provided the following terms and conditions are complied with:

(1) The exportation is licensed or otherwise authorized by the Department of Commerce under the provisions of the Export Control Act of 1949 (Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023); and

(2) Banking institutions within the United States, prior to issuing, confirming or advising letters of credit, or accepting or paying drafts drawn, or reimbursing themselves for payments made, under letters of credit, or making any other payment or transfer of credit, in connection with any exportation pursuant to this section, or engaging in any other transaction herein authorized, shall satisfy themselves that: (i) each such transaction is incident to a bona fide exportation and is customary in the normal course of business, and that the value of such exportation reasonably corresponds with the sums of money involved in financing such transaction; and (ii) such exportation is made pursuant to all the terms and conditions of this section.

(b) This section does not authorize:

(1) The financing of any transaction from any blocked account other than an account in the name of a designated national located in the country to which the exportation is consigned;

(2) Any transaction involving, directly or indirectly, property in which any designated national, other than a person located in the country to which the exportation is consigned, has an interest, or has had an interest since the "effective date"; and

(3) Any transaction on behalf of or in which any person who is a specially designated national has an interest or which involves any property in which any such person has or has had an interest on or since the "effective date."

§ 500.534 *Transactions incident to importations from designated nationals.* (a) All transactions ordinarily incident to the importation of goods, wares and merchandise into the United States from any designated national or in which any designated national has or has had an interest since the "effective date", are hereby authorized, provided the following terms and conditions are complied with:

(1) Payment for any goods, wares or merchandise shall be made only by deposit of the dollar amount thereof with the banking institution in the United States for credit to a blocked account in

the name of the seller, shipper or consignor of the goods, wares or merchandise, or in a blocked account in the name of a banking institution in the designated foreign country from which the goods, wares or merchandise were exported; and

(2) Any other payments in which a designated national has any interest shall be made by deposit in the name of such national in a blocked account in a domestic bank.

SUBPART F—REPORTS

§ 500.601 *Records.* Every person engaging in any transaction subject to the provisions of this chapter shall keep a full record of each such transaction engaged in by him, regardless of whether such transaction is effected pursuant to license or otherwise, and such record shall be available for examination for at least two years after the date of such transaction.

§ 500.602 *Reports to be furnished on demand.* Every person is required to furnish under oath, in the form of reports or otherwise, from time to time and at any time as may be required by the Secretary of the Treasury or any person acting under his direction or authorization complete information relative to any transaction subject to the provisions of this chapter or relative to any property in which any foreign country or any national thereof has any interest of any nature whatsoever, direct or indirect. The Secretary of the Treasury or any person acting under his direction may require that such reports include the production of any books of account, contracts, letters or other papers, connected with any such transaction or property, in the custody or control of the persons required to make such reports. Reports with respect to transactions may be required either before or after such transactions are completed. The Secretary of the Treasury may, through any person or agency, investigate any such transaction or property or any violation of the provisions of this chapter regardless of whether any report has been required or filed in connection therewith.

§ 500.603 *Instructions relating to reports on Form TFR–603 with regard to property of nationals of China and Korea*—(a) *Requirement that reports be filed on Form TFR–603.* Except as provided in paragraphs (b) and (c) of this section, reports on Form TFR–603 are hereby required to be filed on or before January 31, 1951, with respect to all property subject to the jurisdiction of the United States on the opening of business on December 18, 1950, in which on that date, hereafter referred to as the "specified date", China or Korea or any national of either thereof had any interest, direct or indirect.

(b) *Persons in connection with whose property reports are not required.* (1) No report is required to be filed with respect to the property of any individual other than:

(i) An individual who on the specified date was in China or Korea,

(ii) An individual who was on such date a specially designated national, or

(iii) An individual, wheresoever located, who, being a national of China or Korea, was on such date an employee, officer, or agent of, or who was associated with the United Nations or any of the organs of the United Nations including its Committees, Commissions, Subcommissions and Specialized Agencies or any other International Organization which has been accorded privileges and immunities under International Organizations Immunities Act (Act of Dec. 29, 1945, c. 652, Title I, 59 Stat. 669, 22 U. S. C. 288–288f).

(2) No report is required to be filed with respect to the property of any partnership, association, corporation or other organization in connection with which otherwise a report would be required solely by reason of the interest of a person exempted from the reporting requirement by subparagraph (1) of this paragraph.

(c) *Property which is not required to be reported.* No reports are required with respect to property of the following types:

(1) Patents, trademarks, copyrights and inventions, but this exemption shall not constitute a waiver of any reporting requirement with respect to royalties due and unpaid.

(2) Interests in nonproducing oil and gas leases.

(3) Property of any person (other than any associated foreign person) which any one person would otherwise be required to report if the total value of all such property was less than $1,000 on the specified date. In arriving at the value of $1,000, no deduction shall be made for offsets, liens, or other deductions from gross value.

(d) *Who must make report.* Except as the exemptions provided in paragraphs (b) and (c) of this section are applicable, a report must be filed by:

(1) Every individual in the United States who is a national of China or Korea with respect to all property subject to the jurisdiction of the United States on the specified date in which on that date he had any interest of any nature whatsoever, direct or indirect.

(2) Every person in the United States with respect to all property whatsoever held by him or in his custody, control, or possession, directly or indirectly, in trust or otherwise, and all debts or other obligations whatsoever owed by or asserted against him, and all contracts of any nature whatsoever to which he was a party, subject to the jurisdiction of the United States on the specified date in which on such date China or Korea or any national of either thereof had any interest of any nature whatsoever, direct or indirect.

(3) Every partnership, trust, association, corporation, or other organization organized or existing under the laws of the United States or of any State, territory, or district of the United States, or having its principal place of business in the United States, with respect to any shares of its stock, including any right or claim to ownership or control or participation in ownership or control thereof or profits or income derived therefrom, or any equity in any of the foregoing, whether or not expressed by written agreement or evidenced by any instrument, and with respect to any of its bonds, debentures, notes, or other funded obligations or any equity therein, and with respect to any other of its outstanding securities or equity therein, in any of which China or Korea or any national of either thereof had on the specified date any interest of any nature whatsoever, direct or indirect.

(4) Every agent or representative in the United States for China or Korea or for any national of either thereof, having any information with respect to property subject to the jurisdiction of the United States on the specified date in which on that date the country or national thereof for which he was agent or representative had any interest of any nature whatsoever, direct or indirect, but such an agent or representative who files a report in behalf of the country or national under subparagraph (1) of this paragraph need not file a duplicate report under this subparagraph.

(5) Such other persons or groups or classes of persons, and in such cases or kinds of cases, as the Secretary of the Treasury may provide by means of regulations, rulings, instructions, licenses, or otherwise.

(e) *Reports by more than one person.* (1) Except as provided in subparagraph (2) of this paragraph no person required to submit a report with respect to property pursuant to this section is excused from submitting such report by reason of the fact that another person has submitted a report with regard to the same property.

(2) No person otherwise required to file a report with respect to the property of a national (other than an associated foreign person or a specially designated national) need file such report if such person has actual knowledge that another person has filed a report with respect to the same interests in property of the national which is as full and complete as that which such person would otherwise be required to file: *Provided,* That nothing herein shall be deemed to waive the reporting requirement with respect to the person who has primary responsibility for reporting such property. For the purpose of this subsection the person who has primary responsibility for reporting property shall be the person because of whose interest the property is required to be reported, if such person is subject to the jurisdiction of the United States. If such person is not so subject, the person who has primary responsibility shall be the person having actual custody of the property in connection with which a report is required, except that with respect to any trust the trustee shall have the primary responsibility, with respect to any estate the executor or administrator shall have the primary responsibility and with respect to any safe deposit box the lessee shall have the primary responsibility. However, where the primary responsibility for reporting rests with more than one person, as, for example, where there are joint trustees or executors, one such person may report for all.

(3) Nothing contained in this paragraph shall be deemed to waive the reporting requirement applicable to any

person with respect to property of any associated foreign person or any specially designated national.

(f) *Transactions not authorized.* No transaction prohibited by or pursuant to this chapter is authorized with respect to any property by reason of the fact that reports are not required with respect to such property.

(g) *Definitions*—(1) *China.* As used in this section the term "China" shall be deemed to include Formosa as well as continental China.

(2) *Korea.* As used in this section the term "Korea" shall be deemed to mean Korea in its entirety, i. e., both north and south of the 38th parallel of North Latitude.

(3) *Person.* As used in this section the term "person" shall have the same meaning as specified in § 500.308 except that it shall also include any foreign government or any agency or subdivision thereof.

(4) *National.* As used in this section the term "national" shall have the same meaning as specified in § 500.302 except that (i) it shall also include foreign governments or any agency or subdivision thereof, and (ii) it shall not include members of the armed forces of the United States who are within any foreign country or citizens of the United States who are within any foreign country in the course of their employment by the Government of the United States or of any organization acting on behalf of the Government of the United States.

(5) *Other terms defined in Subpart C of this part.* As used in this section all terms, other than "person" and "national", which are defined in Subpart C of this part shall have the same meanings as specified therein. Particular attention is directed to the following definitions:

(i) "Foreign country" set forth in § 500.301,

(ii) "Nationals of more than one foreign country" set forth in § 500.303,

(iii) "Designated national" set forth in § 500.305,

(iv) "Specially designated national" set forth in § 500.306,

(v) "Property; property interests" set forth in § 500.311,

(vi) "Interest" set forth in § 500.312,

(vii) "Property subject to the jurisdiction of the United States" set forth in § 500.313,

(viii) "United States; continental United States", set forth in § 500.321.

Attention is also directed to § 500.201 which specifies the countries which are designated foreign countries.

(6) *Associated foreign person.* As used in this section the terms "associated foreign person" or "foreign person associated with an organization" shall mean, with respect to any organization within the United States, any person in China or Korea who, directly or indirectly, or in conjunction with one or more of his affiliates, controlled such organization, or owned or controlled a substantial part of the stock, shares, bonds, debentures, notes, drafts, certificates, or other securities or obligations, of such organization. Without limitation of the foregoing, the terms shall in any event include (i) any person in China or Korea who owned or controlled, directly or indirectly, or in conjunction with one or more of his affiliates, 25 percent or more of the outstanding voting stock, shares, or other voting securities, or comparable ownership therein, of an organization subject to the jurisdiction of the United States, (ii) any person in China or Korea who was a partner, whether general, special, limited, or otherwise in a partnership subject to the jurisdiction of the United States, and (iii) any person in China or Korea having a branch or office subject to the jurisdiction of the United States.

When, within the meaning of the foregoing, with respect to an organization or its securities, control or ownership is held by a person in China or Korea in conjunction with one or more of his affiliates, such person and each of such affiliates in China or Korea shall be deemed to be an "associated foreign person".

The Secretary of the Treasury reserves the power to determine, in any case, that any person was or shall be deemed to have been an "associated foreign person" within the meaning of this definition.

(7) *Affiliate.* As used in this section the term "affiliate" shall mean (i) in relation to any corporation or other organization issuing stock or similar securities, any person who, directly or indirectly, owned, controlled, or held with power to vote, 10 percent or more of the outstanding voting securities thereof, and (ii) as to any other organization, any person who owned or controlled 10 percent or more of the comparable ownership rights therein. Any corporation or other organization of which a person was an affiliate shall also be deemed to have been an affiliate of such person, and all persons who were affiliates of the same person shall likewise be deemed to have been affiliates of each other. Notwithstanding the foregoing, persons shall not be deemed to have been affiliates of each other only by reason of ownership or control with respect to an organization subject to the jurisdiction of the United States.

(8) *Organization within the United States.* As used in this section the term "organization within the United States" shall mean any partnership, trust, association, corporation or other organization organized or existing under the laws of the United States or of any State, territory, or district of the United States or having a branch or office in the United States.

(h) *General instructions with respect to reporting on Form TFR–603.*—(1) *Obtaining forms.* Copies of these instructions and of related sections of 31 CFR Ch. V which define terms used in this section and copies of Form TFR–603 may be obtained from the Foreign Assets Control, Treasury Department, Washington 25, D. C., or the Federal Reserve Bank of New York.

(2) *Number of copies.* Reports on Form TFR–603 shall be prepared in quadruplicate.

(3) *Separation of reports for different countries or nationals.* A separate report shall be made with respect to each country or national having any interest in any property to be reported but all items of property of each such person shall be included in one report. For example, if the person reporting owed debts to five different nationals, he will make five separate reports, listing on each report all of his debts to the particular national for whom that report is made. If he owed one debt jointly to five nationals, he will also make five separate reports, entering the whole debt on each. If it is known or there is reasonable cause to believe that a national other than the national in whose name any property was carried had an interest in or adverse claim upon the property, the property must be shown on a report for each such national interested or adverse claimant as well as for the national in whose name it was carried. Any duplication in reporting the same property or debt on several reports, shall not excuse anyone from rendering all reports required of him.

(i) *Detailed instructions for filling out Form TFR–603*—(1) *Reading circular.* If you have not already read carefully the preceding paragraphs of this section, do so before going further.

(2) *Answers required.* Each question on the report must be answered, and all the specific information called for must be given. When there is nothing to report under any question or if information is lacking, state "No," "None," or "Unknown," as the case may be, with an explanation if required, except that in Part B spaces not needed for reporting should be left blank. If the space provided on the Form for answers should prove inadequate, the answer may be made or continued on a blank sheet of paper securely attached to the Form. No person is excused from furnishing any information he reasonably should have.

(3) *Part A*—(i) *Country of residence.* Enter in the space provided in the upper right-hand corner of the Form the name of the country in which the person whose property is being reported resided on December 17, 1950.

(ii) *Name.* If the national was an individual doing business under a trade name, give that name in addition to his actual name.

(iii) *Nationality.* State the nationality or nationalities, as defined in §§ 500.302 and 500.303, of the person whose property is being reported. If the person was a national of any foreign country by reason of any fact other than that such person has been a subject or citizen of the country, the facts determining the person's nationality must be stated, including those relating to his status as a national of the country, if any, of which he has been a subject or citizen.

(iv) *Citizenship.* If the national was not an individual, enter the name of the country, state, district, territory, or possession under the laws of which it is incorporated, or, if unincorporated, in which it had its principal place of business. When the national was a subject or citizen of more than one country, state the name of each country, including the United States when that is one of the countries.

(4) *Part B—(i) Classification of property—General.* In stating the values called for under property types 1 to 12, reporters should be careful to classify correctly the property which they are reporting. No property should be reported under type 12 if it constitutes property reportable under any other type.

(ii) *Interests of associated foreign persons (type 7).* The total value of the interests of associated foreign persons should be entered in the column opposite type 7. No property required to be reported under this type is to be listed under any other type on Form TFR–603. Property of this type is to be reported in detail on Form TFR–604 as required by § 500.604.

(iii) *Miscellaneous personal property (type 8).* Type 8 calls for the reporting of miscellaneous personal property, including: warehouse receipts, bills of lading, options and futures in commodities, goods and merchandise, jewelry, precious stones and precious metals, machinery, equipment and livestock, objects of art, furnishings for personal use, as well as liens on and claims to personal property not otherwise classified, as, for example, trust receipts, lease-sale arrangements, chattel mortgages, pledges, and crop liens.

(iv) *Valuation; general.* Enter in the valuation column opposite each property type from 1 to 12 the total value of the items reportable under that type, determined for each type of property in accordance with the following principles:

Property Type	*Principle*
Bullion	Gold—$35 per ounce; silver—market value.
Currency and coin	Face value.
Deposits and cash balances	Balance of the account.
Securities	Market or estimated value.
Checks, drafts, acceptances, and notes	Face or estimated value.
Letters of credit	Available amount.
Debts, claims, and demands	Face or estimated value.
Miscellaneous contracts	Value unknown.
Foreign exchange futures	Difference between market price of contract and price specified in contract.
Goods and merchandise and other personal property.	Market or estimated value.
Land, buildings and mortgages on real estate.	Market or estimated value.
Royalties, gas and oil	Normal monthly payment times 100.
Franchises and concessions	Value unknown.
Interests in estates and trusts	Actuarial values where appropriate.
Insurance policies:	
Annuity policies	Present value of future payment.
Life policies	Cash surrender or paid-up value.
Pension contracts	Present value of future payment.
Policies having no immediate value (fire, etc.).	Not reportable.
Interests of associated foreign persons	(See subparagraph (vii)).

All amounts reported should be given in dollars to the nearest dollar.

(v) *Valuation date.* Values shall be given as of the close of business on December 16, 1950.

(vi) *Market or estimated values.* Where market or estimated value is required pursuant to subparagraph (iv) enter the market price at the close of business on December 16, 1950, or, if such price is not available, the estimated value on that date. In estimating value the last sale price or bid, if reasonably close to December 16, 1950, may be used as a basis.

(vii) *Value—interests of associated foreign persons (type 7).* Enter in the valuation column opposite this property type the total value shown in Part B of Form TFR–604.

(viii) *Value expressed in foreign currency.* Property, the value of which is expressed in a foreign currency, or which is to be paid or liquidated in a foreign currency, shall be valued at the dollar value if dollar market value exists for such property itself; if not, the foreign currency value thereof shall be converted into dollar value, in accordance with instructions relating to exchange rates given in paragraph (k) of this section and such dollar value shall be used in the report. In no case shall a value be entered upon the report in a foreign currency, but the fact that property was originally valued in a foreign currency should be clearly indicated in Part C, question 1.

(ix) *Property of indeterminable value.* In reporting property of indeterminable value, enter "indeterminable" in the space opposite the appropriate property type and describe the property briefly in Part C, question 1. When both property of determinable value and property of indeterminable value are to be reported under any one property type, only the determinable value should be reported. However, in response to Part C, question 1, both kinds of property should be described and the property of indeterminable value should be so described.

(5) *Part C—Brief description of the property set forth in Part B.* The property, the value of which has been set forth in Part B, shall be briefly described in answer to question 1 of Part C, except that no description shall be given of property coming under type 7 (interests of associated foreign persons). Breakdowns into specific property items and detailed descriptions are unnecessary. Property may be described in some general but reasonably descriptive manner, as, e. g., "silver bullion", "U. S. dollar currency", "Swiss franc currency", "bank deposit", "postal savings account", "miscellaneous portfolio of stocks and bonds", "bonds issued by the reporter", "Pound Sterling securities", "letters of credit", "goods and merchandise", "land", "mortgage", "life estate", "cash surrender value of insurance policy", etc.

(6) *Part D—(i) Person reporting his own property.* A person reporting his own property need not fill out this Part further than to enter his name in the appropriate space and to state, "Same person as national whose property is reported."

(ii) *Persons reporting property of others.* A person reporting the property of another should state in Part D, as indicated in the margin thereof: (*a*) his name; (*b*) his address; (*c*) his business; and (*d*) his relationship to the national whose property is being reported, e. g., as agent, nominee, trustee, custodian, banker, etc. The information may be given by any method producing a readily legible impression.

(iii) *Space provided for number.* Persons submitting only one report may ignore the space provided for a number. Persons submitting more than one report who do not wish to use the separate certification provided for and described in paragraph (i) (7) of this section, may likewise ignore the space provided for a number. Persons submitting more than one report who desire to use the separate certification shall number their reports consecutively in the space provided on the Form starting with number 1.

(7) *Part E. Certification.* Any person who does not use the separate certification provided for and described herein shall execute on each copy of every report filed by him the certification set forth in Part E of Form TFR–603.

Any person executing more than one report and who has numbered each report consecutively, as provided for in paragraph (i) (6) (iii) of this section, may execute a separate certification in connection with such reports. Such separate certification shall be in the following form:

CERTIFICATION

I, _____, certify that I am the person, or that I am the _____
(State relationship of signatory
_____
to the person making this report)
of the _____
(Name of partnership, association, cor-
_____
poration, or other entity making this report)
making the reports on Form TFR–603 consecutively numbered _____ to _____, and attached hereto and made a part hereof, that I am authorized to make this certificate, and to the best of my knowledge and belief that the statements set forth in said report forms, including any papers attached thereto or filed therewith, are true and accurate and all material facts in connection with said reports have been set forth therein.

_____
(Signature)

_____
(Address)

_____
(Date)

This separate certification shall be prepared by the reporter and shall be

attached to the reports to which it relates and submitted together with such reports. Such a certification shall be prepared and submitted in quadruplicate.

Any deviation from the form of separate certification set forth above shall render totally ineffective the reports to which such defective certification relates and the submission of such reports shall not constitute compliance with the reporting requirements of this section.

(j) *Manner in which Form TFR–603 should be filed.* As indicated in paragraph (h) (2) of this section, reports on Form TFR–603 shall be prepared in quadruplicate. All four copies shall be sent in a set, on or before January 31, 1951, to Unit 603, Foreign Assets Control, Treasury Department, Washington 25, D. C. (Reports covered by the same certification shall be transmitted together.)

(k) *Table of exchange rates.* Where the value of property expressed in terms of foreign currency is required to be converted into dollars, the rates of exchange set forth below should be used. If no rate is given for a country, the latest rate next before the effective date of the report, as generally quoted by foreign exchange dealers or other recognized sources of information, shall be used.

The exchange rates given in this table are for use only in preparing reports on Form TFR–603, and are not intended to be used or relied upon in any other connection or for any other purpose whatsoever.

Country	Monetary unit	U. S. cents per unit
Australia	Pound	224.00
Belgium	Franc	2.00
Burma	Rupee	20.94
Canada	Dollar	94.97
Ceylon	Rupee	20.93
China	New Taiwan dollar	9.75
	People's bank note (for Chinese mainland).	.003
France	Franc	.2858
Hong Kong	Hong Kong dollar	17.50
India	Rupee	21.00
Indo-China	Piastre	4.80
Indonesia	Indonesian guilder (rupiah).	8.75
Italy	Lira	.16
Japan	Yen	.28
Korea, Republic of	Won	.04
Malaya	Malayan dollar	32.66
Netherlands	Guilder	26.32
New Zealand	Pound	280.00
Pakistan	Rupee	30.1
Philippines	Peso	50.0
Portugal	Escudo	3.45
Sweden	Krona	19.58
Switzerland	Franc	22.81
Thailand	Baht	4.38
Union of South Africa	Pound	280.00
United Kingdom	do	280.00

§ 500.604 *Reports on Form TFR–604 with regard to interests of associated foreign persons*—(a) *Requirement that reports be filed on Form TFR–604.* Reports on Form TFR–604 are hereby required to be filed on or before January 31, 1951, with respect to interests on the opening of business on December 18, 1950, of foreign persons associated with organizations within the United States.

