AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 16 NUMBER 127

Washington, Saturday, June 30, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10262

SUSPENSION OF PROFESSIONAL EXAMINATIONS FOR PROMOTION OF MEDICAL, DENTAL, AND VETERINARY OFFICERS IN THE REGULAR ARMY AND AIR FORCE

By virtue of the authority vested in me by section 507 (b) of the Officer Personnel Act of 1947 (61 Stat. 893), it is hereby ordered as follows:

The operation of all provisions of law requiring professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps, and in the United States Air Force of officers designated as medical, dental, and veterinary officers thereof, are hereby suspended for the duration of the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 28, 1951.

[F. R. Doc. 51-7637; Filed, June 29, 1951; 10:00 a. m.]

EXECUTIVE ORDER 10263

TRANSFER OF THE PANAMA CANAL (THE WATERWAY), TOGETHER WITH FACILITIES AND APPURTENANCES RELATED THERETO, AND OTHER FACILITIES AND APPURTENANCES MAINTAINED AND OPERATED BY THE PANAMA CANAL (THE AGENCY), TO THE PANAMA RAILROAD COMPANY

By virtue of the authority vested in me by section 81 of title 2 of the Canal Zone Code, as amended by section 3 of the act of July 9, 1937, 50 Stat. 487, and by section 256 of title 2 of the Canal Zone Code, as added by section 10 of the act of September 26, 1950, 64 Stat. 1042, and as President of the United States, it is ordered as follows:

SECTION 1. There are hereby transferred to the Panama Railroad Company, a corporate agency and instrumentality of the United States which upon the effective date of this order shall, pursuant to the said act of September 26, 1950, be known as the Panama Canal Company, (a) the Panama Canal (the waterway), together with all the facilities, buildings, structures, and improvements related thereto, and (b) all other facilities, buildings, structures, and improvements whatsoever now maintained and operated by The Panama Canal, an independent agency of the United States which upon the effective date of this order shall, pursuant to the said act of September 26, 1950, be known as the Canal Zone Government: *Provided, however*, that there are excepted from such transfer the following-described facilities, buildings, structures, and improvements, situated on the Isthmus of Panama, which shall be for use and administration by the agency which upon the effective date of this order shall, pursuant to the said act of September 26, 1950, be known as the Canal Zone Government:

(a) The following-described buildings and structures situated in the Canal Zone:

(1) The Administration Building (Bldg. No. 1105), Cristobal.

(2) The Civil Affairs Building and Annex (Bldgs. Nos. 0610 and 0610-B), Ancon.

(3) The Dentist's Office (Bldg. No. 320), Ancon.

(4) The Office Building of the Experimental Garden (Bldg. No. 16), Summit.

(b) All buildings and structures of the Health Bureau of The Panama Canal.

(c) The following-described classes of civic buildings and structures:

(1) Schoolhouses and such recreational buildings and structures as are maintained in connection with the schools' program.

(2) Police buildings and structures.

(3) Prison buildings and structures.

(4) Fire stations and related structures.

(5) Courthouses.

(6) Post office buildings.

(d) Those general improvements in permanent town sites in the Canal Zone which consist of grading, excavation, fills, and landscaping.

(e) The improvements consisting of roads, streets, and sidewalks.

(f) The sewerage systems in the Canal Zone.

(g) The street lighting systems.

(h) The cemeteries in the Canal Zone.

SEC. 2. There are hereby transferred to the Panama Railroad Company (a) all property other than facilities, buildings, structures, and improvements, (b) all records, (c) all other assets, and (d)

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

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

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1949 Edition

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all contracts, obligations, and liabilities of The Panama Canal immediately prior to the effective date of this order, with the exception of (a) property other than facilities, buildings, structures, and improvements, (b) records, (c) other assets, and (d) contracts, obligations, and liabilities, shown in the accounts and records of The Panama Canal as of June 30, 1951, as appertaining to civil government, including health, sanitation, and protection: *Provided, however,* that nothing in this section shall be construed as effecting a transfer to the Panama Railroad Company of any of the unobligated balance of the appropriation for "Construction of additional facilities, Panama Canal" remaining on June 30, 1951.