(b) *Who must make report.* A report must be filed by every organization within the United States as to which on December 17, 1950, any person was an associated foreign person.

(c) *General instructions with respect to reporting on Form TFR–604*—(1) *Obtaining forms.* Copies of these instructions, and of related sections of 31 CFR, Chapter V, which define terms used in this section, and copies of Form TFR–604 may be obtained from the Foreign Assets Control or from the Federal Reserve Bank of New York.

(2) *Manner in which Form TFR–604 should be filed.* Reports on Form TFR–604 shall be prepared in quadruplicate. On or before January 31, 1951, all four copies shall be sent in a set, with corresponding Form TFR–603, to Unit 603, Foreign Assets Control, Treasury Department, Washington 25, D. C.

(3) *Separation of reports for different persons.* Except as provided in subparagraph (4) of this paragraph, a separate report shall be made with respect to each associated foreign person. For example, if the organization reporting is associated with three different foreign persons, three separate reports shall be filed, even if all three of such persons are jointly and equally interested in the property or arrangement through which they are associated with the organization.

(4) *Persons associated through another person—Indirect beneficial interest.* If a foreign person was associated with a reporting organization through a beneficial interest held through agents, nominees, or other persons not having a beneficial ownership interest, the report on Form TFR–604 shall be made as if the associated foreign organization held the interest directly, except that an appropriate description of the manner in which the interest is actually held shall be given in answer to question 6 in Part A of the Form.

(5) *Persons associated through another person: Chain of beneficial interests.* If several persons were associated with a reporting person through a chain of successive ownership interests of foreign persons, as where corporation X owned securities of the reporting organization and, in turn, corporation Y owned securities of X and corporation Z owned securities of Y, a report should be filed in the name of each foreign person. However, the information required in Part B of Form TFR–604 need be given only with regard to the foreign person directly associated with the person reporting, i. e., in the foregoing example, corporation X. With respect to the other associated foreign persons only the information required in questions 1–5 and question 7 of Part A of the Form need be supplied. On each report the information specified in question 7 must be given in full exactly as it appears on the report in the name of the first foreign person. In cases covered solely by this paragraph, question 6 in Part A should be disregarded, but circumstances may arise in which answers are required to both question 6 and question 7, for instance if, in the foregoing example, the interests of corporation X were held through a nominee.

If several persons in the United States were associated with a foreign person through a chain of successive ownership interests, as where securities of domestic corporation L were owned by domestic corporation M and securities of M were owned by domestic corporation N and securities of N were owned by foreign corporation O, a complete report on Forms TFR–603 and 604 need be filed only by domestic corporation N. The other domestic persons need only submit reports showing the chain of their relationship to the foreign person through the reporting person. Such reports should give the information required under Part A, questions 1 and 2, of Form TFR–604, and the chain of relationship to the associated foreign person should be fully specified in answer to Part A, question 5. On Form TFR–603, Part A should be filled in and an appropriate reference to this instruction should be given in lieu of all other information required on the Form.

(d) *Detailed instructions for filling out Form TFR–604.*—(1) *Answers required.* Except as specifically indicated on the report form or in these instructions, each question on the report must be answered and all specific information called for must be given. When there is nothing to report under any question or if information is lacking, state "No", "None", "Unknown", as the case may be, with an explanation if required, except that in Part B spaces not needed for reporting should be left blank. If the space provided on the Form for answers should prove inadequate, the answer may be made or continued on a blank sheet of paper securely attached to the Form. No person is excused from furnishing any information he reasonably should have.

(2) *Part A*—(i) *Question 3 (a).* Enter the English word denoting the type of person, e. g., "individual", "corporation", "association", "partnership", followed by the exact designation, unabbreviated, but translated into English, of the type of person, if other than an individual, in the laws of the jurisdiction under which the organization was created or organized. In the case of a branch, enter merely the English word "branch".

(ii) *Question 4.* Enter a brief but definite description of the business carried on by the foreign person, e. g., "manufacturing electric irons" or "general banking".

(3) *Part B*—(i) *Percent owned.* Show here the percentage owned by, or owed to, the associated foreign person of the total amount of property of each kind reported.

(ii) *Value.* With regard to securities traded in a recognized securities market fill out both column 3 and column 4. However, in the case of such securities only the value appearing in column 4 shall be included in the final total to be carried to Form TFR–603. When a value is given in column 4 for common stock, not only the value in column 3 under "common stock" but also the respective values in that column under "surplus or deficit" and "surplus reserves" shall be omitted from the total.

(iii) *Space insufficient.* Whenever more than one item should be reported with respect to any space in the table, attach clearly labelled sheets showing the items and enter in the table merely the appropriate totals.

(iv) *Branches.* If the organization reporting is a branch of a foreign person, the investment of the latter in the branch shall be entered so as to show the total investments therein, regardless of the methods of bookkeeping actually used. Where the practice has been to include all transactions between the branch and the foreign person in one account on the books of the branch no adjustment will be necessary. However, when any deviation from this procedure has occurred appropriate adjustments shall be made. A credit balance should be shown without special distinguishing marks but a debit balance should be preceded by a DR, which should also be carried to Form TFR–603. Under "Date Acquired" state the date on which the reporting branch was established.

(4) *Part D—Question 4*—(i) *Location of assets.* For the purposes of this question property shall be deemed to have been located in a foreign country on the reporting date if, (*a*) in case of tangible property, it was physically located in a foreign country; (*b*) in case of other property, it was issued or created by, or constituted an obligation of, or was asserted to constitute an obligation of a foreign country or a person within a foreign country, regardless of where any evidence thereof was located; and (*c*) without limitation upon the foregoing, in case of currency and coin, securities, and negotiable instruments for the payment of money issued or created by the United States, or any agency or person therein, the property or evidence thereof, as the case may be, was physically located in a foreign country.

(ii) *Valuation.* The valuations required in answer to Question 4 shall be made in accordance with the principles set forth in § 500.603 (i) (4) (iv).

(e) *Definition.* The definitions prescribed in § 500.603 (g) shall be applicable to this section.

SUBPART G—PENALTIES

§ 500.701 *Penalties.* (a) Attention is directed to section 5 (b) of the Trading With the Enemy Act, as amended, which provides in part:

> Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more that $10,000 or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this subdivision the term "person" means an individual, partnership, association, or corporation.

This section of the Trading With the Enemy Act, as amended, is applicable to violations of any provision of this chapter and to violations of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this chapter or otherwise under section 5 (b) of the Trading With the Enemy Act, as amended.

(b) Attention is also directed to 18 U. S. C. 1001 which provides:

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SUBPART H—PROCEDURES

§ 500.801 *Licensing*—(a)—*General Licenses.* General licenses have been issued authorizing under appropriate terms and conditions, many types of transactions which are subject to the prohibitions contained in Subpart B of this part. All such licenses are set forth in Subpart E of this part. It is the policy of Foreign Assets Control not to grant applications for specific licenses authorizing transactions to which the provisions of an outstanding general license are applicable. Persons availing themselves of certain general licenses are required to file reports and statements in the form and in accordance with the instructions specified in the licenses.

(b) *Specific licenses*—(1) *General course of procedure.* Transactions subject to the prohibitions contained in Subpart B of this part which are not authorized by general license may be effected only under specific license. The specific licensing activities of Foreign Assets Control are performed by the central organization and the Federal Reserve Bank of New York. When an unusual problem is presented, the proposed action is cleared with the Director of Foreign Assets Control or such person as he may designate.

(2) *Applications for specific licenses.* Applications for specific licenses to engage in any transaction prohibited by or pursuant to this chapter are to be filed in duplicate on Form TFAC–1 with the Federal Reserve Bank of New York. Any person having an interest in a transaction or proposed transaction may file an application for a license authorizing the effecting of such transaction, and there is no requirement that any other person having an interest in such transactions shall or should join in making or filing such application.

(3) *Information to be supplied.* Applicants must supply all information specified by the respective forms and instructions. Such documents as may be relevant shall be attached to each application as a part of such application except that documents previously filed with Foreign Assets Control may, where appropriate, be incorporated by reference. Applicants may be required to furnish such further information as is deemed necessary to a proper determination by the Control. If an applicant or other party in interest desires to present additional information or discuss or argue the application, he may do so at any time before or after decision. Arrangements for oral presentation should be made with the Control.

(4) *Effect of denial.* The denial of a license does not preclude the reopening of an application or the filing of a further application. The applicant or any other party in interest may at any time request explanation of the reasons for a denial by correspondence or personal interview.

(5) *Reports under specific licenses.* As a condition upon the issuance of any license, the licensee may be required to file reports with respect to the transaction covered by the license, in such form and at such times and places as may be prescribed in the license or otherwise.

(6) *Issuance of license.* Licenses will be issued by Foreign Assets Control acting on behalf of the Secretary of the Treasury or by the Federal Reserve Bank of New York, acting in accordance with such regulations, rulings and instructions as the Secretary of the Treasury or Foreign Assets Control may from time to time prescribe, in such cases or classes of cases as the Secretary of the Treasury or Foreign Assets Control may determine, or licenses may be issued by the Secretary of the Treasury acting directly or through any person, agency, or instrumentality designated by him.

§ 500.802 *Unblocking.* Any interested person desiring the unblocking of accounts or other property on the ground that no person having an interest in the property is a designated national may file such an application. Such application shall be filed in the manner provided in § 500.801 (b) and shall contain full information in support of the administrative action requested.

The applicant is entitled to be heard on the application. If the applicant desires a hearing arrangements should be made with Foreign Assets Control.

§ 500.803 *Decision.* Foreign Assets Control or the Federal Reserve Bank of New York will advise each applicant of the decision respecting applications filed by him. The decision of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall be final.

§ 500.804 *Records and reporting.* Records are required to be kept by every person engaging in any transaction subject to the provisions of this chapter, as provided in § 500.601.

Reports may be required from any person with respect to any transaction subject to the provisions of this chapter or relative to any property in which any foreign country or any national thereof has any interest, as provided in § 500.602. Section 500.603 requires the filing of specific reports relative to property in which any non-American country or any national thereof has an interest.

§ 500.805 *Amendment, modification, or revocation.* The provisions of this chapter and any rulings, licenses, authorizations, instructions, orders, or forms issued thereunder may be amended, modified, or revoked at any time.

§ 500.806 *Rule making.* All rules and other public documents are issued by the Secretary of the Treasury upon recommendation of the Director of Foreign Assets Control. Except to the extent that there is involved any military, naval, or foreign affairs function of the

United States or any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts and except when interpretative rules, general statements of policy, or rules of agency organization, practice, or procedure are involved or when notice and public procedure are impracticable, unnecessary or contrary to the public interest, interested persons will be afforded an opportunity to participate in rule making through submission of written data, views, or argument, with oral presentation in the discretion of the Director. In general, rule making by Foreign Assets Control involves foreign affairs functions of the United States. Wherever possible, however, it is the practice to hold informal consultations with interested groups or persons before the issuance of any rule or other public document.

Any interested person may petition the Director of Foreign Assets Control in writing for the issuance, amendment or repeal of any rule.

§ 500.807 *Delegation by the Secretary of the Treasury.* Any action which the Secretary of the Treasury is authorized to take pursuant to the Trading With the Enemy Act may be taken by any person to whom the Secretary of the Treasury has delegated authority so to act.

[F. R. Doc. 50-12016; Filed, Dec. 18, 1950; 9:41 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter II—Economic Stabilization Agency

[Price Procedural Reg. 1]

PART 300—PRICE PROCEDURAL REGULATION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105), the following part is issued governing the promulgation of ceiling price regulations, applications for adjustment, petitions for amendment, protests and interpretations, all relating to price stabilization (in the formulation of the following part special circumstances have rendered impracticable consultation with industry representatives, including trade association representatives):

SUBPART A—PURPOSE OF THIS PART

SUBPART B—ISSUANCE OF CEILING PRICE REGULATIONS

SUBPART C—APPLICATIONS FOR ADJUSTMENT

SUBPART D—PETITION FOR AMENDMENT

SUBPART E—PROTESTS

GENERAL PROVISIONS

CONTENTS OF PROTESTS AND SUPPORTING MATERIALS

MATERIAL IN SUPPORT OF THE REGULATION PROTESTED

BOARDS OF REVIEW

DETERMINATION OF PROTEST

SUBPART F—INTERPRETATIONS

SUBPART G—MISCELLANEOUS PROVISIONS AND DEFINITIONS

AUTHORITY: §§ 300.1 to 300.63 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.

SUBPART A—PURPOSE OF THIS PART

§ 300.1 *Purpose.* It is the purpose of this part (Price Procedural Regulation 1) to prescribe and explain the procedure used by the Economic Stabilization Administrator in making various kinds of price determinations.

(a) Subpart B deals with the procedure of the Economic Stabilization Administrator in issuing ceiling price regulations.

(b) Subpart C deals with individual applications for adjustment of ceiling prices established by a ceiling price regulation. An adjustment ordinarily effects 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 Administrator.

(c) Subpart D 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 § 300.21.

(d) Subpart E deals with protests. The nature and function of protests are set forth in general in the introduction to Subpart E (§ 300.20a).

(e) Subpart F explains the way in which interpretations are rendered by the Economic Stabilization Administrator.

(f) Subpart G contains miscellaneous provisions and definitions.

(g) The term "Administrator" as hereinafter used shall refer to the Economic Stabilization Administrator.

SUBPART B—ISSUANCE OF CEILING PRICE REGULATIONS

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

§ 300.3 *Price hearing prior to issuance.* Whenever the Administrator 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 §§ 300.4 and 300.5.

§ 300.4 *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.

§ 300.5 *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 Administrator, 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.

§ 300.6 *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 Administrator has taken official notice and facts found by the Administrator as a result of action taken under section 705 of the act.

§ 300.7 *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 Administrator shall make copies thereof available to the press.

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

SUBPART C—APPLICATIONS FOR ADJUSTMENT

§ 300.9 *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 subpart.

§ 300.10 *Place of filing.* All applications shall be filed with the Economic Stabilization Administrator, Washington 25, D. C.

§ 300.11 *Form of application.* (a) Applications for adjustment shall be filed upon such forms as the Administrator 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 subparagraph (3) of this paragraph.

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

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

§ 300.12 *Applications must be signed.* Any application for adjustment filed pursuant to this subpart 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.

§ 300.13 *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 § 300.12 and shall be filed and determined in accordance with the rules governing the filing and determination of applications filed by one person. Whenever the Administrator 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 Administrator deems it necessary or appropriate for the disposition of the applications filed by more than one person, he may consolidate the applications.

§ 300.14 *Investigation of application.* Upon receipt of an application for adjustment, the Administrator 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.

§ 300.15 *Action by the Administrator on applications for adjustment.* Within a reasonable time after the filing of an application for adjustment, the Administrator may either

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

§ 300.16 *Protest of denial of application.* Any applicant whose application for adjustment has been denied in whole or in part by the Administrator may file a protest against such order in accordance with the provisions of Subpart E. 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.

SUBPART D—PETITION FOR AMENDMENT

§ 300.17 *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.

§ 300.18 *Time and place for filing petitions; form and contents.* A petition for amendment shall be filed with the Economic Stabilization Administrator, 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.

§ 300.19 *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 Administrator 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.

§ 300.20 *Action by the Administrator on petition.* In the consideration of any petition for amendment the Administrator 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 Administrator may consolidate such petitions.

SUBPART E—PROTESTS

§ 300.20a *Introduction note.* Subpart E 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.

Subpart E 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 subpart, making a specific request for consideration by a board of review in accordance with § 300.32 (b).

GENERAL PROVISIONS

§ 300.21 *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 subpart. A person is, for the purposes of this subpart, 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. Any protest filed by a person not subject to the provision protested, or otherwise not in accordance with this subpart, may be dismissed by the Administrator.

§ 300.22 *Action by representative.* Any action which by the provisions of this subpart is required of, or permitted to be taken by, a protestant may, unless otherwise expressly stated, as in § 300.32 (a) (8), be taken on his behalf by any person whom the protestant has by written power of attorney authorized to represent him. Such power of attorney, signed by the protestant, shall be filed with the protest.

§ 300.23 *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 Economic Stabilization Administrator, Washington 25, D. C., and shall be deemed filed on the date received by the Administrator.

§ 300.24 *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 directed. Six copies of the protest and of all accompanying documents and briefs shall be filed.

§ 300.25 *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.

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

§ 300.27 *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 § 300.32 (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 Administrator 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.

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

§ 300.29 *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 § 300.33 (b), and the submission of oral testimony, dealt with in § 300.34. 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 Administrator, it will not unduly delay the completion of the proceedings on the protest.

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

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

(2) Notice such protest for hearing of oral testimony in accordance with §§ 300.34 or 300.39;

(3) Notice such protest for hearing of oral argument by a board of review in accordance with § 300.43; 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 Administrator may notice such protest for hearing of oral testimony in accordance with subparagraph (2) of this paragraph, notice the protest for hearing of oral argument by a board of review in accordance with subparagraph (3) of this paragraph, include additional material in the record of the proceedings on the protest in accordance with § 300.37, or take such other action as may be appropriate to the disposition of the protest.

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

(c) Where the Administrator 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.

§ 300.31 *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 Administrator, in accordance with §§ 300.32 and 300.33;

(2) Materials incorporated into the record of the proceedings by the Administrator under §§ 300.37 and 300.38;

(3) Oral testimony taken in the course of the proceedings in accordance with §§ 300.34 and 300.39;

(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 Administrator has taken official notice.* The record of the proceedings may also include statements of economic data and other facts of which the Administrator 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 subpart 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

§ 300.32 *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 Administrator 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 § 300.23 (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 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 300.42 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 Economic Stabilization Administrator, 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 §§ 300.40 to 300.47, inclusive.

§ 300.33 *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 § 300.34 (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.

§ 300.34 *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 Administrator 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 Administrator.

(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 Economic Stabilization Administrator, 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.

§ 300.35 *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

§ 300.36 *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 Administrator, 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.

§ 300.37 *Incorporation of material in the record by the Administrator.* In addition to the statement of considerations, the Administrator 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.

§ 300.38 *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 Administrator 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 § 300.24.

(b) In the event that a protest has been, or is subsequently, filed to a provision of a ceiling price regulation in support of which a statement has been submitted, the Administrator 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 reas-

onable opportunity to present evidence in rebuttal thereof.

§ 300.39 *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 Administrator 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 § 300.34.

BOARDS OF REVIEW

§ 300.40 *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 Administrator. 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 300.31 explains the nature of the record in the proceedings. Section 300.32 (b) explains the nature of such a request and states the time within which it must be filed.

§ 300.41 *Composition of boards of review.* A board of review is composed of one or more officers or employees of the Economic Stabilization Agency designated by the Administrator 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 at least one member shall be selected who has been directly responsible for the formulation or 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 § 300.43. When necessitated by incapacity of a member or other good cause, the Administrator may make substitutions in the membership of the board as originally constituted.

§ 300.42 *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 Economic Stabilization Administrator, 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.

§ 300.43 *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 § 300.32 (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.

§ 300.44 *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 § 300.32 (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.

§ 300.45 *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. A board may exclude specific argument deemed to be irrelevant to the objections set forth in the protest or unsupported by any 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.

(b) A stenographic report of all hearings of oral argument by boards of review or subcommittees thereof shall be taken. The report will be transcribed at the direction of the board if a transcription is designed to facilitate consideration of the protest. The report will ordinarily 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 Economic Stabilization Administrator, 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.

§ 300.46 *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 Administrator 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 have authority to recommend to the Administrator 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 Administrator in order that the Administrator 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 § 300.29 can be met.

§ 300.47 *Action by Administrator 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 Administrator shall, within a reasonable time, grant or deny the protest in whole or in part.

DETERMINATION OF PROTEST

§ 300.48 *Order granting protest in whole.* Where the Administrator 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 Administrator's order.

§ 300.49 *Opinion denying protest in whole or in part.* In the event that the Administrator denies any protest in whole or in part, a copy of the Administrator's 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 Administrator 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.

§ 300.50 *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 Administrator, 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.

§ 300.51 *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.

SUBPART F—INTERPRETATIONS

§ 300.52 *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 relating to price controls, and 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 relating to price controls will be regarded by the Economic Stabilization Agency as official only where issued by the Administrator, 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 publicly announced as an interpretation of general application.

§ 300.53 *Requests for interpretations; form and contents.* Any person desiring an official interpretation of a regulation or order relating to price controls shall request it in writing from the Administrator. 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.

§ 300.54 *Revocation or modification of interpretation.* Any official interpretation of a regulation or order relating to price controls may be revoked or modified by publicly announced statement by the Administrator, or by a statement or notice by the Administrator published in the FEDERAL REGISTER. An official interpretation addressed to a particular person may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the Administrator.

SUBPART G—MISCELLANEOUS PROVISIONS AND DEFINITIONS

§ 300.55 *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.

§ 300.56 *Contemptuous conduct.* Contemptuous conduct at any hearing shall be ground for exclusion from the hearing.

§ 300.57 *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.

§ 300.58 *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 Administrator, 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 Administrator. In case of failure to make service, the reasons for the failure should be stated on the original subpena.

§ 300.59 *Service of papers.* Notices, telegraph 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 telephone. 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 protestant has filed a power of attorney authorizing any other person to represent him, as provided in § 300.22, service upon such representative shall be deemed service upon the protestant.

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

§ 300.61 *Confidential information; inspection of documents filed with the Administrator.* Information obtained under section 705 of the act, which the Administrator 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 Administrator determines that the withholding thereof is contrary to the interest of the national defense: *Provided, however,* That all protests and orders and opinions in connection therewith are open to inspection in the office of the Administrator, 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 Administrator 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. All letters denying petitions for amendment and all orders and opinions granting or denying in whole or in part any application for adjustment are open to inspection in the office of the Administrator, upon such reasonable conditions as he may prescribe. To the extent that this section provides for the disclosure of confidential information, it shall be deemed a determination by the Administrator, 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.

§ 300.62 *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 Administrator in connection with any action or proceedings related to price control.

§ 300.63 *Amendment of this part.* Any provision of this part may be amended or revoked by the Administrator 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.

This Price Procedural Regulation 1 (Part 300) shall become effective on December 18, 1950.

ALAN VALENTINE,
Economic Stabilization Administrator.

[F. R. Doc. 50-12015; Filed, Dec. 18, 1950; 8:45 a. m.]

[Ceiling Price Reg. 1]

PART 311—NEW PASSENGER AUTOMOBILES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105), and after consultation with the Director of Price Stabilization, it is hereby ordered that price ceilings on the sale of new passenger automobiles by manufacturers shall be effective as provided in this Ceiling Price Regulation 1.

Statement of Considerations

The menace of inflation. Prior to the outbreak in Korea, the American economy was operating on a relatively stable basis. The outbreak in Korea created an inflationary climate. The need to embark on a vastly increased defense program generated fears of general shortages and led to a heavy buying wave by both consumers and business. Under the pressure of these factors, the country has been beset by a continuing spiral in prices and wages. Well in advance of the actual large-scale impact of the expanded defense program, the usual phenomena of inflation have appeared: the scramble for goods, the rise in prices, the increase in profits, wages and other incomes, a growing gap between the available supply of goods and the level of demand, and further waves of price and wage increases. Following the large-scale Chinese intervention, price increases have begun to accelerate. Moreover, the expanded defense program is now getting into high gear thus generating new inflationary pressures.

The outlook for the next several years foreshadows a high degree of inflationary pressure. The Federal budget will be expanded rapidly. The disposable income of the public, already at an all-time high, will increase rapidly as hours of work are lengthened and the labor force is expanded. Shifting many billions of dollars of resources to defense production will mean taking them largely from civilian uses, particularly in the durable goods area.

We are thus faced with the probability that we cannot expand the overall supply of consumer goods for the next few years and, indeed, in many important areas must substantially reduce their supply. At the same time, income in the hands of the public will continue to grow. Thus, the situation will be one of a growing gap between the supply of consumer goods and the demand for such goods. This spells increasing inflationary pressure.

To permit this upward spiral to continue would create havoc on the economic front. At a time when we are mobilizing our military strength against the threat of foreign aggression, we cannot afford to let the strength of our home front be sapped by the danger of inflation from within. Inflation in its way is as deadly a threat as the threat of foreign aggression. It is a threat to our free enterprise system. Inflation destroys the value of savings and undermines the incentive to save. It creates a mad scramble for goods. It causes a fiercely competitive race between prices and wages in which millions of people are the losers because their incomes do not keep pace with rising prices. It foments social and class strife and labor unrest. It adds hugely to the cost of the defense program and to the tax burden.

Congress recognized this danger when it passed the Defense Production Act of 1950 granting authority to take action when necessary to control prices and stabilize wages. In recognition of this danger ,the President has repeatedly urged business, labor, farmers and consumers to exercise restraint in their buying and selling. In addition, the Government has acted to reduce the level of demand by increasing taxes, by imposing selective credit restrictions, and by controls over the flow of scarce and essential materials. In spite of all these measures, prices and wages have continued to rise. More direct action is now necessary.

The objective of stabilization. It is the firm policy of the Economic Stabilization Administrator to move as rapidly as possible to achieve stability and a firm balance between prices and wages which can be held for the duration. This will necessitate the imposition of controls wherever necessary to achieve this purpose. We cannot afford any longer to permit the upward spiral of prices and wages.

The automobile industry. At the first step in accomplishing the national stabilization objective, the Economic Stabilization Agency is imposing a temporary freeze of the prices charged by manufacturers of new passenger automobiles. The ESA is moving also to take other appropriate action necessary to achieve stabilization.

In this first mandatory action, the ESA is dealing with one of the largest and most important industries in the country. Our pattern of living has been largely shaped by the availability of cheap and efficient automobile transportation. Automobiles represent one of the most important single items purchased by the American public, having a relative importance of 2½ percent in the Bureau of Labor Statistics Consumers' Price Index.

Thus far in 1950, the industry has produced over 6 million automobiles, the highest level of automobile production in the history of the industry. There are 10 major manufacturers of automobiles in the United States. Over 85 percent of the automobiles produced thus far in 1950 were made by the big three: General Motors Corporation, Ford Motors Company and Chrysler Corporation.

In May and June of 1950, wholesale prices of new automobiles were stable and at levels which permitted the industry to earn what were up to that point record levels of profits. Since the outbreak in Korea and prior to the recent action of the largest manufacturers, there were some price increases affecting a small part of the total output. Early in December 1950, the Ford Motor Company and General Motors Corporation announced price increases on their 1951 models ranging from 5 percent and up. On December 7, the Economic Stabilization Administrator requested these two companies to rescind their December price increases. They have refused to do so. The Chrysler Corporation has refused to agree not to increase prices for its 1951 models, and has since announced substantial price increases. With few exceptions, the other companies also refused the request not to increase prices.

The automobile manufacturers defend these price increases on the ground that they have experienced increases in wage cost and in prices of raw materials. The Economic Stabilization Administrator in requesting these companies to rescind their price increases emphasized that the purpose of his request was to allow enough time until a comprehensive analysis could be made of the effects of these cost increases upon the overall position of the firms. This was an eminently reasonable request to make since currently available data shows that profits for the industry have been running at an all-time high. Profits for the third quarter of 1950 are higher than in any previous period even though many of the cost increases referred to by the companies already must have been absorbed by these companies.

The purpose of this temporary freeze on automobile prices is to make such an analysis and to ascertain whether, in fact, cost increases actually incurred require price increases in the light of the overall position of the industry. If the analysis should show this to be the case, the Administrator stands ready to make such changes in the ceiling prices as appear necessary. In the meantime, the level of profits in the industry warrants the conclusion that production will not be impeded by this regulation.

The automobile industry generally sells new passenger automobiles through dealers to consumers at retail prices suggested by the manufacturer plus transportation, handling, and other charges

and excise taxes. Margins for distributors and dealers are generally determined by the discounts which manufacturers apply to the suggested retail prices when they sell to distributors and dealers. Similar discounts are given to certain classes of purchasers such as governmental agencies and fleet purchasers. Thus, establishing ceiling prices to be charged and received by manufacturers should help in stabilizing dealers' prices to consumers. If it does not, consideration will be given to establishing ceiling prices for dealers.

Upon the basis of these facts and circumstances and other economic data, the Administrator finds that: (1) manufacturers' prices for passenger automobiles have risen and threaten to rise unreasonably above the prices prevailing during the period from May 24, 1950, to June 24, 1950; (2) such price increases will materially affect the cost of living and the national defense (3) the imposition of the ceiling prices established by this regulation is necessary to effectuate the purposes of the Defense Production Act of 1950; (4) it is practicable and feasible to establish ceiling prices for manufacturers' sales of new automobiles; (5) such ceilings will be generally fair and equitable to sellers and buyers of new passenger automobiles and to buyers and sellers of related and competitive materials and services; and (6) the issuance of this regulation will help to effectuate the purposes of the National Defense Production Act of 1950.

In formulating this regulation the Administrator has consulted with representatives of the industry to the extent practicable under the circumstances, and has given consideration to their recommendations.

Prior to the issuance of this regulation controlling manufacturers' prices of new automobiles, the ESA took steps to the end that wages shall be stabilized as soon as possible in accordance with the provisions of section 402 (b) (3) of the National Defense Production Act of 1950 which states that "Whenever a ceiling has been imposed with respect to a particular material or service, the President shall stabilize wages, salaries, and other compensation in the industry or business producing the material or performing the service." To this end, there have been discussions and further conferences are planned with representatives of the labor groups affected to consult with them concerning the stabilization of wages in this industry.

What this regulation does. This regulation, ESA Ceiling Price Regulation No. 1, freezes the manufacturers' ceiling prices of new passenger automobiles for a period ending March 1, 1951 unless otherwise modified, amended or extended prior to that date. Under the regulation, the ceiling price for the sale or delivery of a new automobile by a manufacturer is established as the net price (f. o. b. factory) charged by the manufacturer to the same class of purchaser on December 1, 1950, for the same make and model, or, if the manufacturer has brought out a new line since December 1, 1950, or brings out a new line hereafter, the net price charged by the manufacturer to the same class of purchaser on that date for the counterpart model in the previous line.

It also provides that the ceiling price shall include all equipment that was standard on the model or counterpart model on that date, and provides that if the model is sold without such equipment, or with additional equipment, the ceiling price shall vary according to the manufacturer's standard charge for such equipment on that date.

It adds, however, that it shall be a violation of the order for any manufacturer to require any purchaser of a new automobile, as a condition of the sale or delivery, to purchase any equipment which was not standard for the same or counterpart model on December 1, 1950.

It also provides that it shall be a violation of the regulation to charge a price above the applicable ceiling price in connection with the sale or delivery of a new automobile either alone or in conjunction with any other material or service or by way of any commission, discount, service, transportation or other charge, or by tie-in agreements or other trade understanding, whether the price increase appears directly or indirectly.

The regulation defines the term "new automobile" as any automobile (designed primarily for the carriage of passengers, whether intended for private, commercial or other use), including its standard equipment, manufactured in the United States and having a seating capacity of less than 11 persons.

The regulation also makes it a violation to purchase or receive, in the regular course of business or trade, such automobile from a manufacturer at a price higher than the ceiling price, and provides that each manufacturer shall file with the Economic Stabilization Administrator a report containing a description of each model of each make of new automobile and of its equipment, standard and extra, special or optional, which he sold on December 1, 1950, together with the ceiling price for each as determined by the order.

The same information must be filed for makes and models brought out since that date. It is ordered that each purchaser must be furnished an invoice stating the ceiling price established by the regulation, separate from any other charges, and each manufacturer is instructed to preserve and keep available for inspection by the Administrator of ESA all records necessary to substantiate ceiling prices established under the regulation.

It further provides that if a manufacturer is unable to determine a ceiling price under the regulation he shall apply to ESA for the establishment of an appropriate ceiling, and shall make no sale or delivery of the model in question until such a price has been established.

A petition for amendment of this regulation may be filed with the Administrator in accordance with Procedural Regulation No. 1. Even though the ceiling price regulation is temporary in character, this provision will permit a manufacturer to request an amendment to alleviate hardships caused by the regulation.

The provisions of this regulation and their effect upon business practices, cost practices, or methods, or means or aids to distribution in the industry have been carefully considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

Sec.

AUTHORITY: §§ 311.1 to 311.8 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.

§ 311.1 *Applicability of part.* This part establishes ceiling prices for manufacturers' sales or deliveries of new passenger automobiles (herein referred to as "new automobiles") in the 48 States of the United States, the District of Columbia, and the Territories and possessions of the United States. It is also applicable to all sales or deliveries by manufacturers for export.

§ 311.2 *Definitions.* When used in this part, the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any 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;

(b) "Manufacturer" means any person who produces any automobile or any person who sells a new automobile under his own brand or trade name.

(c) "New passenger automobile" or "new automobile" means any automobile (designed primarily for the carriage of passengers, whether intended for private, commercial or other use), including its standard equipment, manufactured in the United States and having a seating capacity of less than 11 persons.

(d) A model shall be deemed to be a "counterpart" of a new model if it is replaced in the manufacturer's line by the new model. For example, a 1950 standard two-door sedan with standard equipment would be the counterpart of a 1951 standard two-door sedan of the same make, similarly equipped. On the other hand, a hard top convertible in the 1951 line would not find its counterpart in a 1950 soft top convertible.

(e) "Same class of purchaser" refers to the practice of a manufacturer in setting different prices for new passenger automobiles sold to different purchasers or kinds of purchasers (for example, Government agencies, public institutions, wholesalers, retail dealers), or for pur-

chasers located in different areas, or for different quantities, or under different conditions of sale.

§ 311.3 *Prohibition against selling or delivering new passenger automobiles at prices above the ceiling.* On and after the 18th day of December 1950, regardless of any contract or other obligation:

(a) No manufacturer shall sell or deliver any new automobile at a price higher than the ceiling price established by this part;

(b) No person, in the regular course of business or trade, shall buy or receive any new automobile from a manufacturer at a price higher than the ceiling price established by this part;

(c) No person shall agree, offer, solicit, or attempt to do anything prohibited in paragraphs (a) and (b) of this section.

§ 311.4 *Ceiling prices.* (a) The ceiling price for the sale or delivery of a new automobile by a manufacturer shall be the net price (f. o. b. factory) charged by the manufacturer to the same class of purchaser on December 1, 1950, for the same make and model, or, if the manufacturer has brought out a new line since December 1, 1950, or brings out a new line hereafter, the net price (f. o. b. factory) charged by the manufacturer to the same class of purchaser on that date for the counterpart model in the previous line. Whenever the manufacturer had a suggested retail price (f. o. b. factory) on December 1, 1950, his net price (f. o. b. factory) shall be determined by reducing such suggested retail price in effect on that date for the same or counterpart model of the same make by the discounts in effect on that date for the same class of purchaser to whom the sale or delivery is to be made.

(b) (1) The celing price established by paragraph (a) of this section shall include all equipment that was standard for each such make and model on December 1, 1950, or if the ceiling price is established on the basis of a counterpart model in the previous line, the equipment that was standard for such counterpart model on December 1, 1950. In the event that a new automobile is sold without such standard equipment, the ceiling price shall be reduced by the amount of the manufacturer's standard charge to the same class of purchaser for such equipment on December 1, 1950.

(2) If a new automobile is sold with equipment additional to that which was standard on December 1, 1950, the ceiling price shall be increased by the manufacturer's standard charge to the same class of purchaser on December 1, 1950, for the same equipment, or if he did not offer the same equipment for sale, for the corresponding equipment offered for sale on that date; *Provided, however,* That it shall be a violation of this part for a manufacturer in any manner to require any purchaser of a new automobile, as a condition of the sale or delivery, to purchase any equipment which was not standard equipment for the same or counterpart make and model on December 1, 1950.

(c) In addition to the ceiling prices established by paragraphs (a) and (b) of this section, the manufacturer may make separate charges for transportation, Federal excise taxes, and handling and delivery, or other charges, in accordance with his normal practice on December 1, 1950. But no manufacturer shall change the practices which he followed on December 1, 1950, with respect to the handling of transportation charges, financing, taxes, or other charges incident to the sale or delivery of a new automobile, where the effect of such change would be to increase the cost to the purchaser.

(d) If a ceiling cannot be determined for a new automobile (or for an item of equipment) in accordance with the provisions of paragraphs (a), (b) and (c) of this section, the manufacturer shall apply to the Economic Stabilization Administrator, Washington 25, D. C., for the establishment of an appropriate ceiling price, and shall make no sale or delivery of a new automobile (or additional charge for such item of equipment) until such price has been established.

§ 311.5 *Less than ceiling prices.* Lower prices than those set forth in this part may be charged, demanded, paid, or offered.

§ 311.6 *Evasion.* It shall be a violation of this part to charge a price above the applicable ceiling price in connection with the sale or delivery of a new automobile either alone or in conjunction with any other material or service or by way of any commission, discount, service, transportation or other charge, or by tie-in agreement or other trade understanding, whether the price increase appears directly or indirectly, except as permitted by § 311.4.

§ 311.7 *Reporting, invoicing and record-keeping requirements*—(a) *Reporting.* (1) Each manufacturer of new automobiles shall file with the Economic Stabilization Administrator a report containing a description of each model of each make of new automobile and of its equipment, standard and extra, special or optional, which he sold on December 1, 1950, and the ceiling prices to each class of purchaser for such model and equipment as determined in § 311.4.

(2) If the manufacturer has brought out a new line since December 1, 1950, or brings out a new line hereafter, the report shall include a description of the new and counterpart models and the new and corresponding equipment, their list prices and the discounts which he had in effect for different classes of purchasers, and a description of each such class of purchasers.

(3) This report shall be filed not later than 10 days after the date of the first sale of each model and equipment or after the effective date of this part, whichever date is later.

(4) Each report shall state with respect to each model and equipment the amounts to be charged by the manufacturer for transportation, Federal excise taxes and charges for handling and delivering operations and any other charges incident to the sale or delivery of a new automobile, together with the amounts of such charges made by the manufacturer on December 1, 1950.

(b) *Invoicing.* Each manufacturer of new automobiles shall furnish to each person to whom he sells a new automobile an invoice stating the ceiling price established by this part separately from any other charge.

(c) *Records.* Each manufacturer of new automobiles shall preserve and keep available for inspection by the Economic Stabilization Administrator all records necessary to substantiate ceiling prices established under this part.

§ 311.8 *Petitions for amendment.* Any person seeking an amendment of any provision of this part may file a petition for amendment in accordance with Price Procedural Regulation 1 issued by the Economic Stabilization Administrator (Part 300 of this chapter).

This regulation shall be effective immediately for a period ending March 1, 1951, provided, however, that it may be modified, amended or extended prior to the expiration of such period.

NOTE: All 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.

ALAN VALENTINE,
Economic Stabilization Administrator.

DECEMBER 18, 1950.

[F. R. Doc. 50-12014; Filed, Dec. 18, 1950; 8:45 a. m.]

Chapter IX—Under Secretary for Transportation, Department of Commerce

[Transportation Order T-1]

PART 1101—SHIPPING RESTRICTIONS; SUB-GROUP A, HONG KONG AND MACAO

EDITORIAL NOTE: Part 1101 appearing at 15 F. R. 8777 has been redesignated Part 1301 of this chapter and §§ 1101.1 to 1101.6 have been redesignated §§ 1301.1 to 1301.6. The subject headnote of this part has been changed to read "Shipping Restrictions; Sub-Group A, Hong Kong and Macao."

[Transportation Order T-2]

PART 1302—SHIPPING RESTRICTIONS; COMMUNIST CHINA

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. Consultation with industry in advance of the issuance of this order has been rendered impracticable by the need for immediate issuance.

Sec.

Sec.
1302.6 Defense against claims for damages.
1302.7 Violations.

AUTHORITY: §§ 1302.1 to 1302.7 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply secs. 101, 705, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 1302.1 *Prohibition of movement of American carriers to Communist China.* No person shall sail, fly, navigate, or otherwise take any ship documented under the laws of the United States or any aircraft registered under the laws of the United States to any Chinese Communist port or to any other place under the control of the Chinese Communists.

§ 1302.2 *Prohibition on transportation of goods destined for Communist China.* No person shall transport, in any ship documented under the laws of the United States or in any aircraft registered under the laws of the United States, to Communist Chinese ports or to any other place under the control of the Chinese Communists, any material, commodity, or cargo of any kind. No person shall take on board any ship documented under the laws of the United States or any aircraft registered under the laws of the United States any material, commodity, or cargo of any kind if he knows or has reason to believe that the material, commodity, or cargo is destined, directly or indirectly, for Communist China. No person shall discharge from any ship documented under the laws of the United States or from any aircraft registered under the laws of the United States, at any place other than the port where the cargo was loaded, or within territory under the jurisdiction of the United States, or in Japan, any material, commodity, or cargo of any kind which he knows or has reason to believe is destined for Communist China.

§ 1302.3 *Persons affected.* The prohibitions of this part apply to the owner of the ship or aircraft, to the master of the ship or aircraft, and to any other officer, employee, or agent of the owner of the ship or to any other person who participates in the prohibited activities.

§ 1302.4 *Reports.* The owner of any ship documented under the laws of the United States or any aircraft registered under the laws of the United States which is making a voyage to Communist China at the time this part is issued shall report this fact promptly to the Under Secretary for Transportation, Department of Commerce, Washington 25, D. C., and advise what steps he has taken to comply with the requirements of § 1302.1. The owner of any ship documented under the laws of the United States or any aircraft registered under the laws of the United States which, at the time this part is issued, is carrying any material, commodity, or cargo which the owner, the master of the ship or aircraft, or any other officer, employee or agent of the owner, knew or had reason to believe was destined for Communist China shall report this fact promptly to the Under Secretary for Transportation, Department of Commerce, Washington 25, D. C., and advise what disposition has been or will be made of such cargo. Persons subject to this part shall submit such reports to the Under Secretary for Transportation, Department of Commerce, as he shall require, subject to the terms of the Federal Reports Act.

§ 1302.5 *Records.* Each person participating in any transaction covered by this part shall retain in his possession, for at least two years, records of voyages and shipments in sufficient detail to permit an audit that will determine for each transaction that the provisions of this part have been met. This provision does not require any particular accounting method and does not require alteration of the system customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

§ 1302.6 *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this part or any provision, thereof, notwithstanding that this part or such provision shall thereafter be declared by judicial or other competent authority to be invalid.

§ 1302.7 *Violations.* Any person who wilfully violates any provisions of this part or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person, denying him the privileges generally accorded under this part.

Amendments. This part may be amended by the Under Secretary for Transportation, Department of Commerce, pursuant to delegation previously made to him (15 F. R. 8739).

This part shall take effect immediately, subject to section 7 of the Federal Register Act (49 Stat. 502, 44 U. S. C. sec. 307).

NOTE: The reporting requirements of this part have been approved by the Bureau of the Budget under the Federal Reports Act.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

DECEMBER 16, 1950.

[F. R. Doc. 50-12029; Filed, Dec. 18, 1950; 11:01 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 67—INDIANS AND ESKIMOS

POSSESSORY CLAIMS TO LANDS AND WATERS OCCUPIED BY NATIVES OF ALASKA

Section 67.18a (a) is amended to read as follows:

§ 67.18a *Rules of practice for hearings upon possessory claims to lands and waters used and occupied by natives of Alaska.* (a) Petitions of native groups of Alaska concerning possessory claims to lands and waters based upon any of the foregoing statutes or upon use or occupancy maintained from aboriginal times to the present day, but not evidenced by formal patent, deed or Executive order, shall be filed with the Secretary of the Interior on or before December 31, 1952. No petition filed thereafter will be considered by the Department. A copy of any such petition shall be forthwith transmitted to the Commissioner of Indian Affairs and the Director of the Bureau of Land Management for preliminary investigations and reports, and such reports shall be made a part of the record at the hearing.