SEC. 3. There are hereby transferred to the Panama Railroad Company all of the personnel on the rolls of The Panama Canal immediately prior to the effective date of this order with the exception of the Governor of The Panama Canal and of the personnel of the Civil Affairs Bureau, the courts, the Health Bureau, the Civil Intelligence Branch, and the Civil Defense unit.

SEC. 4. Nothing in this order shall be construed as effecting a transfer to the Panama Railroad Company of any of the right, title, or interest of the United States in or to the lands in the Canal Zone, or in or to any of the lands now owned by the United States and held by The Panama Canal as custodian in territory under the jurisdiction of the Republic of Panama.

SEC. 5. The transfers to the Panama Railroad Company made by this order shall, as provided by law, be deemed to have been accepted and assumed by the said company without the necessity of any act or acts on the part of the company except as otherwise stipulated in section 246 of title 2 of the Canal Zone Code, as added by the act of June 29, 1948, 62 Stat. 1076.

SEC. 6. In view of the transfers made by this order, and in effectuation of the purposes of the said act of September 26, 1950, there are hereby revoked (a) section 17 of Executive Order No. 1888 of February 2, 1914, and (b) the order of the Secretary of War designated as Canal Zone Order No. 4 of January 24, 1947, the provisions of which section and order relate to the assignment of, and rental rates for, quarters furnished employees, and the rates to be charged for supplies and services related to quarters.

SEC. 7. The transfers effected by this order are hereby made subject to the reservation that the President may hereafter make such adjustments or corrections in respect of such transfers as he may deem necessary or expedient.

SEC. 8. This order shall become effective on July 1, 1951.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 29, 1951.

[F. R. Doc. 51-7655; Filed, June 29, 1951; 12:09 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective July 1, 1951, §§ 6.103, 6.123, and 6.208 are amended as set out below:

1. Subparagraph (1) of § 6.103 (i) is amended to read as follows:

§ 6.103 *Treasury Department.* * * *

(i) *United States Savings Bonds Division*—(1) *NC/PD.* Until June 30, 1952, positions of State Director and Deputy State Director.

(2) Subparagraph (1) of § 6.123 (c) is revoked.

3. Paragraphs (a), (b) and (c) of § 6.208 are amended to read as follows:

§ 6.208 *State Department*—(a) *NC/PD.* Until September 30, 1951, political, economic, financial, and other technical professional positions (not including information positions) in grade GS-9 and above, requiring specialized foreign relations knowledge, training, or experience with respect to a particular foreign area, foreign language of foreign affairs problem.

(b) *NC/PD.* Until June 30, 1952, persons formerly employed abroad in the foreign service for a period of at least 4 years for service in executive and administrative positions, or employed abroad for at least 2 years for professional positions, in grade GS-9 and above.

(c) *NC/PD.* Positions of professional and technical specialists in the fields of health and sanitation, food supply, education and transportation, in grade GS-12 and above, in the Institute of Inter-American Affairs and the Inter-American Educational Foundation, Incorporated, when filled by the appointment of persons who have served in such positions in the Federal service in foreign countries.

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

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

[F. R. Doc. 51-7539; Filed, June 29, 1951; 8:56 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[Farm Credit Administration Order 525]

PART 70—LOAN INTEREST RATES AND SECURITY

INTEREST RATES ON LOANS

Effective July 1, 1951, §§ 70.5, 70.6, and 70.9 of Chapter I, Title 6 of the Code of

Federal Regulations are hereby amended as follows:

The rate of interest which may be charged by the Baltimore, St. Louis, and Wichita Banks for Cooperatives as specified in §§ 70.5 and 70.6 of Chapter I, Title 6 of the Code of Federal Regulations is hereby changed to 2½ percent on continental loans, and to 3 percent on loans made in Puerto Rico by the Baltimore Bank for Cooperatives, effective on and after July 1, 1951.