(R. S. 2478, 34 Stat. 197; 43 U. S. C. 1201, 48 U. S. C. 357. Interprets or applies sec. 8, 23 Stat. 26, sec. 14, 26 Stat. 1101, 30 Stat. 409, 413, 31 Stat. 321, 330, 43 Stat. 464, 49 Stat. 1250; 48 U. S. C. 356, 358, 359, 371, 61, 356, 221, 362)

OSCAR L. CHAPMAN,
Secretary of the Interior.

DECEMBER 12, 1950.

[F. R. Doc. 50-11825; Filed, Dec. 18, 1950; 8:45 a. m.]

Appendix—Public Land Orders

[Public Land Order 693]

ALASKA

RESERVING PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force for military purposes:

Parcel A. A tract of unsurveyed land lying between latitude 64°56'30" north and latitude 64°57'45" north, and between longitude 148°16'00" west and longitude 148°23'40" west.

The area described contains approximately 3,466 acres.

Parcel B. Fairbanks Meridian:
T. 1 N., R. 3 W.,
Sec. 20, E½ and E½W½, those portions lying west of the west right-of-way line of The Alaska Railroad.

The areas described aggregate approximately 361 acres.

It is intended that the lands described above shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

DECEMBER 12, 1950.

[F. R. Doc. 50-11826; Filed, Dec. 18, 1950; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Gen. Order 73]

PART 277—DOMESTIC AND FOREIGN TRADE—INTERPRETATIONS

GUAM, MIDWAY AND WAKE

Whereas the Maritime Administrator on November 21, 1950, published in the FEDERAL REGISTER (15 F. R. 7952) notice of a proposed rule relative to the status of Guam, Midway and Wake under section 805 (a), Merchant Marine Act, 1936; and

Whereas by said notice, interested persons were afforded opportunity to comment on the proposed rule on or before December 4, 1950; and

Whereas no objections to the proposed rule have been received by the Administrator,

Now, therefore, it is hereby ordered, That the aforesaid proposed rule be and it is hereby adopted, as follows:

§ 277.1 *Guam, Midway and Wake.* Steamship service between ports of the United States mainland and ports in the islands of Guam, Midway and Wake is not "domestic intercoastal or coastwise service" within the meaning of section 805 (a) of the Merchant Marine Act, 1936. This interpretation is limited to Guam, Midway and Wake and does not signify that a similar interpretation is or would be applicable to Hawaii, Puerto Rico or Alaska.

(Sec. 204, 49 Stat. 1987 as amended; 46 U. S. C. 1114. Interprets or applies sec. 805, 49 Stat. 2012, as amended; 46 U. S. C. 1223)

Dated: December 13, 1950.

E. L. COCHRANE,
Maritime Administrator,
Department of Commerce.

[F. R. Doc. 50-11855; Filed, Dec. 13, 1950; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 8333]

PART 1—PRACTICE AND PROCEDURE

DAYTIME SKYWAVE TRANSMISSIONS OF STANDARD BROADCAST STATIONS AND ACCEPTANCE OF APPLICATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of December 1950;

The Commission having under consideration a notice of proposed rule making, adopted May 8, 1947, initiating a proceeding (Docket No. 8333) looking toward the promulgation of rules and regulations and Standards of Good Engineering Practice concerning daytime skywave transmissions of standard broadcast stations; and § 1.371 of its rules and regulations relating to the acceptance of applications; and

It appearing, that in the said notice of proposed rule making the Commission announced that pending a decision in that proceeding "the Commission will defer action on all pending applications which seek daytime or limited time operation on United States I-A or I-B frequencies"; and

It further appearing, that a certain confusion has arisen concerning the intended meaning of the words "applications which seek daytime or limited time operation"; and that the Commission's past actions in interpreting and applying the policy announced in the said notice of proposed rule making may have been in certain respects inconsistent; and that therefore clarification and modification of that policy is necessary and desirable; and

It further appearing, that the purpose of said policy is to avoid the making of new daytime or limited time assignments on the clear channels which may not conform to the rules and regulations and Standards of Good Engineering Practice which may be adopted as a result of the proceedings in Docket No. 8333 and thus render the Commission's decision in Docket No. 8333 nugatory or make necessary extensive reassignments and deletions of stations in order to effectuate said decision; and

It further appearing, that said policy has not been applied to applications seeking new full-time class II assignments for the reasons that full-time stations are required during nighttime hours to afford other stations a higher degree of protection than may reasonably be expected to be required by the Commission's decision in Docket No. 8333 and that therefore such assignments may readily be conformed to such rules and regulations and standards as may be adopted as a result of the proceedings in Docket No. 8333 by modifying them to require the use during some or all of the daytime hours of the antenna and power specified for use during nighttime hours; and that for the same reason the said policy need not be applied to applications for changes in facilities by full-time stations already assigned to one of the clear channels; and

It further appearing, that, since said policy affects the Commission's procedure with respect to certain applications, it should be made a part of the Commission's rules and regulations concerning practice and procedure; and

It further appearing, that authority for adoption of the following amendment is contained in sections 4 (i) and 303 (f) and (r) of the Communications Act of 1934, as amended; and

It further appearing, that the following amendment relates to practice and procedure before the Commission and, therefore, proposed rule making in accordance with the provisions of section 4 of the Administrative Procedure Act is not required;

It is ordered, That, effective immediately, § 1.371 of the Commission's rules and regulations is amended by adding a footnote to the heading thereof, reading as follows:

[1] Pending conclusion of the proceeding in Docket No. 8333 action will be withheld on all of the following types of applications: (a) Applications whether by existing stations or applicants for new stations proposing new daytime or limited time assignments on any of the frequencies specified in § 3.25 (a) and (b) of this chapter; (b) applications from existing daytime or limited time stations presently assigned to a frequency specified in § 3.25 (a) and (b) proposing an increase in the power of that assignment or a change of antenna pattern resulting in an increase in radiation towards any Class I station; and (c) applications from existing daytime or limited time stations presently assigned to a frequency specified in § 3.25 (a) and (b) of this chapter, proposing a change in that assignment involving a substantial change in transmitter location.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 6, 1950.

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

[F. R. Doc. 50-11857; Filed, Dec. 18, 1950; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 856, Corr. Amdt. 1]

PART 95—CAR SERVICE

SATURDAYS AND SUNDAYS TO BE INCLUDED IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of December A. D. 1950.

Upon further consideration of Service Order No. 856 (15 F. R. 5049, 5050), and good cause appearing therefor: It is ordered, that:

Section 95.856 *Saturdays and Sundays to be included in computing demurrage on all freight cars* of Service Order 856 be and it is hereby suspended until 7:00 a. m., April 1, 1951, only to the extent it applies to the free time on cars loaded with import, coastwise or intercoastal traffic at ports, and to the free time on unloading box cars containing export, coastwise or intercoastal traffic at ports.

It is further ordered, that this amendment shall become effective at 7:00 a. m., December 15, 1950, and a copy be served upon the State railroad regulatory bodies of each State, and 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 that notice of this order 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.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 399, as amended; 49 U. S. C. 1

By the Commission, Division 3.

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

[F. R. Doc. 50-11824; Filed, Dec. 18, 1950; 8:45 a. m.]

[Corr. S. O. 870]

PART 95—CAR SERVICE

FREE TIME ON FREIGHT CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of December A. D. 1950.

It appearing, that there is a critical shortage of freight cars, that freight cars are being delayed unduly in loading at ports, and that free time published in tariffs for loading such cars aggravates the shortage, impeding the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency exists at all ports of the country requiring immediate action to promote the National Defense and car service in the interest of the public and the commerce of the people: It is ordered, that:

§ 95.870 *Free time on freight cars loaded at ports.* (a) No common carrier or carriers by railroad subject to the Interstate Commerce Act shall allow, grant or permit more than a combined total of 5 days free time on any freight car held for loading at the point of transshipment from vessel or storage to car or when held out of such transfer point prior to the receipt of proper forwarding directions on such car. The provisions of this paragraph shall not be construed to require or permit the increase of any free time now published in tariffs lawfully on file with this Commission and in effect on the effective date of this section.

(b) *Computation of time.* (1) All Saturdays, Sundays and the holidays listed in Item No. 7 of B. T. Jones' Demurrage Tariff 4-Z, ICC No. 4257 and subsequent issues thereof, shall be excluded in computing the free time provided in paragraph (a) of this section.

(2) The free time provided in paragraph (a) of this section shall be computed as follows:

(i) On cars ordered at the first 7:00 a. m., of the date for which ordered, provided such cars are actually placed at that time. When such cars are actually placed subsequent to the date for which ordered at the next 7:00 a. m. after actual placement.

(ii) When cars appropriated, at the next 7:00 a. m., after loading is started.

(c) *Application.* The provisions of this section shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(d) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(e) *Effective date.* This section shall become effective at 7:00 a. m., December 15, 1950, and the provisions of this section shall apply to all cars on which the free time provided herein has not expired on the effective date and hour herein stated.

(f) *Expiration date.* This section shall expire at 7:00 a. m., April 1, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State and 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 that notice of this order 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.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

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

[F. R. Doc. 50-11858; Filed, Dec. 18, 1950; 8:47 a. m.]

[Corr. S. O. 871]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING BOX CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of December A. D. 1950.

It appearing, that there is a critical shortage of box cars, that box cars are being delayed unduly in unloading at ports and that free time published in tariffs for unloading such cars aggravates the shortage; impeding the use, control, supply, movement, distribution, exchange, interchange and return of such cars; in the opinion of the Commission an emergency exists at all ports of the country requiring immediate action to promote the National Defense and car service in the interest of the public and the commerce of the people: It is ordered, that:

§ 95.871 *Free time on unloading box cars at ports.* (a) No common carrier or carriers by railroad subject to the Interstate Commerce Act shall allow, grant or permit more than a combined total of 7 days free time on any box car held for unloading at the point of transfer from car to vessel or storage or when held short of such transfer point. The provisions of this paragraph shall not be construed to require or permit the increase of any free time published in tariffs lawfully on file with this Commission, and in effect on the effective date of this section.

(b) *Computation of free time.* (1) All Saturdays, Sundays and the holidays listed in Item 7 of Agent Jones' Demurrage Tariff 4-Z, ICC No. 4257 and subsequent issues thereof shall be excluded in computing the free time provided in paragraph (a) of this section.

(2) The free time provided in paragraph (a) of this section shall be computed from the first 7:00 a. m., after notice of arrival or constructive placement is sent or given to the party entitled to receive same until final release of the car, less time required to move a constructively placed car from hold point to point of unloading.

(3) Any detention beyond the seventh day of free time provided in paragraph (a) of this section shall not be offset by credits earned under any average detention basis for settlement.

(c) *Definition of box cars.* The term "box car" as used herein means freight equipment having a mechanical designation in the Official Railway Equipment Register prefixed by "X" or "V".

(d) *Application.* The provisions of this section shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(e) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(f) *Effective date.* This section shall become effective at 7:00 a. m., December 15, 1950, and the provisions of this section shall apply to all cars on which the free time provided herein has not expired on the effective date and hour herein stated.

(g) *Expiration date.* This section shall expire at 7:00 a. m., April 1, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State and 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 that notice of this order 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.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

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

[F. R. Doc. 50-11859; Filed, Dec. 18, 1950; 8:47 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

RAILWAY LESSOR COMPANY ANNUAL REPORT FORM E

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 8th day of December A. D. 1950.

The matter of Annual Reports from Lessors to Steam Railways being under consideration:

It is ordered, That the order of November 29, 1949, In the Matter of Annual Reports from Lessors to Steam Railway Companies (49 CFR 120.14) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1950, and subsequent years, as follows:

§ 120.14 *Form prescribed for lessors to steam railways.* All lessors to Steam Railway Companies, subject to the provisions of section 20, Part I of the Interstate Commerce Act, shall file under oath an annual report for the year ended December 31, 1950, and for each succeeding year until further order, in accordance with Annual Report Form E (Railway Lessor Companies) which is hereby approved and made a part of this order.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

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

NOTE: Budget Bureau No. 60-R101.7.

By the Commission, Division 1.

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

[F. R. Doc. 50-11847; Filed, Dec. 18, 1950; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 913]

[Docket No. AO-23 A9]

HANDLING OF MILK IN GREATER KANSAS CITY MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Kansas City, Missouri, on May 22-25, 1950, pursuant to notice thereof which was issued on May 11, 1950 (15 F. R. 2905).

Upon the basis of the evidence introduced at the hearing and the record thereof the Acting Assistant Administrator, Production and Marketing Administration, on November 9, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on November 14, 1950 (15 F. R. 7713).

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 50-10194, 15 F. R. 7713) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following revision:

1. Add the following as the last sentence of the first paragraph in column 3, 15 F. R. 7714 (F. R. Doc. 50-10194): "In lieu thereof provision is included for classification of cream shipped to distant markets as Class II milk if prior notice is given the market administrator and such cream is labeled as 'Grade C for manufacturing only'."

Ruling on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

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

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

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

Determination of representative period. The month of October 1950, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

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

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

This decision filed at Washington, D. C., this 13th day of December 1950.

[SEAL] C. J. MCCORMICK, *Acting Secretary of Agriculture.*

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Kansas City Marketing Area

§ 913.0 *Findings and determinations.* The findings and determinations hereinafter set forth are suplementary and

[1] Filed as part of the original document.

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

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

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

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

§ 913.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified herein.

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

§ 913.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers as defined in § 913.7, which the Secretary determines after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 8, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 913.6 *Greater Kansas City marketing area.* "Greater Kansas City marketing area" hereinafter called "marketing area" means all of the territory in Jackson County, Missouri; that part of Clay County, Missouri, south of Highway 92, beginning at the Platte County and Clay County line, east to the west section line of section 26 in Washington Township, north to the north section line of said section 26, east to the Clay County and Ray County line; Lee, Waldron, May and Pettis Townships in Platte County, Missouri; Wyandotte County, Kansas; Shawnee and Mission Townships in Johnson County, Kansas; and Delaware, Leavenworth, and that part of Kickapoo and High Prairie Townships east of the 95th principal meridian in Leavenworth County, Kansas.

§ 913.7 *Producer.* "Producer" means any person, other than a producer-handler, who (a) produces milk under a dairy farm permit or rating issued by the applicable health authority of the marketing area for the production of milk to be used for consumption as milk in the marketing area on a dairy farm subject to the regular inspection of such authority, which (1) is received at a pool plant, or (2) is caused to be diverted from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association, or (b) produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from this order pursuant to the provisions of § 913.62. As used herein "dairy farm permit or rating" means one issued by the health authority charged with the inspection of milk for fluid consumption in the part of the marketing area where such milk is sold or disposed of, or was sold or disposed of before being diverted.

§ 913.8 *Route.* "Route" means any delivery (including a sale from a plant or plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream in fluid form other than a delivery to any milk processing plant.

§ 913.9 *Approved plant.* "Approved plant" means any milk plant (a) which is approved by the applicable health authority of the marketing area for the handling of milk to be disposed of as Class I milk in the marketing area and (1) from which a route is operated in the marketing area, or (2) which is principally used to receive milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 and to prepare such milk for transfer to another approved plant from which a route is operated in the marketing area, or (b) which is supplying Class I milk to a Federal institution or base in the marketing area.

§ 913.10 *Pool plant.* "Pool plant" means an approved plant other than the plant of a producer-handler:

(a) During any delivery period within which an amount of milk equal to 15 percent or more of such plant's receipts of milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 is disposed of from such plant as Class I milk on routes operated in the marketing area; or

(b) During any delivery period of September, October, November, December, January, or February within which an amount of milk equal to 30 percent or more of such plant's receipts of milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 is transferred in bulk to a plant described in paragraph (a) of this section. Any such plant which is a pool plant in each of the delivery periods of September, October, November, December, January, and February shall be a pool plant for each of the following months of March, April, May, June, July, and August, regardless of the quantity of milk then disposed of to other pool plants, if a written request for pool plant status for such six months' period is received from the operator of such plant by the market administrator before March 1.

If a handler operates more than one approved plant, the percentage requirements of this definition shall apply to the combined receipts and disposition of such multiple plant operation except that no plant which was not an approved plant during each of the preceding delivery periods of September through February shall be a pool plant as a part of such multiple plant operation during any of the delivery periods of March through August unless such multiple plant operation qualifies under paragraph (a) of this section for pool plant status for such delivery period.

§ 913.11 *Handler.* "Handler" means (a) the operator of an approved plant (whether or not such approved plant is a pool plant) in his capacity as such, or (b) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to another milk plant for the account of such cooperative association.

§ 913.12 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 913.13 *Producer milk.* "Producer milk" means all milk, produced by a producer, which is received at a pool plant either directly from such producer or from other handlers.

§ 913.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 913.15 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this order or any amendment thereto is in effect.

MARKET ADMINISTRATOR

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

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

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

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

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

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

(d) Pay out of funds provided by § 913.89 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 913.88) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

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

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

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 913.30 through 913.32,

(2) Maintained adequate records and facilities pursuant to § 913.33, or

(3) Made payments pursuant to §§ 913.80 through 913.87.

(i) On or before the 12th day after the end of each delivery period, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. 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 handler were used in each class;

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

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 913.51 (a) and the Class I butterfat differential pursuant to § 913.52 (a), both for the current delivery period; and the minimum price for Class II milk pursuant to § 913.51 (b) and the Class II butterfat differential pursuant to § 913.52 (b), both for the previous delivery period; and

(2) On or before the 10th day of each month the uniform price computed, pursuant to § 913.71 and the producer butterfat differential computed pursuant to § 913.82, both applicable to milk delivered during the previous delivery period; and

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

REPORTS, RECORDS, AND FACILITIES

§ 913.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the pounds of butterfat contained therein, the average butterfat test and the number of days on which milk was received from such producer;

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

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

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

(e) The disposition of Class I products on routes wholly outside the marketing area;

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

(g) The pounds of skim milk and butterfat contained in all milk, skim milk, cream and other Class I products on hand at the beginning and at the end of the delivery period.

§ 913.31 *Payroll reports.* On or before the 20th day of each delivery period, each handler operating a pool plant shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show (a) the total pounds and the average butterfat test of milk received from each producer and cooperative association, (b) the amount of payment to each producer and cooperative association, and (c) the nature and amount of any deductions or charges involved in such payments.

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

(b) Each handler who causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

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

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

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

(c) Payments to producers and cooperative associations; and

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

§ 913.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of

specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 913.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period by a handler which is required to be reported pursuant to § 913.30 shall be classified by the market administrator pursuant to the provisions of §§ 913.41 through 913.46.

§ 913.41 *Classes of utilization.* Subject to the conditions set forth in §§ 913.43 and 913.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream), skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce butter, plain or sweetened condensed or evaporated milk, spray or roller process nonfat dry milk solids, powdered whole milk, ice cream, ice cream mix, frozen desserts, eggnog, aerated cream products with flavor or sweetening added in containers or dispensers under pressure, casein, margarine and cheese (including skim milk used to produce cottage cheese curd, but not including skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese); (2) used for starter churning, wholesale baking and candy making purposes; (3) disposed of as livestock feed; and (4) in shrinkage not in excess of 2 percent of total receipts, other than receipts from pool plants of other handlers, of skim milk and butterfat, respectively.

§ 913.42 *Shrinkage.* The market administrator shall prorate shrinkage of skim milk and butterfat classified as Class II milk between the receipts of skim milk and butterfat, respectively, in milk from producers and other source milk.

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

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 913.44 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 913.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

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

(c) As Class I milk if transferred in the form of milk, skim milk or cream to a nonpool plant located more than 150 miles from the pool plant by the shortest highway distance as determined by the market administrator, except that (1) cream as transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternate utilization as the market administrator may make.

(d) As Class I milk, if transferred in the form of milk, skim milk or cream to a nonpool plant located less than 150 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such nonpool plant direct from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such nonpool plant in markets supplied by such plant.

(e) Skim milk or butterfat transferred to a nonpool plant from which fluid milk, skim milk or cream is transferred to a pool plant shall be subject to reclassification to the extent of the amount so transferred from such nonpool plant.

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

§ 913.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 913.45 the market administrator shall determine the classification of milk received from producers at the pool plant(s) of each handler as follows:

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

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk prorated to shrinkage in skim milk received from producers pursuant to § 913.42.

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

(3) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants according to its classification as determined pursuant to § 913.44(a);

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

(5) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage."

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

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 913.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk for the delivery period shall be the higher of the prices computed pursuant to paragraphs (a) or (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Depart-

ment divided by 3.5 and multiplied by 3.8:

Present Operator and Location

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

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

(1) To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, add 20 percent thereof and multiply by 3.8.

(2) To the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 7.

§ 913.51 *Class prices.* Subject to the provisions of §§ 913.52 and 913.53, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding delivery period plus $1.00 during each of the delivery periods of March, April, May, June, July, and August, and plus $1.45 during all other delivery periods: *Provided,* That for each of the delivery periods of October, November, and December of each year, such Class I price shall not be less than that for September of the same year, and that for each of the delivery periods of April, May, and June of each year such Class I price shall not be more than that for March of the same year.

(b) *Class II milk.* The basic formula price for the current delivery period during each of the delivery periods of September, October, November, December, January, and February, and such basic formula price less 20 cents during all other delivery periods: *Provided,* That such price shall not be less than the highest price ascertained by the market administrator to have been quoted for ungraded milk of 3.8 percent butterfat content received during such delivery period by any one of the three following plants:

Present Operator and Location

Meyer Sanitary Milk Co., Valley Falls, Kans.
Franklin Ice Cream Co., Tonganoxie, Kans.
Milk Producers Marketing Co., Kansas City, Kans.

§ 913.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to either class pursuant to § 913.46 (c) is more or less than 3.8 percent there shall be added to the respective class price computed pursuant to § 913.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.8 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 913.50 (b) (1) by 1.3 and divide the result by 10;

(b) For Class II milk (1) during each of the delivery periods of September through February, multiply the butter price specified in § 913.50 (b) (1) by 1.2 and divide the result by 10; and (2) during each of the delivery periods of March through August, multiply the butter price specified in § 913.50 (b) (1) by 1.15 and divide the result by 10.

§ 913.53 *Location adjustments to handlers.* For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Kansas City, Missouri, and which is classified as Class I milk the prices computed pursuant to § 913.51 (a) shall be reduced by 16 cents if such plant is located more than 50 miles but not more than 70 miles from such City Hall and by an additional one-half cent for each 10 miles or fraction thereof that such distance exceeds 70 miles.

In case such pool plant is operated by a handler who also has a plant in the marketing area, milk moved to such plant in the marketing area shall be considered to be Class I milk to the extent that the Class I milk disposed of from such plant in the marketing area exceeds receipts of milk from producers at such plant in the marketing area: *Provided,* That if such handler has two or more pool plants to which location adjustments apply, the milk so classified as Class I milk shall be deemed to have been transferred from such pool plants in the order of their distance from the City Hall in Kansas City.

Location adjustments on milk transferred as Class I milk from a pool plant to the pool plant of another handler shall apply only to that portion of such milk which is not in excess of the amount by which the total Class I sales of the receiving handler are greater than the total receipts of such handler from producers.

APPLICATION OF PROVISIONS

§ 913.60 *Producer-handlers.* Sections 913.40 through 913.45, 913.50 through 913.53, 913.61, 913.70, 913.71, 913.80 through 913.89 shall not apply to a producer-handler.

§ 913.61 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant shall pay, with respect to all skim milk and butterfat other than that transferred to the pool plant of another handler, disposed of as Class I milk within the marketing area, an amount equal to the difference between the value of such skim milk and butterfat at the Class I price and their value at the Class II price. Payments pursuant to this section shall be made to the market administrator for the producer-settlement fund on or before the 12th day after the end of each delivery period.

§ 913.62 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply, except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(b) Such handler shall pay to the market administrator for the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the excess, if any, by which the value of such skim milk and butterfat as determined pursuant to this order exceeds its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 12th day after the end of each delivery period.

§ 913.63 *Diversion.* (a) Milk diverted for the account of a handler from an approved plant of such handler to a milk plant which is not a pool plant shall be deemed to have been received by such handler at the approved plant from which such milk was diverted.

(b) Milk diverted for the account of a handler from an approved plant of such handler to a pool plant of another handler for not more than 5 days during the delivery period shall be deemed to have been received by the diverting handler at the approved plant from which such milk was diverted; milk received at a pool plant for more than 5 days during the delivery period shall be deemed to have been received at such pool plant by the handler who operates such pool plant.

(c) Milk diverted by a cooperative association that does not operate an approved plant, from a pool plant to another milk plant for the account of such cooperative association shall be deemed to have been received by such cooperative association at a pool plant at the same location as the pool plant from which such milk was diverted.

DETERMINATION OF UNIFORM PRICE

§ 913.70 *Computation of the value of milk received from producers by each handler at pool plants.* The value of milk received during each delivery period

by each handler from producers at pool plants shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 913.46 (c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 913.46 (a) (5) by the applicable respective class prices; and

(c) For any other source skim milk or butterfat subtracted from Class I milk pursuant to § 913.46 (a) (2) and (b), add an amount equal to the defferences between the values of such skim milk and butterfat at the Class I price and at the Class II price, unless the handler can prove to the satisfaction of the market administrator that such other source skim milk and butterfat was used only to the extent that producer milk was not available.

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

(a) Combine in one total the values computed pursuant to § 913.70 for all handlers who made reports prescribed in § 913.30 and who made the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) For each of the delivery periods of May, June, and July, subtract an amount equal to 20 cents per hundredweight of the total amount of milk received by handlers from producers and included in these computations, to be retained in the producer-settlement fund for the purpose specified in § 913.86;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

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

(g) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received at pool plants located less than 50 miles from the City Hall in Kansas City, Missouri.

PAYMENTS

§ 913.80 *Time and method of payment.* Each handler operating a pool plant shall make payment as follows:

(a) On or before the 12th day after the end of each delivery period, to each producer for whom payment is not received from the handler pursuant to paragraph (c) of this section, at not less than the uniform price computed pursuant to § 913.71, adjusted by the butterfat differential computed pursuant to § 913.82, subject to the location adjustment to producers pursuant to § 913.81 and less the amount of (1) the payment made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 913.88 and (3) deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 913.84, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each delivery period, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of such delivery period, at the approximate value of such milk.

(c) On or before the 11th day after the end of each delivery period and on or before the 23d day of the delivery period, in lieu of payments pursuant to paragraphs (a) and (b) of this section, respectively, of this section, to a cooperative association which so requests, with respect to producers on whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers.

(d) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 913.80, 913.81, and 913.82;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 913.88 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

For each producer for whom payment is to be made to a cooperative association as provided in paragraph (c) of this section, each handler shall furnish the above information to the cooperative association on or before the 8th day after the end of the delivery period.

(e) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 913.81 *Location adjustment to producers.* In making payments to producers, pursuant to § 913.80 (a), for milk received at a pool plant located 50 miles or more from the City Hall in Kansas City, Missouri, by shortest highway distance as determined by the market administrator, there shall be deducted 16 cents per hundredweight of milk for distances of 50 to 70 miles, inclusive, plus an additional one-half cent for each additional 10 miles or fraction thereof in excess of 70 miles.

§ 913.82 *Producer butterfat differential.* In making payments pursuant to § 913.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, an amount computed by adding 4 cents to the butter price specified in § 913.50 (b) (1), dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 913.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 913.61, 913.62, and 913.84 and all appropriate payments pursuant to § 913.87 and out of which he shall make all payments pursuant to § 913.85 and all appropriate payments pursuant to §§ 913.86 and 913.87: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 913.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers, during such delivery period as determined pursuant to § 913.70 is greater than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.88 and (b) authorized by the producer.

§ 913.85 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 913.70 is less than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.88 and (b) authorized by the producer: *Provided*, That if at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 913.86 *Fall incentive payment.* On or before the 15th day after the end of each of the delivery periods of October, November, and December, the market administrator shall pay out of the producer-settlement fund to each producer an amount computed as follows: Divide one-third of the total amount held pursuant to § 913.71 (e) by the hundredweight of producer milk received during the delivery period involved (October, November, or December, as above) and apply the resulting amount per hundredweight to the milk of each producer for such delivery period: *Provided*, That payment under this paragraph due any producer who has given authority to a cooperative association to receive payments for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payment.

§ 913.87 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 913.88 *Marketing service*—(a) *Deductions.* Except as set forth in (b) of this section, each handler in making payments to producers other than himself pursuant to § 913.80 (a), shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 913.80 (a), as are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deduction and the quantity of milk for which it was computed for each such producer.

§ 913.89 *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 12th day after the end of each delivery period, 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers during such delivery period.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expenses set forth in this section.

§ 913.90 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

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

(1) The amount of the obligation;

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

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

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

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

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

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 913.100 *Effective time.* The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 913.101.

§ 913.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

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

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

MISCELLANEOUS PROVISIONS

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

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

[F. R. Doc. 50-11921; Filed, Dec. 18, 1950; 8:54 a. m.]

[7 CFR, Part 913]

[Docket No. AO-23 A9]

HANDLING OF MILK IN GREATER KANSAS CITY MARKETING AREA

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

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Greater Kansas City Marketing area), who, during the month of October 1950, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of such order, which is filed simultaneously herewith.[1]

The month of October 1950 is hereby determined to be the representative peiod for the conduct of such referendum.

Max M. Morehouse is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conducting of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

Done at Washington, D. C., this 13th day of December 1950.

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

[F. R. Doc. 50-11922; Filed, Dec. 18, 1950; 8:55 a. m.]

[7 CFR, Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 36, as amended (7 CFR, Part 936), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the current marketing season beginning on March 1, 1950 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the State of California, in the production of Bartlett pears, plums, and Elberta peaches for shipment in fresh form to determine whether such producers favor the termination of the said amended marketing agreement and order as to any one or more of the fruits covered thereby. Harry J. Krade and W. B. Blackburn of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed.

(1) By determining the time of commencement and termination of the period of the referendum, and by giving opportunity to each of the aforesaid producers to cast his ballot, in the manner herein authorized, relative to the aforesaid termination of the amended marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing fresh Bartlett pears, plums, or Elberta peaches grown in the State of California or in rendering services for or advancing the interests of the producers of such fruits, may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By conducting and concluding said referendum not later than January 31, 1951.

(3) By giving public notice, as prescribed in (a) (4) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to Harry J. Krade, Western Marketing Field Office, Fruit and Vegetable Branch, 100 Plaza Building, 921 Tenth Street, Sacramento 14, California, and the time prior to which such ballots must be postmarked.

(4) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of California; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each producer whose name and address are known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(5) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents or any of them determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote. Any producer may cast his ballot at any such meeting in lieu of voting by mail.

(6) By giving ballots to producers at the meeting; and receiving any ballots when they are cast.

(7) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(8) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (4) hereof.

(9) By appointing any farm adviser in charge of any county agricultural extension office, and by authorizing the chairman of the State Production and Marketing Administration Committee to appoint any member or members of a PMA county committee, in the State of California, and by appointing any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each such person so appointed shall serve without compensation and may be authorized, by the said referendum agents or any of them, to perform any or all of the functions set forth in paragraphs (a) (6), (7), (8), and (9) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth; and shall forward to Harry J. Krade, Field Representative, Western Marketing Field Office, Fruit and Vegetable Branch, 100 Plaza Building, 921 Tenth Street, Sacramento 14, California, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer to whom a ballot form was given;

(ii) A register containing the name and address of each producer from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing, and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(b) Upon receipt by Harry J. Krade of all ballots cast in accordance with the provisions hereof, he shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results; and shall forward such report, together with the ballots and other information and data, to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged

[1] See F. R. Doc. 50-11921, *supra*.

for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid marketing agreement and order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and at the Western Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 100 Plaza Building, 921 Tenth Street, Sacramento 14, California.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Done at Washington, D. C., this 13th day of December 1950.

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

[F. R. Doc. 50-11920; Filed, Dec. 18, 1950; 8:54 a. m.]

[7 CFR, Part 974]

[Docket No. AO 176-A8]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

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

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

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Columbus, Ohio, on October 10 and 11, 1950, pursuant to notice thereof which was issued on September 29, 1950 (15 F. R. 6672).

The material issue of record related to the amounts of the differentials to be added to the basic formula price in the determination of the prices for Class I milk and for Class II milk.

Findings and conclusions. Upon the basis of the evidence adduced at such hearing, it is hereby found and concluded that:

The differentials to be added to the basic formula price in the determination of the prices for Class I milk and for Class II milk should be increased by 10 cents during the months of August through March. Specifically, such differentials should be 75 cents for each of the months of April, May, June, and July and $1.10 for each of the other 8 months in the determination of the prices for Class I milk and 35 cents for each of the months of April, May, June, and July and 70 cents for each of the other 8 months in the determination of the prices for Class II milk.

Provision should be made for further increasing each of the above-specified differentials 10 cents if the percentage of the total receipts of milk from all producers in the most recent 4 months which was classified as Class I and Class II milk was greater than the percentage so classified in the same 4 months of the 12-month period ending on April 30, 1950.

The present order provides for differentials of 75 cents for the months of April, May, June, and July and $1.00 for the other 8 months in the determination of the Class I price and 35 cents for the months of April, May, June, and July and 60 cents for the other 8 months in the determination of the Class II price. There is provision also for 10 cents to be added to the Class I and Class II prices during each month until February 1951.

Central Ohio Co-operative Milk Producers, Inc., a cooperative association representing a large percentage of the producers supplying the market proposed that the differentials for Class I and Class II be increased by 35 cents.

The cooperative association claims that its proposed increase is necessary because of the adoption, effective May 1, 1950, by the Columbus Department of Health of milk inspection regulations incorporating the United States Public Health Service Standard Milk Ordinance and because of changes in economic conditions. The requirements contained in the new regulations are somewhat stricter with respect to the sanitary conditions under which milk must be produced than those contained in the regulations effective prior to May 1, 1950.

Total sales of milk in Class I and Class II (Class I, Class II and Class III, prior to January 1, 1950) have been increasing generally throughout the entire period that the order has been in effect. During the last 2 years, however, the rate of increase in sales has been somewhat less than the rate of increase in the receipts of milk. Accordingly, the proportion of the supply used in Classes I and II has declined somewhat.

Class I prices during the period of May (the effective date of the new health regulations) through September 1950 have averaged somewhat higher than during the same period of 1949 while the uniform price for the same periods have averaged approximately the same.

Except May 1950, the total supply of milk for the market has been larger in each month since March 1948, than that during the corresponding month of the previous year. The trend of the past 2 years toward a larger supply for the market, however, appears to have slowed down somewhat in recent months.

In view of the above, some increase in the differentials appears desirable, particularly in the months of lower production when costs per unit of milk of meeting the new health regulations may be higher than in the months of heavy production. It is concluded that the differentials should be increased 10 cents during the months of lower production, and in order to coordinate this increase with the present seasonal changes in the differential, such increase should be applied during each of the months of August through March each year.

It is very difficult to forecast the effect that stricter sanitary regulations for producing milk will have upon the market supply of milk. In view of this problem, and in order to insure an adequate supply of milk for the market, it is concluded that in addition to the above increase in the differentials, a further increase of 10 cents should be provided if the supply of milk in relation to market requirements is less than in the year just prior to the effective date of the new milk regulations. In order to make this adjustment quite responsive to changes in market supply, the most recent 4 months should be used in determining the relationship between market supply and market requirements. Because of seasonal variation, these most recent 4 months should be compared with the same 4 months in the 12-month period May 1949 through April 1950. This additional 10-cent increase should be applied in any month if in the most recent 4 months for which information is available the percentage of all milk received from producers which was classified in Class I and Class II milk is greater than the corresponding percentage for the same 4 months in the 12-month period May 1949 through April 1950.

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

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as

amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Central Ohio Co-operative Milk Producers, Inc., and on behalf of 19 handlers.

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

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

1. Delete § 974.51 (a) and substitute therefor the following:

(a) Add to the basic formula price the following amount for the month indicated: April, May, June, and July, $0.75; and all others, $1.10: *Provided,* That there shall be added to the price of Class I milk so computed 10 cents for any month if the percentage of the total receipts of milk from producers by all handlers during the most recent 4 months for which such information is available which was classified in Classes I and II was greater than the percentage of the total receipts of milk from producers by all handlers during the same 4 months of the period May 1949 through April 1950 which was classified in Classes I and II (Classes I, II, and III in months prior to January 1950): *And provided further,* That the price of Class I milk for any of the months of October through December, inclusive, shall not be lower than the arithmetical average of the prices computed for such class pursuant to this paragraph (prior to this proviso) for the 2 months immediately preceding and the price of Class I milk for any of the months of April through June, inclusive, shall not be higher than the arithmetical average of the prices computed for such class pursuant to this paragraph (prior to this proviso) for the 2 months immediately preceding.

2. Delete § 974.52 (a) and substitute therefor the following:

(a) Add to the basic formula price the following amount for the month indicated: April, May, June, and July, $0.35; and all others, $0.70: *Provided,* That there shall be added to the price of Class II milk so computed 10 cents for any month if the percentage of the total receipts of milk from producers by all handlers during the most recent 4 months for which such information is available which was classified in Classes I and II was greater than the percentage of the total receipts of milk from producers by all handlers during the same 4 months of the period May 1949 through April 1950 which was classified in Classes I and II (Classes I, II, and III in months prior to January 1950).

Filed at Washington, D. C., this 14th day of December 1950.

[SEAL] EARL R. GLOVER,
Acting Assistant Administrator.

[F. R. Doc. 50-11919; Filed, Dec. 18, 1950; 8:54 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket Nos. 685, 686, 687]

WEST COAST OF INDIA AND PAKISTAN/U. S. A. CONFERENCE AGREEMENT ET AL.

NOTICE OF HEARING

Agreement No. 8040—West Coast of India and Pakistan/U. S. A. Conference Agreement; Docket No. 685.

Agreement No. 8050—Ceylon/U. S. A. Conference Agreement; Docket No. 686.

Agreement No. 8060—West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference (W. I. N. A. C.); Docket No. 687.

Notice is hereby given of hearings concerning the following described agreements which have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

1. Agreement No. 8040, between American Export Lines, Inc., American President Lines, Ltd., Ellerman & Bucknall Steamship Co., Isthmian Steamship Company, Silver Line, Ltd., et al., provides for the creation of a conference to be known as the West Coast of India and Pakistan/U. S. A. Conference for the establishment and maintenance of just and reasonable rates, charges and practices, for and in connection with the transportation of cargo in the trade from the West Coast of India and Pakistan, Tuticorin/Karachi range inclusive, to United States Atlantic and Gulf ports. This agreement provides that the Conference may establish specific contract and non-contract rates. Formal protest against approval of this agreement has been received and has been assigned Docket No. 685.

2. Agreement No. 8050, between American Export Lines, Inc., American President Lines, Ltd., Ellerman & Bucknall Steamship Co. Ltd., Thos. & Jno. Brocklebank, Ltd., Lancashire Shipping Co., Ltd., Prince Line, Ltd., et al., provides for the creation of a conference to be known as the Ceylon/U. S. A. Conference for the establishment and maintenance of just and reasonable rates, charges and practices, for and in connection with the transportation of cargo in the trade from Ceylon to United States Atlantic and Gulf ports. This agreement provides that the Conference may establish specific contract and non-contract rates. Formal protest against approval of this agreement has been received and has been assigned Docket No. 686.

3. Agreement No. 8060, between the member lines of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference, is a proposed new agreement of said conference providing for the establishment and maintenance of uniform rates, charges and practices for the transportation of cargo in the trade from West Coast of Italy ports (between Ventimiglia and Reggio Calabria, inclusive, on the mainland and Sicilian ports) and ports on the Adriatic Sea to North Atlantic ports of the United States (Hampton Roads/Portland Range). This agreement provides that the Conference may establish specific contract and non-contract rates. Upon approval this agreement will supersede the present agreement of the Conference (No. 2846, as amended). Formal protest against approval of Agreement No. 8060 has been received and has been assigned Docket No. 687.

The above-mentioned protests were filed by Isbrandtsen Company, Inc., and challenge the lawfulness of the contract/non-contract rate system provided by the agreements.

Interested parties may inspect these protests and agreements, and obtain copies of the latter, at the Regulation Office, Federal Maritime Board, Washington, D. C.

The hearings will be held before an examiner of the Board's Hearing Examiners' Office, the time and place of said hearings to be announced by written notice to the persons making request to appear and be heard.

The hearings will be conducted pursuant to the Board's rules of procedure

(12 F. R. 6076). A recommended decision will be issued by the examiner.

—All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in these proceedings should notify the Board accordingly within 20 days after publication of this notice in the FEDERAL REGISTER, and file petitions for intervention in accordance with § 201.81 of the Board's rules of procedure.

Dated: December 14, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 50-11854; Filed, Dec. 18, 1950; 8:47 a. m.]

PACIFIC-ATLANTIC STEAMSHIP CO. AND POPE & TALBOT, INC.

NOTICE OF HEARING ON APPLICATIONS TO BAREBOAT CHARTER DRY-CARGO VESSELS

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4823, Commerce Building, Washington, D. C., on January 4, 1951, at 10:00 o'clock a. m., before Examiner F. J. Horan upon applications of Pacific-Atlantic Steamship Company and Pope & Talbot, Inc., to bareboat charter Government-owned war-built dry-cargo vessels beyond January 31, 1951, the expiration date of their present charters, for use in the intercoastal trade.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and would not be adequately served without the use therein of such vessels, and with respect to the availability of privately-owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such applications will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing in lieu of briefs, and the examiner will issue a recommended decision. Parties may have 15 days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: December 14, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 50-11925; Filed, Dec. 18, 1950; 8:55 a. m.]

SOUTH ATLANTIC STEAMSHIP LINE, INC.

NOTICE OF HEARING ON APPLICATION FOR BAREBOAT CHARTER

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4821, Commerce Building, Washington, D. C., on January 5, 1951, at 10:00 a. m., before the Federal Maritime Board, upon application of South Atlantic Steamship Line, Inc., to bareboat charter the S. S. "Brigham Victory" for use between ports in the South Atlantic area, Hampton Roads, and the United Kingdom and continent of Europe.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessel is proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

Dated: December 14, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 50-11926; Filed, Dec. 18, 1950; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4590]

OXNARD SKY FREIGHT, ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of the Revocation of Letter of Registration No. 142 issued to Oxnard Sky Freight.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, and particularly sections 205 (a), 401 (a), 1001, 1002 (b), and 1002 (c) thereof, that a hearing in the above-entitled proceeding is assigned to be held on January 8, 1951 at 10:00 a. m., e. s. t., in Conference Room C Departmental Auditorium, between Twelfth and Fourteenth Streets on Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

For further details, interested parties are referred to Board Order Serial No. E-4437, adopted July 19, 1950, and other papers on file in this proceeding in the Docket Section of the Board.

Without limiting the scope of the issues involved in this proceeding, particular attention is directed to the following matters and questions:

1. Has Respondent violated or is Respondent violating section 401 (a) of the Civil Aeronautics Act of 1938, as amended, and/or Part 291 of the Board's Economic Regulations?

2. If any such violations are established, were and are they knowing and willful?

3. If any such violations are established, whether knowing and willful or otherwise, should the Board issue an order to cease and desist or other order to compel compliance with the applicable provisions of the act and Part 291 of the Board's Economic Regulations?

4. If any such knowing and willful violations are established, should the Letter of Registration heretofore issued to the Respondent by the Board be revoked?

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding may file with the Board on or before January 8, 1951, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert and such person may appear and participate in the hearing in accordance with § 302.6 (a) of the Procedural Regulations under Title I of the Civil Aeronautics Act, as amended.

Dated at Washington, D. C., December 15, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-11924; Filed, Dec. 18, 1950; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Admin. Order 406]

PUERTO RICO

ACCEPTING RESIGNATION AND APPOINTING NEW MEMBER OF SPECIAL INDUSTRY COMMITTEE NO. 9

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), I, F. Granville Grimes Jr., Acting Administrator of the Wage and Hour Division, United States Department of Labor, hereby accept the resignation of Laurence A. Knapp, as a member representing the public of Special Industry Committee No. 9 for Puerto Rico, and appoint to serve on said Committee in his stead as a member representing the public, Joseph L. Miller of Washington, D. C.

Signed at Washington, D. C., this 8th day of December 1950.