Section 70.9 of Chapter I, Title 6 of the Code of Federal Regulations is hereby amended to read as follows:

§ 70.9 *Interest rates on loans made by the Central Bank for Cooperatives.* The rate of interest on a continental loan or a loan made in Puerto Rico by the Central Bank for Cooperatives shall be the same as the prevailing rate charged for a similar type loan by each district bank for cooperatives of the farm credit district in which the cooperative borrowing from the Central Bank for Cooperatives has its principal place of business, except that, effective July 1, 1951, the rate of interest on all loans upon the security of commodities or Commodity Credit Corporation loan documents made by the Central Bank for Cooperatives shall be 2½ percent on continental loans and 3 percent in Puerto Rico.

(Sec. 8, 46 Stat. 14, as amended; 12 U. S. C. 1141f)

[SEAL] I. W. DUGGAN, *Governor.*

[F. R. Doc. 51-7561; Filed, June 29, 1951; 9:01 a. m.]

TITLE 7—AGRICULTURE

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

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS[1] (INSPECTION, CERTIFICATION AND STANDARDS)

MISCELLANEOUS AMENDMENTS

The following amendments to the revised regulations (7 CFR Part 51) governing the inspection and certification of fruits, vegetables and other products are hereby promulgated, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950), to become effective July 16, 1951.

This amendment increases certain inspection and certification fees by 20 percent to cover corresponding increases in the cost of rendering the service provided pursuant to the aforesaid regulations and, in accordance with said statutes, establishes such fees as will be reasonable and as nearly as may be cover the cost for the services rendered.

For the reasons hereinafter set forth, it is hereby found and determined that it is impractical and contrary to the public interest to give preliminary notice and engage in public rule making procedure and that good cause exists for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.). The fees to be charged for the service are required by the statutes authorizing the service to be "reasonable and as nearly as may be to cover the cost for the service rendered." The determination of such cost depends upon facts wholly within the knowledge of the United States Department of Agriculture.

It has been determined that the fees prescribed herein must be charged in order to cover the cost of the service to be rendered, and such fees are reasonable.

It is in the public interest to enable all interested parties to avail themselves of the service without undue delay, and that the benefits to be derived should be provided as soon as practicable.

The provision in § 51.37 *Basis for charges,* and § 51.40 *Fees for appeal inspections,* are amended in the following manner:

1. In paragraph (a) of § 51.37 *Basis for charges,* delete the listed sums and insert, in lieu thereof, the indicated applicable sums:

Delete	*Insert*
$7.50	$9
5	6
15	18
6	7.20
4	4.80
12	14.40

2. In paragraph (b) of § 51.37 delete the sum "$10" and insert, in lieu thereof, the sum "$12."

3. In paragraph (c) of § 51.37 delete the sum "$3" and insert, in lieu thereof, the sum "$3.60."

4. In § 51.40 *Fees for appeal inspections,* delete the sum "$20" and insert, in lieu thereof, the sum "$24."

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 27th day of June 1951, to become effective July 16, 1951.

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

[F. R. Doc. 51-7562; Filed June 29, 1951; 9:01 a. m.]

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF EGGS AND EGG PRODUCTS

MISCELLANEOUS AMENDMENTS

On June 20, 1951, a notice of a proposed amendment to the regulations governing the sampling, grading, grade labeling, and supervision of packaging of butter, cheese, and eggs (7 CFR Part 55) was published in the FEDERAL REGISTER (16 F. R. 5872). The amendment hereinafter promulgated is pursuant to authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950) and will become effective on July 1, 1951.

The provisions of the regulations (7 CFR Part 55) which apply to butter and cheese will be superseded as of July 1, 1951, and will be contained in Part 58 of the Code of Federal Regulations. Thereafter Part 55 will be applicable only to eggs and egg products. The currently effective provisions of the regulations applicable to eggs and egg products remain unchanged, with the exception of the revision of those sections which deal with the internal organization of the Administration which are changed to reflect the delegation of authority within the organization of the Production and Marketing Administration charged with the administration of the services provided in the aforesaid regulations, and the hourly rate for rendering service on an intermittent fee basis which has been raised from $3.00 to $3.60. The legislation authorizing the performance of these services provides that they be operated on a self-supporting basis and it has been determined that an hourly rate of $3.60 is necessary in order to defray the increased cost of rendering the service.