F. GRANVILLE GRIMES, Jr., *Acting Administrator.*

[F. R. Doc. 50-11849; Filed, Dec. 18, 1950; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

DECEMBER DOMESTIC PRICE LIST

Commodity	Approximate quantity available (subject to prior sale)	Domestic sales price
Nonfat dry milk solids, in carload lots only:		
Spray process	165,000,000 pounds [1]	13 cents per pound f. o. b. location of stock in any State.
Roller process	75,000,000 pounds [1]	11 cents per pound f. o. b. location of stock in any State.
American cheese (cheddar and twin styles, domestic pack, standard moisture basis), in carload lots only.	35,000,000 pounds	U. S. Grade A and higher: All States except those listed below: 33 cents per pound f. o. b. location of stock. New England States, New York, New Jersey, Pennsylvania, other States bordering the Atlantic Ocean and Gulf of Mexico, and California, Oregon, and Washington: 34 cents per pound f. o. b. location of stock. U. S. Grade B: 1 cent per pound less than Grade A prices. All prices are subject to usual adjustment for moisture content.
Salted creamery butter, in carload lots only.	85,000,000 pounds	U. S. Grade A and higher: All States except those listed below: 63 cents per pound f. o. b. location of stock. New England States, New York, New Jersey, Pennsylvania, other States bordering the Atlantic Ocean and Gulf of Mexico: 64 cents per pound f. o. b. location of stock. California, Oregon, and Washington: 64½ cents per pound f. o. b. location of stock.
	40,000,000 pounds	U. S. Grade B: 2 cents per pound less than Grade A prices.
Dried whole eggs (packed in barrels and drums) in carload lots only.	1,000,000 pounds	1950 pack: $1.03 per pound f. o. b. cars or trucks at warehouses in Illinois, Indiana, Iowa, Michigan, Ohio, Oklahoma, Texas, Kansas, Missouri, Nebraska, Minnesota, Wisconsin, Pennsylvania and New York.
Linseed oil, raw	529,000,000 pounds [1]	Market price on date of sale, but not less than the following minimum prices: 13.75 cents per pound Minneapolis & Chicago; 14.05 cents per pound Buffalo, San Francisco, Los Angeles, and Cleveland; 14.35 cents per pound New York, Philadelphia, Baltimore, and Portland, Oreg.; 14.45 cents per pound Houston, Tex., Kenedy, Tex., and Good Hope, La. Above prices f. o. b. tank cars at storage location.
Flaxseed, bulk	2,000,000 bushels [1]	Market price on date of sale at place of delivery, but not less than the following: No. 1, $3.52 per net bushel, bulk, basis in store Minneapolis. For other markets, and other grades, adjust by market differentials.
Dry edible beans		For areas other than those shown below, on all beans, the applicable prices will be the prices listed below adjusted upward or downward by an amount equal to the price support program differential between areas. Where no price differential exists, the price listed will apply. For other grades of all beans, market differentials will apply. Prices listed below, on all beans, are at point of production. Amount of any paid-in freight to be added.
Pinto, bagged	1,700,000 bags	No. 1 Grade 1948 [1] and 1949 crops: $8.10 per 100 pounds, basis f. o. b. Denver rate area and California area; $7.70 per 100 pounds, basis f. o. b. Idaho rate area.
Pea, bagged	1 million	No. 1 Grade 1948 [1] and 1949 crops: $7.85 per 100 pounds, basis f. o. b. Michigan and New York areas; $7.35 per 100 pounds, basis f. o. b. Spokane area.
Red kidney, bagged	570,000 bags	No. 1 Grade 1948 [1] and 1949 crops: $9.30 per 100 pounds, basis f. o. b. New York and California areas.
Great Northern, bagged.	2,300,000 bags	No. 1 Grade 1948 [1] and 1949 crops: $7.15 per 100 pounds, basis f. o. b. Twin Falls, Idaho, area; $7.55 per 100 pounds, basis f. o. b. Morrill, Nebr., area.
Baby lima, bagged	700,000 bags	No. 1 Grade 1948 [1] and 1949 crops: $7.95 per 100 pounds, basis f. o. b. California area.
Standard lima, bagged.	30,000 bags	No. 1 Grade 1949 crop: $9.65 per 100 pounds, basis f. o. b. California area.
Pink, bagged	126,000 bags	No. 1 Grade 1948 [1] crop: $8.00 per 100 pounds, basis f. o. b. California area.
Cranberry beans, bagged.	90,000 bags	No. 1 Grade 1949 crop: $8.60 per 100 pounds, basis f. o. b. California and Michigan areas.
Dry edible peas, bagged	600,000 hundredweight	No. 1 Grade, 1949 crop, $4.16 per 100 pounds, basis f. o. b. Spokane area. This price is at point of production. Amount of any paid-in freight to be added.
Austrian winter pea seed, bagged.	72,000 hundredweight	$5.16 per 100 pounds, f. o. b. point of production. Amount of any paid-in freight to be added.
Blue lupine seed, bagged	315 hundredweight	$5.16 per 100 pounds f. o. b. point of production. Amount of any paid-in freight to be added.
Kobe lespedeza seed, bagged.	36,400 hundredweight	$13.31 per 100 pounds f. o. b. point of production. Amount of any paid-in freight to be added.
Weeping lovegrass seed, bagged.	580 hundredweight	$57.90 per 100 pounds f. o. b. point of production. Amount of any paid-in freight to be added.

[1] These same lots also are available at export sales prices announced concurrently.

DECEMBER DOMESTIC PRICE LIST—Continued

Commodity	Approximate quantity available (subject to prior sale)	Domestic sales price
Wheat, bulk	100,000,000 bushels [1]	Basis in store, the market price but not less than the applicable 1950 loan rate for the class, grade, quality and location plus 25 cents per bushel. Examples of minimum prices per bushel: Kansas City, No. 1 HW, $2.51; Minneapolis, No. 1 DNS, $2.52; Chicago, No. 1 RW, $2.56 Portland, Oreg., No. 1 WW, $2.46.
Oats, bulk	11,675,000 bushels [1]	At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate plus 12 cents per bushel; at other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: Chicago, No. 3 or better, 95 cents; Minneapolis, No. 3 or better 91 cents.
Barley, bulk	28,300,000 bushels [1]	Basis in store, the market price but not less than the applicable 1950 loan rate for the class, grade, quality, and location plus 18 cents per bushel. Examples of minimum prices, per bushel: Minneapolis, No. 1 barley, $1.50; San Francisco, No. 1 Western barley, $1.57.
Corn, bulk	100,000,000 bushels [1]	1950 commercial corn-producing area: At points of production, basis in store, the market price but not less than the applicable 1950 county loan settlement rate plus 14 cents per bushel; at other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: Chicago ..... No. 2 $1.77 St. Louis ..... No. 3 1.77 Minneapolis ..... No. 3 1.70 Omaha ..... No. 3 1.69 Kansas City ..... No. 3 1.73 1950 noncommercial corn-producing area: At points of production, basis in store the market price but not less than 133 percent of the applicable 1950 county loan settlement rate plus 14 cents per bushel; at other points, the foregoing plus average paid-in freight. Example of minimum price, per bushel: 1950 county loan settlement rate for Brown County, Indiana, $1.11 per bushel, No. 1 corn. 133 percent of $1.11 plus 14 cents equals $1.82 per bushel, the minimum sales price.
Grain sorghums, bulk	16,000,000 hundredweight [1]	Basis in store, the market price but not less than the applicable 1950 loan rate for the class, grade, quality and location plus 36 cents per hundredweight. Example of minimum price per hundredweight: Kansas City, No. 2 or better, $2.71.
Potato Starch in carload lots only:		
Pearl type packed in 200-pound burlap bags with paper innerliners.	600,000 pounds. [1]	$4.50 per hundredweight basis f.o.b. Maine shipping points. Other price offers will be considered for the purchase of potato starch for use in manufacture of industrial alcohol.
Powdered type packed in 100-pound and 200-pound burlap bags with paper innerliners.	4,860,000 pounds. [1]	
Gum rosin, in metal drums averaging 517 pounds, net, each.	80,000 drums. [1]	$8.50 per 100 pounds net, grades M through G, $8.65 grade N, $8.75 grade WG, and $9.00 grades X and WW, "as is," on storage yards in Georgia and Florida.

[1] These same lots also are available at export sales prices announced concurrently.

DECEMBER EXPORT PRICE LIST

Commodity	Approximate quantity available (subject to prior sale)	Export sales price
Dried whole eggs, in carload lots only:		
1950 pack (in barrels and drums).	10,000,000 pounds	F. a. s. vessel, U. S. Gulf or East Coast ports: 1950 pack, 60 cents per pound; 1948-49 pack, 30 cents per pound. F. o. b. cars or trucks at warehouse locations: 60 cents per pound for 1950 pack or 30 cents per pound for 1948-49 pack, less freight based on the average gross shipping weight, at the lowest export freight rate to New York or New Orleans whichever is lower.
1948-49 pack (in barrels, drums, and 14 pound containers).	11,150,000 pounds	

DECEMBER EXPORT PRICE LIST—Continued

Commodity	Approximate quantity available (subject to prior sale)	Export sales price
Nonfat dry milk solids, in carload lots only:		
Spray process	165,000,000 pounds [1]	For export to all countries except those listed below: Spray process, 12½ cents per pound f. o. b. location of stock in any State. Roller process, 10½ cents per pound f. o. b. location of stock in any State.
Roller process	75,000,000 pounds [1]	
		For export to Western Hemisphere countries except Canada and Colonial possessions of foreign countries, and territories and possessions of the U. S.: Spray process, 9¼ cents per pound f. o. b. location of stock in any State, less freight based on the average gross shipping weight, at the lowest export freight rate from that location to nearest port of export. Roller process, 7½ cents per pound f. o. b. location of stock in any State, less freight based on the average gross shipping weight, at the lowest export freight rate from that location to nearest port of export.
Linseed oil, raw	529,000,000 pounds [1]	14 cents per pound, f. o. b. tankcars at storage locations (Buffalo, San Francisco, Los Angeles, Cleveland, New York, Philadelphia, Baltimore, Portland, Oreg., Houston, Tex., Kenedy, Tex., and Good Hope, La.)
Flaxseed, bulk	2,000,000 bushels [1]	No. 1, $3.50 per net bushel, (56 pounds pure flaxseed) bulk, basis in store Minneapolis or other points of storage, subject to stocks. For other grades, market differentials will apply.
Dry edible beans		No. 1 Grade 1948 crop, f. a. s. vessel as locations shown below:
Pinto, bagged	920,000 bags [1]	$5.90 per 100 pounds San Francisco and Portland, Oreg.; $6 per 100 pounds, U. S. Gulf ports.
Pea, bagged	250,000 bags [1]	$5.50 per 100 pounds, East Coast and North Pacific ports.
Red kidney, bagged	505,000 bags [1]	$6 per 100 pounds, New York.
Great Northern, bagged.	1,370,000 bags [1]	$5 per 100 pounds, Portland, Oreg.; $5.10 per 100 pounds, U. S. Gulf ports.
Baby lima, bagged	150,000 bags [1]	$5.50 per 100 pounds, San Francisco.
Pink, bagged	126,000 bags [1]	$5.25 per 100 pounds, San Francisco.
Red kidney, bagged	65,000 bags [1]	No. 1 Grade 1949 crop: $6.50 per 100 pounds, f. a. s. vessel New York.
		Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1.
		At CCC's option, 1949 crop beans may be furnished in lieu of 1948 beans in instances where stocks are exhausted of 1948 beans of the type and grades desired.
Dry edible peas, bagged	600,000 hundredweight [1]	No. 1 Grade, 1949 crop, $3.75 per 100 pounds, f. a. s. vessel North Pacific ports. If sold at point of production deduct cost of transportation, and cost of processing if sold on basis thresher run. Peas may be used for splitting provided entire quantity of split peas produced therefrom is exported.
Austrian winter pea seed, bagged.	73,000 hundredweight	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Wheat, bulk	100,000,000 bushels [1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Wheat may be used for milling export flour provided the entire quantity of flour produced therefrom is exported.
Oats, bulk	11,675,000 bushels [1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Barley, bulk	28,300,000 bushels [1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Barley may be exported as malt or pearled barley when all the malt or pearled content is exported.
Corn, bulk	100,000,000 bushels [1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Corn may be used for the manufacture of starch, provided the entire quantity of starch produced therefrom is exported.
Grain sorghums, bulk	16,000,000 hundredweight [1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Grain sorghums may be used for the manufacture of starch, provided the entire quantity of starch produced therefrom is exported.
Potato starch, in carload lots only:		
Pearl type, packed in 200 pound burlap bags with paper innerliners.	600,000 pounds [1]	$4.50 per hundredweight, f. a. s. vessel, Boston, Mass.
Powdered type, packed in 100 pound and 200 pound burlap bags with paper innerliners.	4,800,000 pounds [1]	
Fresh Irish potatoes, packed in usual 100-pound burlap sacks, in carload or truckload lots only.	Substantial quantities, as available in Aroostook County, Maine.	U. S. No. 1 Grade when loaded at CCC's point of purchase: 50 cents per sack, f. o. b. cars at country shipping point, for export to areas other than U. S. possessions, Canada, Mexico, Cuba, or the Caribbean area. Consideration will be given to offers to purchase potatoes packed in crates at above price plus additional costs to CCC. Communicate with Director, PMA Commodity Office, 67 Broad St., New York, N. Y., Telephone Digby 4-8300.
Fresh Irish potatoes, for processing into potato food products for export.	Quantities as available in the late potato-producing States.	Basis 1 cent per hundredweight bulk ungraded at farm, plus reimbursement for approved marketing services required to be performed.
Gum rosin, in metal drums averaging 517 pounds net each.	80,000 drums [1]	$8.50 per 100 pounds net, grades M through G, $8.65 grade N, $8.75 grade WG, and $9 grades X and WW, "as is", on storage yards in Georgia and Florida.

[1] These same lots also are available at domestic sales prices announced concurrently.

(Pub. Law 439, 81st Cong.)

Issued: December 14, 1950.

[SEAL]

LIONEL C. HOLM,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 50-11916; Filed, Dec. 18, 1950; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1536]

NATURAL GAS PIPELINE CO. OF AMERICA AND TEXOMA NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

DECEMBER 13, 1950.

On November 15, 1950, Natural Gas Pipeline Company of America (Natural), and Texoma Natural Gas Company (Texoma), Delaware corporations each having its principal place of business in Chicago, Illinois, filed a joint application pursuant to section 7 of the Natural Gas Act. Natural seeks a certificate of public convenience and necessity authorizing the acquisition and operation of all of the natural gas facilities of Texoma, subject to the jurisdiction of the Commission. Texoma seeks authorization under section 7 (b) of the act to abandon by conveyance and transfer to Natural of all of its facilities subject to the jurisdiction of the Commission and to terminate service presently rendered by Texoma by means of such facilities. Said facilities are fully described in the application on file with the Commission and open to public inspection.

Applicants have requested that said joint application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure; no request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 23, 1950 (15 F. R. 8057).

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

(2) It is reasonable and in the public interest, and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on December 20, 1950, at 9:45 o'clock a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such 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.

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

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-11829; Filed, Dec. 18, 1950; 8:45 a. m.]

[Docket No. G-1489]

TEXAS GAS TRANSMISSION CORP.

ORDER POSTPONING HEARING

DECEMBER 13, 1950.

By order of the Commission dated November 10, 1950, and published in the FEDERAL REGISTER on November 16, 1950 (15 F. R. 7806), this proceeding was set for hearing to commence at 10:00 a. m., e. s. t., on December 19, 1950.

On October 19, 1950, the Public Service Commission of Indiana intervened in this proceeding.

By letter received December 7, 1950, Texas Gas Transmission Corporation requested that the hearing be postponed in order to get an opportunity to obtain the necessary authorization from the Indiana Commission for the proposed service.

The Commission finds: A good cause exists and it would be in the public interest to postpone such hearing to February 7, 1951.

The Commission orders: The public hearing in this proceeding fixed by order of November 10, 1950, to commence on December 19, 1950, at Washington, D. C., be and the same is hereby postponed to February 7, 1951, at 10:00 a. m., e. s. t., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: December 13, 1950.

By the Commission.

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

[F. R. Doc. 50-11828; Filed, Dec. 18, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25650]

COAL FROM KENTUCKY AND TENNESSEE TO CHARLESTON, S. C.

APPLICATION FOR RELIEF

DECEMBER 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to fourth-section application No. 16741.

Commodities involved: Coal which has passed through bar screens not exceeding one and one-half inches between bars, or its equivalent, carloads.

From: Mines in Kentucky and Tennessee.

To: Charleston, S. C.

Grounds for relief: Competition with rail carriers. Market competition. To maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 50-11839; Filed, Dec. 18, 1950; 8:45 a. m.]

[4th Sec. Application 25652]

SAND, GRAVEL, CRUSHED STONE, FROM QUARTZITE AND LINCOLN CENTER, KANS.

APPLICATION FOR RELIEF

DECEMBER 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Union Pacific Railroad Company.

Commodities involved: Sand, gravel, and crushed stone, carloads.

From: Quartzite and Lincoln Center, Kans.

To: Hastings, Jeffers, Glenvil and Level, Nebr.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: U. P. RR. tariff I. C. C. No. 5015, Supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 50-11841; Filed, Dec. 18, 1950; 8:45 a. m.]

[4th Sec. Application 25651]

CRUDE PETROLEUM OIL FROM MONTANA TO TWIN CITIES, MINN.

APPLICATION FOR RELIEF

DECEMBER 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Northern Pacific Railway Company.

Commodities involved: Crude petroleum oil in its natural state or crude petroleum oil which has been subject only to natural weathering treatment or settling, carloads.

From: Billings, East Billings, Fromberg and Laurel, Mont.

To: St. Paul, Minneapolis and Minnesota Transfer, Minn.

Grounds for relief: Competition with rail carriers. Market competition.

Schedules filed containing proposed rates: N. P. Ry. tariff I. C. C. No. 9658, Supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 50-11840; Filed, Dec. 18, 1950; 8:45 a. m.]

[4th Sec. Application 25653]

ALUMINUM ARTICLES AND WIRE GOODS TO NORTH PACIFIC COAST TERRITORY

APPLICATION FOR RELIEF

DECEMBER 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. 1537.

Commodities involved: Aluminum and aluminum articles, also wire and wire goods, carloads.

From: St. Louis, Mo., and other points grouped therewith on Illinois Terminal R. R.

To: North Pacific coast territory.

Grounds for relief: Circuitous routes. To maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. 1537, Supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons

other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 50-11842; Filed, Dec. 18, 1950; 8:45 a. m.]

[4th Sec. Application 25654]

PEANUTS FROM TEXAS TO W. T. L. TERRITORY

APPLICATION FOR RELIEF

DECEMBER 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3835.

Commodities involved: Peanuts, raw, in the shell, or peanuts, shelled (nut meats), not salted, carloads.

From: Points in Texas.

To: Kansas City, Mo., and specified points in western trunk-line and Illinois territories.

Grounds for relief: Circuitous routes. To maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3835, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 50-11843; Filed, Dec. 18, 1950; 8:45 a. m.]

[4th Sec. Application 25655]

MOULDING SAND-LEXINGTON, TENN., TO GREENVILLE, OHIO

APPLICATION FOR RELIEF

DECEMBER 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Moulding sand, bonded (naturally or otherwise), carloads.

From: Lexington, Tenn.

To: Greenville, Ohio.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 998, Supp. 151.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 50-11844; Filed, Dec. 18, 1950; 8:45 a. m.]

[4th Sec. Application 25656]

PULPWOOD TO PANAMA CITY, FLA.

APPLICATION FOR RELIEF

DECEMBER 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Atlantic Coast Line Railroad Company for itself and on behalf of the Atlanta & Saint Andrews Bay Railway Company.

Commodities involved: Pulpwood, carloads.

From: Points in Florida.

To: Panama City, Fla.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: A. C. L. RR. tariff I. C. C. No. B-3281, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 50-11845; Filed Dec. 18, 1950; 8:46 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 35-A]

ANN ARBOR RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 35, and good cause appearing therefor: *It is ordered*, That:

(a) King's I. C. C. Order No. 35 be, and it is hereby, vacated and set aside.

(b) *Effective date.* This order shall become effective at 3:00 p. m., December 13, 1950.

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., December 13, 1950.

INTERSTATE COMMERCE COMMISSION, HOMER C. KING, *Agent.*

[F. R. Doc. 50-11846; Filed, Dec. 18, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2526]

METROPOLITAN EDISON CO. AND GENERAL PUBLIC UTILITIES CORP.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its offices in the city of Washington, D. C., on the 13th day of December A. D. 1950.

General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, Metropolitan Edison Company ("Meted"), having filed a joint application-declaration, and amendments thereto, pursuant to sections 6 (a), 6 (b), 7, 9 (a), and 10 of the Public

Utility Holding Company Act of 1935 ("act"), and Rule U-50 promulgated thereunder, with respect to, among other things, the issue and sale by Meted pursuant to the competitive bidding requirements of Rule U-50, of $5,250,000 principal amount of its first mortgage bonds __% series, due 1980, and 20,000 shares of its $100 par value __% series cumulative preferred stock; and

The Commission having, by order dated November 29, 1950, approved and permitted said application-declaration, as amended, to become effective, subject to the condition, among others, that the proposed issue and sale of said bonds and preferred stock shall not be consummated until the results of the competitive bidding have been made a matter of record in this proceeding, and a further order shall have been entered by this Commission in the light of the record so completed, and the Commission having also reserved jurisdiction over the payment of fees and expenses of all counsel; and

Meted having, on December 13, 1950, filed a further amendment to said application in which it is stated that it has offered such first mortgage bonds and cumulative preferred stock for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

FOR THE BONDS

Bidder	Price to Company	Interest rate or dividend rate	Cost to Company
	Percent	*Percent*	*Percent*
Halsey, Stuart & Co., Inc....	100.31992	2¾	2.7343
Salomon Bros. & Hutzler....	100.0837	2¾	2.7459
Union Securities Corp.....	102.401	2¾	2.7568
Drexel & Co.....	102.391	2¾	2.7573
The First Boston Corp.....	102.37999	2¾	2.7579
White, Weld & Co.....	102.309	2¾	2.7613
Kidder, Peabody & Co.....	102.199	2¾	2.7666
Carl M. Loeb, Rhoades & Co.	102.1199	2¾	2.7705

FOR THE PREFERRED STOCK

		Percent	*Percent*
Kidder, Peabody & Co.....	$101.17	3.80	3.756
Smith, Barney & Co. and Goldman, Sachs & Co....	100.92	3.85	3.815
Carl M. Loeb, Rhoades & Co.....	100.736	3.85	3.822
Drexel & Co.....	100.30	3.85	3.838
Harriman Ripley & Co., Inc., and Union Securities Corp.....	100.86	3.90	3.867
Salomon Bros. & Hutzler....	100.1387	3.90	3.895
The First Boston Corp.....	100.659	3.95	3.924

Said amendment stating that Meted has accepted the bid of Halsey, Stuart & Co., Inc. for the first mortgage bonds and the bid of Kidder, Peabody & Co. for the cumulative preferred stock, as set out above, and that the first mortgage bonds will be offered for sale to the public at a price of 100.81 percent of the principal amount, resulting in an underwriters' spread of 0.49008 percent of the principal amount, and that the cumulative preferred stock will be offered to the public at a price of $102.70 per share, resulting in an underwriters' spread of $1.53 per share; and

The amendment further stating that the legal fees to be incurred in connection with the proposed transaction are as follows:

Harold J. Ryan, counsel for the company	$9,000
Berlack & Israels	2,500
Beekman & Bogue, counsel for prospective underwriters	6,000
Total	17,500

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the issue and sale of said first mortgage bonds and cumulative preferred stock, and the underwriters' spreads and their allocations; and

It appearing that the above noted proposed fees and expenses are for necessary services and are not unreasonable:

It is hereby ordered, That the jurisdiction heretofore reserved in connection with the issue and sale of said first mortgage bonds and cumulative preferred stock be, and the same hereby is, released and the said application-declaration, as further amended, be, and the same hereby is granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over the payment of the fees and expenses of all counsel be, and the same hereby is, released.

By the Commission.

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

[F. R. Doc. 50-11850; Filed, Dec. 16, 1950; 8:46 a. m.]

[File No. 70-1303]

STANDARD GAS AND ELECTRIC CO.

ORDER PERMITTING WITHDRAWAL OF DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of December 1950.

Standard Gas and Electric Company ("Standard Gas"), a registered holding company, having heretofore filed a declaration and amendments thereto, under the Public Utility Holding Company Act of 1935, relating to the proposed sale at competitive bidding of 312,000 shares, without par value, of the common stock of The California Oregon Power Company ("COPCO"); and Standard Gas having notified the Commission that the proposed sale was not consummated by reason of the fact that Standard Gas failed to receive a bid for the stock satisfactory to Standard Gas and having advised the Commission that a revised proposal for the sale of the stock would be submitted by a further amendment to the declaration; and

Standard Gas, by letter dated December 4, 1950, having advised the Commission that the 312,000 shares of the common stock of COPCO subsequently were reclassified into 390,000 shares, par value $20 per share, and that such 390,000 shares of stock were later sold, in conjunction with an offering by COPCO of 18,000 shares of its common stock and the contemplated sale of 60,000 shares of its preferred stock, pursuant to authority granted by the Commission in File Nos. 70-1494 and 70-1495; and

Standard Gas having stated that the declaration in File No. 70-1303 has been superseded by the applications-declarations filed in File Nos. 70-1494 and 70-1495 and that it desires to withdraw the declaration in File No. 70-1303; and it appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the request of Standard Gas should be granted:

It is ordered, That the declaration heretofore filed herein be, and the same hereby is, permitted to be withdrawn.

By the Commission.

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

[F. R. Doc. 50-11851; Filed, Dec. 18, 1950; 8:46 a. m.]

[File No. 812-701]

MISSION DEVELOPMENT CO. AND MISSION CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of December A. D. 1950.

Notice is hereby given that Mission Development Company, registered under the Investment Company Act of 1940 as a nondiversified closed-end management investment company, and Mission Corporation, an affiliated person of the said registered investment company, engaged primarily, through its affiliates in the oil business, have jointly filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (1) a proposed transaction involving the sale of all of the common stock of Tide Water Associated Oil Company owned by Mission Corporation at the time of consummation of this transaction to Mission Development Company. The amount so owned at the time of application was approximately 996,662 shares, but additional shares may have been acquired since the date of application.

The proposed transaction involves the sale of securities by an affiliated person (Mission Corporation) of a registered investment company (Mission Development Company) to such registered investment company and is prohibited by section 17 (a) (1) of the Investment Company Act of 1940 unless an exemption is granted pursuant to section 17 (b).

The application sets forth that Mission Development Company will issue approximately 1,993,324 shares, but not exceeding 2,166,614 shares, of its $5 par value capital stock of Mission Corporation in consideration for the transfer of the 996,662 shares, but not exceeding 1,083,307 shares, of Tide Water Stock

to Mission Development Company in the ratio of two shares of Mission Development for one share of Tide Water.

The application further sets forth that the reason for the proposed transactions is the desire of Mission Corporation to continue its dividend policy, retain its cash for business purposes and preserve the block value of the Tide Water Associated Oil Company common stock intact.

The present application concerns only the question of the exemption of the sale of Mission Corporation's holding of Tide Water stock as of the date of the transaction specified in the application.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after January 8, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than January 5, 1951, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

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

[F. R. Doc. 50-11852; Filed, Dec. 18, 1950; 8:46 a. m.]

[File Nos. 54-168, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER FOR SALE AND TRANSFER OF STOCK

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of December A. D. 1950.

In the matter of Electric Bond and Share Company, American Power & Light Company; File No. 54-168. In the matter of Electric Bond and Share Company, American Power & Light Company, et al.; File No. 59-12.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having notified the Commission, pursuant to paragraph (c) of Rule U-44 promulgated pursuant to the Public Utility Holding Company Act of 1935, that it intends to carry out the following transaction:

Bond and Share now owns 46,973 shares (6.6 percent) of the common stock of Minesota Power & Light Company ("Minnesota"), which holdings constitute 5.7 percent of the total voting power of all of the securities of Minnesota now outstanding. The shares of common stock of Minnesota which Bond and Share now owns, were acquired together with other securities of former utility subsidiaries of American Power & Light Company ("American"), in exchange for Bond and Share's holdings of the former preferred and common stocks of American pursuant to a section 11 (e) plan of American approved by this Commission on October 4, 1949, and made effective February 15, 1950. The acquisition of the securities, including the common stock of Minnesota, by Bond and Share under the above mentioned section 11 (e) plan was subject to a commitment by Bond and Share to dispose of such securities within one year from the effective date of the plan. Bond and Share now proposes to sell 13,271 shares of the common stock of Minnesota to Kidder, Peabody & Co. at a net price to Bond and Share of $27.90 per share. In its notification to the Commission pursuant to Rule U-44 (c) Bond and Share requested the Commission to enter an order reciting that the sale is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

The Commission having advised Bond and Share that the proposed sale did not appear to require the filing of an application or declaration with the Commission under the act, and the Commission finding that the requested order can properly be entered:

It is ordered and recited, That the sale and transfer by Electric Bond and Share Company of 13,271 shares of the common stock of Minnesota Power & Light Company for $370,260.90 is necessary or appropriate to the integration and simplification of the holding company system of which Electric Bond and Share is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

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

[F. R. Doc. 50-11853; Filed, Dec. 18, 1950; 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 15942]

WILHELM WEISE

In re: Debts owing to Wilhelm Weise. F-28-31026.

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 Wilhelm Weise, whose last known address is 29 Tagerstrasse, Celle, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations matured or unmatured evidenced by Fifteen (15) Associated Gas & Electric Co. (Succeeded by General Public Utilities Corp.) 5½% Convertible Debentures, due 1977, each of $1,000.00 face value and numbered as follows:

73	18531	29510
5338	24657	30067
14739	24878	33770
16828	24889	34125
17177	27814	38672

together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid convertible debentures, including particularly but not limited to any and all rights in the plan of reorganization of 1946 under which Associated Gas & Electric Co. was succeeded by General Public Utilities Corp.,

b. Those certain debts or other obligations matured or unmatured evidenced by Two (2) American & Foreign Power Company, Inc., 5% Gold Debentures, due 2030, numbered 19018 and 37567, each of $1,000.00 face value, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid gold debentures,

c. Those certain debts or other obligations matured or unmatured, evidenced by Two (2) International Hydro-Electric System 6% Conv. Debentures, due 1944, numbered 25792 and 25978, each of $1,000.00 face value, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid convertible debentures,

d. Those certain debts or other obligations matured or unmatured evidenced by Four (4) International Power Securities Corp. 6½% Series C bonds, due 1955, numbered 1708, 5370/72, each of $1,000.00 face value, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds,

e. Those certain debts or other obligations matured or unmatured evidenced by Two (2) Cities Service Co. 5% Conv. Debentures, due 1950, numbered 23473 and 24225, each of $1,000.00 face value, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid conv. debentures, including particularly but not limited to the proceeds of redemption,

f. Those certain debts or other obligations matured or unmatured evidenced by Two (2) Cities Service Co. 5% Debentures, due 1958, numbered 40728 and 44912, each of $1,000.00 face value, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid debentures, including particularly but not limited to the proceeds of redemption,

g. Those certain debts or other obligations matured or unmatured evidenced by Two (2) Cities Service Power & Light Co. 5½% gold bonds, dated 1929, numbered 4926 and 4930, each of $1,000.00 face value, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid gold bonds, including particularly but not limited to the proceeds of redemption, and

h. Those certain debts or other obligations matured or unmatured evidenced by Seven (7) Central States Electric Corporation 5½% Optional Gold Debentures, due 1954, numbered 8000/06, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid optional gold debentures, including particularly but not limited to the proceeds of redemption,

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 Wilhelm Weise, 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 November 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11860; Filed, Dec. 18, 1950; 8:48 a. m.]

[Vesting 15982]

AUGUST HOMRIGHAUSEN

In re: Rights of August Homrighausen under contract of insurance. File No. F-28-30379-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Homrighausen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to August Homrighausen under a contract of insurance evidenced by Policy No. 2106332 issued by the John Hancock Mutual Life Insurance Company, 197 Clarendon Street, Boston, Massachusetts, to August Homrighausen, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Mrs. Anna Norris, a resident of the United States, and of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive, and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by August Homrighausen, 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 November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11861; Filed, Dec. 18, 1950; 8:48 a. m.]

[Vesting Order 15991]

GEORGE AND DORA KLEINHOLZ

In re: Rights of George Kleinholz and Dora Kleinholz under insurance contract. File No. D-28-4796-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Kleinholz and Dora Kleinholz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 409,655 issued by the Home Life Insurance Company, New York, New York, to George Kleinholz, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Home Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by George Kleinholz or Dora Kleinholz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11862; Filed, Dec. 18, 1950; 8:48 a. m.]

[Vesting Order 15992]

GEBR. KLINGENBERG, G. M. B. H.

In re: Rights of Gebr. Klingenberg, G. M. B. H. under insurance contract. File No. D-28-10359-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gebr. Klingenberg, G. M. B. H., the last known address of which is Ger-

many, is a corporation, partnership, association or other organization, organized under the laws of Germany, which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Gebr. Klingenberg, G. M. B. H. under a contract of insurance evidenced by Policy No. 912706, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Harry Prochaska, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Harry Prochaska and Harry Prochaska, Inc., persons within the United States, and the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive, and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11863; Filed, Dec. 18, 1950; 8:48 a. m.]

[Vesting Order 15993]

THEODOR AND GEORGE THEODOR VON KNOOP

In re: Rights of Theodor Von Knoop and George Theodor Henricus Von Knoop under insurance contract. F 28-22764-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodor Von Knoop and George Theodor Henricus Von Knoop whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 179445 issued by the Franklin Life Insurance Company, Springfield, Illinois, to Theodor Von Knoop, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Franklin Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Theodor Von Knoop or George Theodor Henricus Von Knoop, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11864; Filed, Dec. 18, 1950; 8:48 a. m.]

[Vesting Order 15994]

ROBERT KARL AND HELENE RENATE KOCH-WINCKLER

In re: Rights of Robert Karl Koch-Winckler and Helene Renate Koch-Winckler under insurance contracts. Files No. F-28-17544-H-1, 2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Karl Koch-Winckler and Helene Renate Koch-Winckler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 201256 and 202106, issued by the West Coast Life Insurance Company, San Francisco, California, to Robert Karl Koch-Winckler, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid West Coast Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Robert Karl Koch-Winckler or Helene Renate Koch-Winckler, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11865; Filed, Dec. 18, 1950; 8:48 a. m.]

[Vesting Order 15995]

W. H. LEONHARD KOEPPE

In re: Rights of W. H. Leonhard Koeppe under insurance contracts. File Nos. D-28-2553-H-1, D-28-2553-H-2 and D-28-2553-H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That W. H. Leonhard Koeppe, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to W. H. Leonhard Koeppe under contracts of insurance evidenced by policies numbered 967306, 1042783 and

1139033 issued by The Travelers Insurance Company, 700 Main Street, Hartford, Connecticut, to W. H. Leonhard Koeppe, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the Security Trust Company of Rochester, New York, as trustee, and of the aforesaid Travelers Insurance Company together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11866; Filed, Dec. 18, 1950; 8:48 a. m.]

[Vesting Order 15996]

OLGA KOSCH ET AL.

In re: Rights of Olga Kosch et al., under insurance contract. File No. F-28-24394-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Olga Kosch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Olga Kosch, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 71 067 495 issued by the Metropolitan Life Insurance Company, New York, New York, to Olga Kosch, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Olga Kosch or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Olga Kosch, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Olga Kosch, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11867; Filed, Dec. 18, 1950; 8:48 a. m.]

[Vesting Order 15998]

HENRY J. AND SOPHIE KRUSE

In re: Rights of Henry J. Kruse and Sophie Kruse under contract of insurance. File No. F-28-26643-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry J. Kruse and Sophie Kruse, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. P-2175 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Henry J. Kruse, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Prudential Insurance Company of America together with the right to demand, enforce, receive, and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Henry J. Kruse or Sophie Kruse, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11868; Filed, Dec. 18, 1950; 8:48 a. m.]

[Vesting Order 16000]

FRIEDRICH KARL MICHELS

In re: Rights of Friedrich Karl Michels under contract of insurance. File No. F-28-13127-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Karl Michels, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Friedrich Karl Michels under a contract of insurance evidenced by Policy No. 470628 issued by the Guardian Life Insurance Company of America, 50 Union Square, New York, New York, to Friedrich Karl Michels, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Rudolf Karl Michels, a

resident of the United States, and of the aforesaid Guardian Life Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Friedrich Karl Michels, 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 November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11869; Filed, Dec. 18, 1950; 8:48 a. m.]

[Vesting Order 16002]

ERICH A. AND BERTA MAISEL

In re: Rights of Erich A. Maisel and Berta Maisel, under insurance contract. F 28-18230 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erich A. Maisel and Berta Maisel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 3173520 issued by The Mutual Life Insurance Company of New York, New York, New York, to Erich A. Maisel and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Mutual Life Insurance Company of New York together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Erich A. Maisel or Berta Maisel, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11870; Filed, Dec. 18, 1950; 8:48 a. m.]

[Vesting Order 16003]

OSCAR MALLUSCHKE ET AL.

In re: Rights of Oscar Malluschke, et al., under contract of insurance. File No. F-28-3548-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oscar Malluschke and Bertha Malluschke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 0239932 SC issued by the Metropolitan Life Insurance Company, 1 Madison Avenue, New York City, New York, to Oscar Malluschke and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Oscar Malluschke or Bertha Malluschke, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11871; Filed, Dec. 18, 1950; 8:49 a. m.]

[Vesting Order 16004]

GEORGE AND IRMGARD MEYER

In re: Rights of George Meyer and Irmgard Meyer under insurance contract. File No. F-28-22683-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Meyer and Irmgard Meyer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 10 273 351 issued by the New York Life Insurance Company, New York, New York, to George Meyer, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by George Meyer or Irmgard Meyer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11872; Filed, Dec. 18, 1950; 8:49 a. m.]

[Vesting Order 16005]

CARL R. AND HERTHA NEUMUELLER

In re: Rights of Carl R. Neumueller and Hertha Neumueller under insurance contract. File No. F-28-26888-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl R. Neumueller and Hertha Neumueller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2716041 issued by The Mutual Life Insurance Company of New York, New York, New York, to Carl R. Neumueller, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Mutual Life Insurance Company of New York together with the right to demand, enforce, receive, and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Carl R. Neumueller or Hertha Neumueller, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11873; Filed, Dec. 18, 1950; 8:49 a. m.]

[Vesting Order 16008]

HANS WILHELM LUDWIG NOACK AND INGE NOACK

In re: Rights of Hans Wilhelm Ludwig Noack and Inge Noack under insurance contract. File No. F-28-26738-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Wilhelm Ludwig Noack and Inge Noack, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,403,836 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Hans Wilhelm Ludwig Noack, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including within 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 Hans Wilhelm Ludwig Noack or Inge Noack, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11874; Filed, Dec. 18, 1950; 8:49 a. m.]

[Vesting Order 16010]

TOM MASARU OSAKI AND TOMIKO OSAKI

In re: Rights of Tom Masaru Osaki and Tomiko Osaki under contract of insurance. File No. F-39-4905-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tom Masaru Osaki and Tomiko Osaki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,400,264 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Tom Masaru Osaki, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Tom Masaru Osaki or Tomiko Osaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11875; Filed, Dec. 18, 1950; 8:49 a. m.]

[Vesting Order 16015]

ANNA SCHMEDES ET AL.

In re: Rights of Anna Schmedes et al., under contract of insurance. File No. F-28-30261-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schmedes, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Anna Schmedes, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 3 970 144 B issued by the Metropolitan Life Insurance Company, New York, New York, to Anna Schmedes, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Anna Schmedes or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Anna Schmedes, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Anna Schmedes, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11878; Filed, Dec. 18, 1950; 8:49 a. m.]

[Vesting Order 16012]

SYBIL EDITH AND WALTHER L. REINHARDT

In re: Rights of Sybil Edith Reinhardt and Walther L. Reinhardt under contract of insurance. File No. F-28-26649-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sybil Edith Reinhardt and Walther L. Reinhardt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 35,737 issued by the Security Life and Accident Company, Denver, Colorado, to Sybil Edith Reinhardt, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Security Life and Accident Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Sybil Edith Reinhardt or Walther L. Reinhardt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11876; Filed, Dec. 18, 1950; 8:49 a. m.]

[Vesting Order 16017]

CHRISTIAN SCHWAB ET AL.

In re: Rights of Christian Schwab et al. under contracts of insurance. Files F 28-30533 H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christian Schwab, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Christian Schwab, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered PU 31266 and PU 31267 issued by the Prudential Insurance Company of America, Newark, New Jersey, to Christian Schwab, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid the Prudential Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Christian Schwab or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Christian Schwab, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Christian Schwab, 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 prop-

erty 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 November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11879; Filed, Dec. 18, 1950; 8:49 a. m.]

[Vesting Order 16014]

ANNA SCHAFHEITLIN

In re: rights of Anna Schafheitlin under insurance contract. File No. F-28-1817-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schafheitlin, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Anna Schafheitlin, under a contract of insurance evidenced by Policy No. A 7014, issued by the Teachers Insurance and Annuity Association, New York, New York, to Anna Schafheitlin, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Adolf Otto Schafheitlin, a resident of Canada, and of the aforesaid Teachers Insurance and Annuity Association together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Anna Schafheitlin, 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 November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11877; Filed, Dec. 18, 1950; 8:49 a. m.]

[Vesting Order 16019]

HERMANN STRAUSS ET AL.

In re: Rights of Hermann Strauss, et al., under contract of insurance. File No. F-28-14251-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Strauss and Lidya Strauss, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Hermann Strauss, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4595 968 issued by the Equitable Life Assurance Society of the United States, New York, New York, to Hermann Strauss, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid the Equitable Life Assurance Society of the United States together with the right to demand enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Hermann Strauss or Lidya Strauss or children, names unknown, of Hermann Strauss, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Hermann Strauss, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11881; Filed, Dec. 18, 1950; 8:49 a. m.]

[Vesting Order 16021]

JOSEPH TABAR ET AL.

In re: Rights of Joseph Tabar et al., under insurance contract. File No. F-28-30492-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Tabar, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Joseph Tabar, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1294706M issued by the Metropolitan Life Insurance Company, New York, New York, to Joseph Tabar, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Joseph Tabar or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Joseph Tabar, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Joseph Tabar, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11883; Filed, Dec. 18, 1950; 8:50 a. m.]

[Vesting Order 16018]

HUGO VON DEN STEINEN ET AL.

In re: Rights of Hugo Von Den Steinen, et al., under contract of insurance. File No. F 28-12517 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hugo Von Den Steinen, Else Von Den Steinen, Frieda Von Den Steinen, and Helene Von Den Steinen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 255054 issued by the Guardian Life Insurance Company of America, New York, New York, to Hugo Von Den Steinen, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Guardian Life Insurance Company of America, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Hugo Von Den Steinen or Else Von Den Steinen, Frieda Von Den Steinen, and Helene Von Den Steinen, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11880; Filed, Dec. 18, 1950; 8:49 a. m.]

[Vesting Order 16020]

ADOLF FRIEDRICK JULIUS STROMEYER ET AL.

In re: Rights of Adolf Friedrick Julius Stromeyer et al., under insurance contract. File Nos. F-28-638-A-1, F-28-638-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf Friedrick Julius Stromeyer and Anna Stromeyer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 235589, issued by the Northwestern National Life Insurance Company, Minneapolis 4, Minnesota, to Adolf Friedrick Julius Stromeyer, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Northwestern National Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Adolf Friedrick Julius Stromeyer or Anna Stromeyer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11882; Filed, Dec. 18, 1950; 8:49 a. m.]

[Vesting Order 16022]

MOTOI AND MISAKO TAKAMOTO

In re: Rights of Motoi Takamoto and Misako Takamoto under insurance contract. File No. F-39-1702-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Motoi Takamoto and Misako Takamoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 15 159 841 issued by the New York Life Insurance Company, New York, New York, to Motoi Takamoto, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Motoi Takamoto or Misako Takamoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11884; Filed, Dec. 18, 1950; 8:50 a. m.]