The Department finds that it is impracticable and unnecessary and contrary to public interest to give a 30 days' notice of the effective date of these regulations for the reasons that: (1) on July 1, 1951 the hourly rate for performing grading with respect to poultry will be raised from $3.00 to $3.60, and since the same personnel grade both poultry and eggs it is desirable that these regulations become effective at the same time to avoid inconsistency in the fees charged, (2) most of the provisions of this amendment relate to internal management and do not affect the operation of the program with respect to the services provided the industry, and (3) compliance with the provisions hereof will not require any special preparation on the part of persons subject thereto which cannot be accomplished by the effective time hereinafter specified; and therefore the regulations here issued are to be effective July 1, 1951, after publication in the FEDERAL REGISTER.

The regulations are hereby amended as follows:

1. Revise definition (z) "National supervisor" in § 55.2 to read as follows:

(z) "National supervisor" means (1) the officer in charge of the egg grading service of the Administration and (2) such other employees of the Administration as may be designated by him.

2. Revise the provisions of § 55.33 *Who may be licensed,* to read as follows:

§55.33 *Who may be licensed.* Any person possessing proper qualifications, as determined by an examination for competency, may be licensed by the Secretary as a grader, inspector, sampler, or supervisor of packaging. Such examination shall be held at such time and in such manner as may be prescribed by the Administrator. All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry grading and inspection service of the Administration. Any prospective licensee, oth-

[1] Among such other products are the following: raw nuts; Christmas trees and greens; flowers and flower bulbs; and onion sets.

er than a Federal or State employee, shall, prior to the granting of the license, procure and deliver to the Administration a surety bond, issued by such surety as may be approved by the Administrator, in the amount of $1,000 for the proper performance of the duties of such licensee under the act and this part.

3. Revise the provisions of § 55.34 *Limited license may be issued,* to read as follows:

§ 55.34 *Limited license may be issued.* To any person possessing proper qualifications, as determined by the Administrator, there may be issued a limited license by the Secretary to perform the following functions: (a) To candle and grade eggs on the basis of Official United States Standards of Quality of Individual Shell Eggs, issued by the Department on January 2, 1943, with respect to eggs purchased from producers or eggs to be packaged with official identification, and (b) to inspect liquid and frozen eggs that are produced under the supervision of an inspector. No person to whom a limited license is issued by the Secretary shall have the authority to issue any grading certificate; and all eggs (whether shell, liquid, or frozen) which are graded and inspected by any such person shall thereafter be check-graded and check-inspected by a grader or an inspector. All limited licenses, issued as aforesaid, shall be countersigned by the aforesaid officer in charge of the poultry grading and inspection service of the Administration.

4. Revise the provisions of § 55.35 *Suspension of license,* to read as follows:

§ 55.35 *Suspension of license.* Pending final action by the Secretary the aforesaid officer in charge of the poultry grading and inspection service may, whenever he deems such action necessary, suspend any license or limited license issued pursuant to this part, by giving notice of such suspension to the respective licensee or limited licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee or limited licensee, he may file an appeal in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license or limited license should not be suspended or revoked. After the expiration of the aforesaid seven day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation.

(5) Revise the provisions of paragraph (b) of § 55.39 *On a fee basis,* to read as follows:

§ 55.39 *On a fee basis.* (a) * * *

(b) In the event the aforesaid applicable rates are deemed by the Administrator to be inadequate fully to reimburse the Administration for all costs and others items paid or incurred by the Administration in connection with such service, the fees for such service shall not be based on the rates specified in § 55.44 to § 55.49, both inclusive, but shall be based on the time required to perform such service and the travel of each sampler, grader, inspector, and supervisor of packaging at the rate of $3.60 per hour for the time actually required.

(Pub. Law 759, 81st Cong.)

Issued in Washington, D. C., this 27th day of June 1951.

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

[F. R. Doc. 51-7498; Filed, June 29, 1951; 8:48 a. m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

SUBPART C—FORMS AND INSTRUCTIONS

On April 25, 1951, a notice of proposed instructions governing the administration of poultry inspection where a Federal-State service is desired was published in the FEDERAL REGISTER (16 F. R. 3535), under the authority of the regulations governing the grading and inspection of poultry and edible products thereof and United States specifications for classes, standards, and grades with respect thereto (7 CFR Part 70; 16 F. R. 5210). These regulations were promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950). Interested persons were given an opportunity to submit written data, views, and arguments concerning the proposed instructions published in the FEDERAL REGISTER, and the suggestions received have been given consideration.

The Administration finds that it is impracticable, unnecessary and contrary to the public interest to give a 30 days' notice of the effective date of these instructions for the reasons that (1) the industry is not directly affected by these instructions; (2) the aforesaid regulations become effective on July 1, 1951, and the instructions set forth herein are designed to implement the application of the service provided in the aforesaid regulations; (3) no preparation is necessary to comply with the provisions hereof; and (4) nothing would be gained by delaying the effective date of these instructions; therefore, the instructions here issued are to be effective July 1, 1951, after publication in the FEDERAL REGISTER.

The instructions are as follows:

§ 70.202 *Instructions governing the administration of poultry inspection where a Federal-State service is desired*—(a) *Basis of providing Federal-State inspection service.* Inspection service rendered pursuant to the regulations governing the grading and inspection of poultry and edible products thereof (7 CFR Part 70) may be furnished on a Federal basis or on a Federal-State basis as provided in this section. Inspection service in accordance with the regulations shall be furnished on a Federal basis in any State where arrangements have not been made with cooperating State agencies for service on a Federal-State basis. Inspection service shall be furnished on a Federal-State basis in any State in which the cooperating State agency makes a request, and becomes a party to a cooperative agreement which provides for such Federal-State service. Such cooperating parties within the State may be any responsible and qualified agency interested in promoting orderly marketing of poultry products.

(b) *Supervision.* All inspection service which is provided under the aforesaid regulations and cooperative agreements shall be technically and administratively supervised by the Production and Marketing Administration (hereafter referred to as PMA) through its national and regional supervisory organization. It shall be the responsibility of PMA to determine that the services rendered pursuant to any cooperative agreement under the regulations are conducted in a satisfactory manner, that the actual post-mortem inspection of poultry is adequate, and that uniform procedures and policies are followed in all plants in accordance with the requirements of the regulations. In a State where a Federal-State supervisor of inspection is provided, this supervisor shall be immediately responsible for the activities within the State. However, any supervisory official of PMA at a higher administrative level shall have the authority to observe independently of or in conjunction with the Federal-State supervisor, any particular station or the official activities of any particular inspector at any time he deems it advisable; and shall have the authority to supervise such activities as may be desirable and necessary. Supervisory direction should be applied through the Federal-State supervisor.

(c) *Federal-State inspection service when provided, shall be subject to the following conditions*—(1) *Regulations.* The regulations of the Secretary of Agriculture governing the grading and inspection of poultry and edible products thereof and instructions of the Administrator governing the inspection of products shall apply to both Federal-State inspection service and to Federal inspection service. PMA shall assume the responsibility for developing the regulations and any instructions issued pursuant thereto and for the supervision of inspection work carried on under the service.

(2) *Qualifications of Federal-State supervisor.* The Federal-State supervisor of inspection service shall meet the following qualifications.

(i) He shall have a veterinary degree from an accredited school.

(ii) He shall have such technical knowledge, experience, and administrative and supervisory ability as will qualify him for satisfactorily performing the duties of a Federal-State supervisor. These qualifications shall be checked by and be acceptable to PMA.

(iii) He shall have had experience in the Federal poultry inspection service or have successfully completed a course of training at an interne station which is under the supervision of the Federal poultry inspection service of PMA.

(iv) He shall be given a joint Federal-State or a full Federal appointment.

(v) He shall perform supervisory functions in a manner satisfactory to PMA. The Federal-State supervisor may at the discretion of PMA be removed from his position and replaced by another qualified employee whenever such action is in the best interests of PMA.