[Vesting Order 16023]

MOTOI AND MISAYO TAKAMOTO

In re: Rights of Motoi Takamoto and Misayo Takamoto under insurance contract. File No. F-39-1702-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Motoi Takamoto and Misayo Takamoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. CWS-339167 issued by the California-Western States Life Insurance Company, Sacramento, California, to Motoi Takamoto, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid California-Western States Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Motoi Takamoto or Misayo Takamoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11885; Filed, Dec. 18, 1950; 8:50 a. m.]

[Vesting Order 16036]

BANCO ALEMAN TRANSATLANTICO

In re: Stocks, scrip certificate, and coupons owned by and debts owing to Banco Aleman Transatlantico, Buenos Aires, Argentina and others. F-28-1100 A-1/E-1, F-28-2050-E-1, F-28-1106-A-1/E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Uberseeische Bank, A. G., also known as Banco Aleman Transatlantico and as Banco Alemao Transatlantico, the last known address of which is Fredreichstr. 103, Berlin, N. W. 7, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Banco Aleman Transatlantico, the last known address of which is Buenos Aires, Argentina, is a branch of Deutsche Uberseeische Bank, A. G., also known as Banco Aleman Transatlantico and as Banco Alemao Transatlantico, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsche Uberseeische Bank, A. G., and is a national of a designated enemy country (Germany);

3. That Banco Aleman Transatlantico, the last known address of which is Montevideo, Uruguay, is a branch of Deutsche Uberseeische Bank, A. G., also known as Banco Aleman Transatlantico, and as Banco Alemao Transatlantico, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsche Uberseeische Bank, A. G., and is a national of a designated enemy country (Germany);

4. That Banco Aleman Transatlantico, the last known address of which is Valparaiso, Chile, is a branch of Deutsche Uberseeische Bank, A. G., also known as Banco Aleman Transatlantico, and as Banco Alemao Transatlantico, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsche Uberseeische Bank, A. G., and is a national of a designated enemy country (Germany);

5. That the property described as follows:

a. Forty-four (44) shares of noncumulative preference stock of Canadian Pacific Railway Company, evidenced by certificate numbered L415941, registered in the name of Brown Brothers Harriman & Co., and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in an account for Banco Aleman Transatlantico, Buenos Aires, Argentina, together with all declared and unpaid dividends on the aforesaid shares of stock,

b. One hundred-ten (110) shares of capital stock of International Nickel Company of Canada, Ltd., evidenced by certificates numbered NJ444485, NB-268969 and NB272164 for 10, 20 and 80 shares respectively, registered in the name of Brown Brothers Harriman & Co., and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in an account for Banco Aleman Transatlantico, Buenos Aires, Argentina, together with all declared and unpaid dividends on the aforesaid shares of stock,

c. One (1) Scrip Certificate for 4% Prov. of Santa Fe Conv. dollar bonds, due 1964, numbered A588, in the face amount of $50.00, registered in the name of Brown Brothers Harriman & Co., and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in an account for Banco Aleman Transatlantico, Buenos Aires, Argentina, together with any and all rights thereunder and thereto, and

d. That certain debt or other obligation owing to Banco Aleman Transatlantico, Buenos Aires, Argentina, by Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, arising out of a "Depot A" checking account in the name of Banco Aleman Transatlantico, Buenos Aires, Argentina, maintained with the aforesaid company and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Banco Aleman Transatlantico, Buenos Aires, Argentina, the aforesaid national of a designated enemy country (Germany);

6. That the property described as follows: That certain debt or other obligation owing to Banco Aleman Transatlantico, Montevideo, Uruguay, by the Irving Trust Company, One Wall Street, New York, New York, arising out of a current account in the name of Banco Aleman Transatlantico, Montevideo, Uruguay, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Banco Aleman Transatlantico, Montevideo, Uruguay, the aforesaid national of a designated enemy country (Germany);

7. That the property described as follows:

a. That certain debt or other obligation owing to Banco Aleman Transatlantico, Valparaiso, Chile, by the Irving Trust Company, One Wall Street, New York, New York, arising out of a current account in the name of Banco Aleman Transatlantico, Valparaiso, Chile, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Banco Aleman Transatlantico, Valparaiso, Chile, by the Irving Trust Company, One Wall Street, New York, New York, arising out of an Outstanding Foreign Drafts account in the name of Banco Aleman Transatlantico, Valparaiso, Chile, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. One (1) United States Customs House Receipt, bearing No. 1720, presently in the custody of the Guaranty

Trust Company of New York, 140 Broadway, New York 15, New York, said receipt covering Ninety-two (92) coupons, due June 30, 1940, in the face value of $2,300 detached from bonds of Chilean Nitrate and Iodine Sales Corporation, said coupons presently in the custody of the Federal Reserve Bank of New York, New York, in an account entitled "Department of Justice, Office of Alien Property E. X. O. 8389", and any and all rights in, to and under the aforesaid receipt, including particularly, but not limited to the rights to possession and presentation for collection of the aforesaid coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Banco Aleman Transatlantico, Valparaiso, Chile, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

8. That Banco Aleman Transatlantico, Buenos Aires, Argentina, Banco Aleman Transatlantico, Montevideo, Uruguay, and Banco Aleman Transatlantico, Valparaiso, Chile, are controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

9. That to the extent that the persons named in subparagraphs 1, 2, 3 and 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11886; Filed, Dec. 18, 1950; 8:51 a. m.]

[Vesting Order 16050]

MAX E. RAU

In re: Safe deposit lease and contents owned by the personal representatives, heirs, next of kin, legatees and distributees of Max E. Rau, deceased. F-28-8774-F-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 the personal representatives, heirs, next of kin, legatees and distributees of Max E. Rau, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests under and by virtue of a safe deposit box lease agreement by and between Max E. Rau and Marshall & Ilsley Bank, 721 North Water Street, Milwaukee 1, Wisconsin, relating to safe deposit box numbered 287, Section 6, located in the vaults of the aforesaid Bank, including particularly but not limited to the right of access to said safe deposit box, and

b. All property of any nature whatsoever in the safe deposit box referred to in subparagraph 2a hereof and any and all rights evidenced or represented thereby,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Max E. Rau, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Max E. Rau, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11887; Filed, Dec. 18, 1950; 8:51 a. m.]

[Vesting Order 16079]

MARIE BERON

In re: Bank account owned by and debts owing to Marie Beron, also known as Marie Christiane Beron. F-28-28570; C-1; C-2; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Beron, also known as Marie Christiane Beron, whose last known address is 22 Schloss Str. Neuhausen/Fildern Kreis Esslinger/Neckar, 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 owing to Marie Beron, also known as Marie Christiane Beron, by The Bowery Savings Bank, 110 East 42d Street, New York, New York, arising out of a savings account, account number 342380, entitled "Marie Beron in trust for William Kimmick Nephew", and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Marie Beron, also known as Marie Christiane Beron, by William Kimmick, 193-09 53d Avenue, Flushing, L. I., New York, representing the balance due to said Marie Beron, also known as Marie Christiane Beron on a loan made in May 1935, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Marie Beron, also known as Marie Christiane Beron, by L. Pongs, 3408 36th Street, Long Island City, New York, representing the balance due on a loan by said Marie Beron to said L. Pongs, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Marie Beron, also known as Marie Christiane Beron, by Frida Dorstewitz, 3840 Grove Street, Oakland, California, representing the balance due by said Frida Dorstewitz to said Marie Beron, on a loan made in 1937, and evidenced by a promissory note, presently in the custody of William Kimmick, 193-09 53d Avenue, Flushing, L. I., New York, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid note,

e. That certain debt or other obligation owing to Marie Beron, also known as Marie Christiane Beron, by I. F. Wessely, also known as Irma Wessely, 4589 Park Avenue, Bronx, New York, New York, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

f. That certain debt or other obligation owing to Marie Beron, also known as Marie Christiane Beron, by William Kimmick, 193-09 53d Avenue, Flushing, Long Island, New York, representing cash received from L. Pongs, 3408-36th Street, Long Island City, New York, on a debt due said Marie Beron, together with any and all accruals thereto, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Marie Beron, also known as, Marie Christiane Beron, 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 December 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11888; Filed, Dec. 18, 1950; 8:51 a. m.]

[Vesting Order 16080]

HENRY BRUNE

In re: Stock and bank account owned by and debts owing to Henry Brune, also known as Heinrich Bruene and as Heinrich Brune. F-28-30704-A-1, F-28-30704-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Brune, also known as Heinrich Bruene and as Heinrich Brune, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of W. C. Langley & Co., presently in the custody of W. C. Langley & Co., 115 Broadway, New York 6, New York, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation owing to Henry Brune, also known as Heinrich Bruene and as Heinrich Brune, by W. C. Langley & Co., 115 Broadway, New York 6, New York, arising out of an account, entitled Henry Brune, maintained at the aforesaid W. C. Langley & Co., and any all rights to demand, enforce and collect the same,

c. Cash in the sum of $474.55, presently in the possession of the Treasury Department of the United States in an account entitled Secretary of the Treasury, Proceeds of Withheld Foreign Checks, representing the proceeds of checks numbered 68,451 and 68,452, in the amounts of $60.00 and $414.55 respectively, dated July 13, 1942, drawn on the Treasurer of the United States and payable to Heinrich Bruene, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Henry Brune, also known as Heinrich Bruene and as Heinrich Brune, by American National Bank, Kimball, Nebraska, arising out of a Checking Account, entitled Henry Brune, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid 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 December 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Issuer	Incorporated	Certificate Nos.	Number of shares
Premier Gold Mining Co., Ltd	British Columbia	A629789	200
Toburn Gold Mines, Ltd	Ontario	16638	60
Silbak Premier Mines, Ltd	British Columbia	16134	50
Saudi Arabian Mining Syndicate	Bahama Islands	10965V	14
Big Bell Mines, Ltd	Western Australia	10670V	6

[F. R. Doc. 50-11889; Filed, Dec. 18, 1950; 8:51 a. m.]

[Vesting Order 16089]

CHARLES AND JENNIE MALLEK

In re: Stock and distribution rights owned by Charles Mallek and Jennie Mallek. F-28-22373-A-1: D-2/3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charles Mallek and Jennie Mallek, whose last known address is Bohra, Ueber Schmoelln, Thuer, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of no par value common capital stock of The United Gas Improvement Company, 1401 Arch Street, Philadelphia 5, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by a certificate numbered C0136206, registered in the names of Charles Mallek and Jennie Mallek, together with all declared and unpaid dividends thereon and the right to receive one (1) share of $13.50 par value common capital stock of said The United Gas Improvement Company together with all declared and unpaid dividends thereon, and any and all distributions of shares of stock or cash in lieu thereof, on account of or derived from said shares of said The United Gas Improvement Company, including but not limited to distributions in kind or cash of or on account of, shares of Delaware Power & Light Company, 600 Market Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware; Public Service Corporation of New Jersey, 80 Park Place, Newark 1, New Jersey, South Jersey Gas Company, Atlantic City, New Jersey, and Public Service Electric & Gas Company, 80 Park Place, Newark 1, New Jersey, all corporations organized under the laws of the State of New Jersey and Philadelphia Electric Company, 1000 Chestnut Street, Philadelphia 5, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, particularly three (3) shares of no par value common capital stock of said Philadelphia Electric Company, evidenced by certificate number C041858, registered in the names of Charles Mallek and Jennie Mallek, presently in the possession of the aforesaid The United Gas Improvement Company, together with all declared and unpaid dividends on the foregoing,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11890; Filed, Dec. 18, 1950; 8:51 a. m.]

[Vesting Order 16096]

KATHLEEN M. TAOKA

In re: Cash, bank account and securities owned by Kathleen M. Taoka, also known as Mrs. Yahei Taoka. D-39-11886; D-39-11887.

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 Kathleen M. Taoka, also known as Mrs. Yahei Taoka, on or since the effective date of Executive Order 8389, as amended, and on or since December 8, 1941, has been a resident of Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Cash in the amount of $400.00, presently held in custody by the Federal Reserve Bank of New York, represented by a receipt numbered W 1179 dated September 1, 1943, in the name of Mrs. Yahei Taoka,

b. Five (5) Credit National Bonds of 500 francs each, serial numbers 4640348/352, presently held in custody by the Federal Reserve Bank of New York, represented by a receipt numbered W 2607 dated September 1, 1943, in the name of Mrs. Yahei Taoka,

c. One (1) Yokahama Specie Bank Ltd., certificate with a face value of Yen 12851.69, numbered 84122, presently held in custody by the Federal Reserve Bank of New York, represented by a receipt numbered W 2607 dated September 1, 1943, in the name of Mrs. Yahei Taoka, and

d. That certain debt or other obligation owing to Kathleen M. Taoka by the Yokahama Specie Bank Ltd., San Francisco, arising out of a checking account entitled Kathleen M. Taoka, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11891; Filed Dec. 18, 1950; 8:51 a. m.]

[Vesting Order 16126]

KIYOKO AND TAROKICHI KURODA

In re: Rights of Kiyoko Kuroda and Tarokichi Kuroda under contract of insurance. File No. D-39-19049-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoko Kuroda and Tarokichi Kuroda, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7 912 563, issued by the New York Life Insurance Company, New York, New York, to Kiyoko Kuroda, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account, of owing to or which is evidence of ownership or control by, Kiyoko Kuroda or Tarokichi Kuroda, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11892; Filed, Dec. 18, 1950; 8:51 a. m.]

[Vesting Order 16128]

LINNA B. LOBE

In re: Rights of Linna B. Lobe under annuity contract. File No. D-28-8813-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Linna B. Lobe, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a Refund Immediate Life Annuity Contract evidenced by policy No. 11 626, issued by the Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, to Minnie Koenig, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a

national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11893; Filed, Dec. 18, 1950; 8:51 a. m.]

[Vesting Order 16129]

SUMA AND TAKAICHI MATSUMOTO

In re: Rights of Suma Matsumoto and Takaichi Matsumoto under insurance contract. File No. F-39-4911-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Suma Matsumoto and Takaichi Matsumoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,077,196, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Suma Matsumoto, 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, Suma Matsumoto or Takaichi Matsumoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11894; Filed, Dec. 18, 1950; 8:51 a. m.]

[Vesting Order 16142]

JOHANNA L. SIMON ET AL.

In re: Rights of Johanna L. Simon et al under insurance contract. File No. F 28-5638 H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna L. Simon, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Johanna L. Simon, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Certificate of Deposit No. 36105, issued by The New York Life Insurance Company, New York, New York, to Johanna L. Simon, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Johanna L. Simon or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Johanna L. Simon, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Johanna L. Simon, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11899; Filed, Dec. 18, 1950; 8:52 a. m.]

[Vesting Order 16171]

AUGUSTA CONRAD

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Augusta Conrad, deceased. F-28-30671-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Augusta Conrad, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of United States Savings Bank of Newark, 772-4 Broad Street, Newark 2, New Jersey, arising out of a savings account, account number 140048, entitled Augusta Conrad, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Augusta Conrad, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Augusta Conrad, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11902; Filed, Dec. 18, 1950; 8:52 a. m.]

[Vesting Order 16130]

ALFRED AND CLARA MUNDER

In re: Rights of Alfred and Clara Munder under insurance contract. File No. F-28-28220-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Munder and Clara Munder, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. P-14640, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Alfred Munder, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alfred Munder or Clara Munder, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11895; Filed, Dec. 18, 1950; 8:51 a. m.]

[Vesting Order 16131]

NAKATETA NAKAMURA

In re: Rights of Nakateta Nakamura under insurance contract. File No. D-39-18788-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nakateta Nakamura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 6825 GLHD—Serial 12927, issued by the Metropolitan Life Insurance Company, New York, New York, to Nakataro Nakamura, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (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 December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11896; Filed, Dec. 18, 1950; 8:52 a. m.]

[Vesting Order 16133]

TSUYOSHI NAMBA ET AL.

In re: Rights of Tsuyoshi Namba et al. under insurance contract. File F-39-6782-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsuyoshi Namba and Chisato Namba, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1175173, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Tsuyoshi Namba, 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 Tsuyoshi Namba or Chisato Namba, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11897; Filed, Dec. 18, 1950; 8:52 a. m.]

[Vesting Order 16136]

DORA BREMER ROBECK

In re: Rights of Dora Bremer Robeck (nee Bremer) under insurance contract. File No. D-28-10899-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Bremer Robeck (nee Bremer), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 2358-G-378, issued by the Sun Life Assurance Co. of Canada, Montreal, Quebec, Canada, to William Bremer, 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 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 December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11898; Filed, Dec. 18, 1950; 8:52 a. m.]

[Vesting Order 16143]

FRANZ SLICKERS

In re: Rights of Franz Slickers under insurance contract. File No. F-28-28195-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Slickers, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Franz Slickers under a contract of insurance evidenced by policy No. 5743465, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Franz Slickers, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11900; Filed, Dec. 18, 1950; 8:52 a. m.]

[Vesting Order 16146]

CLARA STARKE

In re: Rights of Clara Starke under insurance contract. File No. D-28-2083-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Starke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 27032, issued by the Workmen's Benefit Fund, Brooklyn, New York, to Louis Starke, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11901; Filed, Dec. 18, 1950; 8:52 a. m.]

[Vesting Order 16176]

FRANK J. HERZOG

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Frank J. Herzog, deceased. F-28-25774-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Frank J. Herzog, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the First National Bank of Mishawaka, Mishawaka, Indiana, arising out of a savings account, account numbered 34612, entitled I. A. Hurwich, Attorney for Frank Herzog, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Frank J. Herzog, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Frank J. Herzog, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11904; Filed, Dec. 18, 1950; 8:52 a. m.]

[Vesting Order 16175]

ASTA HANSEN

In re: Cash owned by Asta Hansen. F-28-31057-A-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 Asta Hansen, whose last known address is Festgestrasse 11, Brunsbuttelkoog, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Asta Hansen by The City Bank Farmers Trust Company, 22 William Street, New York 15, New York, representing dividends held by the aforesaid bank on thirty (30) shares of common capital stock of Curtiss Wright Corporation, formerly owned by Asta Hansen, together with any and all accruals thereto, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, 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 December 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11903; Filed, Dec. 18, 1950; 8:52 a. m.]

[Vesting Order 16182]

MITSUBISHI SHOJI KAISHA AND MITSUBISHI FIRE AND MARINE INSURANCE CO., LTD.

In re: Debts owing to Mitsubishi Shoji Kaisha and Mitsubishi Fire & Marine Insurance Co., Ltd., also known as Mitsubishi Marine & Fire Insurance Co. F-39-2038-C-1, F-39-143-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mitsubishi Shoji Kaisha and Mitsubishi Fire & Marine Insurance Co., Ltd., also known as Mitsubishi Marine & Fire Insurance Co., the last known addresses of which are Tokyo, Japan, are corporations, partnerships, associations or other business organizations, organized under the laws of Japan, and which have, or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Tokyo, Japan, and are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of Johnson & Higgins, 63 Wall Street, New York 5, New York, arising from proceeds realized from sale of cargo on board Str. "Venice Maru" accident of August 1934, applying to Int. No. 447, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Johnson & Higgins, 63 Wall Street, New York 5, New York, arising from General Average Deposit collected as security for payment of General Average Charges on shipment on Str. "Soyo Maru" accident December 1933 under Int. Nos. 13, 25, 28 and 31, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Johnson & Higgins, 63 Wall Street, New York 5, New York, arising from General Average Deposits collected as security for payment of General Average Charges on Str. "Montreal Maru" accident of October 1943 under Int. Nos. 20, 21, 23 and 36, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of Johnson & Higgins, 63 Wall Street, New York 5, New York, arising from collections from underwriters for loss of cargo consigned to Mitsubishi Shoji Kaisha on Str. "Bonneville" accident of December 1940, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mitsubishi Shoji Kaisha and Mitsubishi Fire & Marine Insurance Co., Ltd., also known as Mitsubishi Marine & Fire Insurance Co., the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11905; Filed, Dec. 18, 1950; 8:52 a. m.]

[Vesting Order 16184]

ISAMI NOZUKA

In re: Bank account owned by Isami Nozuka, also known as Isami Notsuka. D-39-19291-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isami Nozuka, also known as Isami Notsuka, whose last known address is House No. 1260, Oaza Senzoku, Kamitsuaraki, Mil-gun, Fukuoka-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, account number 2199, entitled Isami Nozuka, maintained at the branch office of the aforesaid bank located at 147 North Wilson Way, Stockton, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Isami Nozuka, also known as Isami Notsuka, 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 December 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11906; Filed, Dec. 18, 1950; 8:53 a. m.]

[Vesting Order 16186]

L. PELSTROFF

In re: Bank account owned by L. Pelstroff. F-39-5185-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That L. Pelstroff, whose last known address is Yokohama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a savings account, account number 96188, entitled Mr. L. Pelstroff, maintained with said Bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (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 December 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11907; Filed, Dec. 18, 1950; 8:53 a. m.]

[Return Order 823]

MARCEL REMY HUC

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Marcel Remy Huc, Courbevoie, France; Claim No. 35520; October 25, 1950, (15 F. R. 7164); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,071,878. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11911; Filed, Dec. 18, 1950; 8:53 a. m.]

[Return Order 827]

GASTON FLEISCHEL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Gaston Fleischel, New York, N. Y.; Claim No. 31606; November 4, 1950 (15 F. R. 7460); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,087,885. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11912; Filed, Dec. 18, 1950; 8:53 a. m.]

WERNER HALLE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, 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., Property, and Location

Werner Halle, Bogata, Colombia; Claim No. 58392; all right, title, interest and claim of any kind or character whatsoever of Werner Halle (son of Marie Halle, decd.) in and to the estate of Carl T. Heye, deceased.

Executed at Washington, D. C., on December 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11913; Filed, Dec. 18, 1950; 8:53 a. m.]

SOCIETE CARBOCHIMIQUE S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Carbochimique S. A., Tertre, Hainaut, Belgium; Claim No. 37589; Property described in Vesting Order No. 675 (8 F. R. 5029, April 17, 1943) relating to United States Letters Patent Nos. 2,056,448, 2,103,813, 2,108,936.

Executed at Washington, D. C., on December 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11914; Filed, Dec. 18, 1950; 8:53 a. m.]