(3) *Duties of the Federal-State supervisor.* The Federal-State supervisor of inspection service shall be responsible for the supervision and proper conduct of inspection service within the State or States to which he is assigned. He may be assigned to supervise inspection service in a single State or in two or more adjoining States providing this is agreed to by PMA and the cooperating agencies in such States, except that a Federal-State supervisor shall not have more than 35 plants under his supervision. He shall examine each prospective State inspector and recommend acceptable applicants for a license. Such recommendation shall be in writing and be accompanied by a statement of the qualifications of the applicant. He shall be responsible for making surveys of plants applying for service within his State and present his recommendation for action on such applications in writing accompanied by appropriate supporting evidence to the Federal office of the inspection service. The assignment of State employed inspectors to plants shall be mutually agreeable to the State agency and PMA. Insofar as practicable inspectors will not be assigned to plants where they have been previously employed.

(4) *Employment and licensing of State inspectors.* (i) The cooperating State agency shall assume responsibility for recruitment and employment of State inspectors for plants under the Federal-State Service, and the salaries of such inspectors shall be paid by the State. Such inspectors may be employed only when licensed by PMA, and it shall be understood that PMA shall have the authority to withdraw such license at any time (and thus terminate the services of any such inspector) in accordance with the provisions of the regulations. The licensed State inspector shall not under any circumstance, while a licensed inspector, accept employment, money or remuneration of any kind from the company to which assigned.

(ii) Each prospective State inspector shall complete a period of training under the immediate supervision of a Federally employed training supervisor. The license issued to the prospective State inspector shall be a limited license authorizing him to perform inspection work only under the supervision of the inspector-in-charge of the station to to which he is assigned. A license authorizing the State inspector to serve as inspector-in-charge of a station may be issued when it has been determined by the officer-in-charge of the poultry grading and inspection service of PMA that the inspector is qualified for such a position.

(5) *Duties of State-employed inspectors.* The duties of the State-employed inspectors shall be the same as the duties of Federally-employed inspectors. Inspectors shall make proper, accurate and adequate post-mortem examinations of poultry carcasses and shall thoroughly familiarize themselves with and adhere to the inspection procedures and the applicable provisions of the Federal regulations governing inspection service.

(6) *Replacement of Federal inspectors.* When Federal-State inspection service is inaugurated in a State, and when such service will replace Federal inspection service furnished in the State at that time, the replacement of Federal inspectors by State inspectors shall not be carried out until satisfactory transfers of the Federal inspectors to plants out of the State can be accomplished by PMA.

(7) *Collection of fees.* Either the cooperating State agency or PMA, as agreed upon, may assume the responsibility for the collection of all fees for Federal-State inspection service in the State. The contract providing for Federal-State inspection service shall be between each firm under Federal-State inspection service and the agency responsible for the collection of fees, and each such contract, in either case, shall be approved or concurred in by PMA.

(8) *Reimbursement of PMA by State cooperating agency.* When the cooperating State agency assumes the responsibility for the collection of fees, it shall reimburse PMA from fees collected or from State appropriations, or both, for the following:

(i) An amount equal to that part of the Federal-State supervisor's salary paid by PMA.

(ii) An amount equal to salaries of any Federally employed inspectors who perform inspection service in any plant operating under Federal-State inspection service, such salary costs to cover the periods of such assignments.

(iii) An amount to cover accrued leave both annual and sick and travel costs incurred by persons referred to in subdivisions (i) and (ii) of this subparagraph, during periods such persons are performing Federal-State service.

(iv) An amount equal to 7 percent of the amounts referred to in subdivisions (i), (ii), and (iii) of this subparagraph.

(v) An amount sufficient to cover overhead in excess of that specified in subdivision (iv) of this subparagraph, general supervision and other costs and expenses incurred by the Administration in rendering the inspection service.

(9) *Reimbursement of cooperating State agency by PMA.* When PMA assumes the responsibility for the collection of fees, it shall reimburse the cooperating State agency for the salaries of the State inspectors, for periods during which such inspectors perform Federal-State inspection service, and for such annual and sick leave as may be authorized by the State, and agreed to by PMA.

(10) *Additional provisions.* The cooperating State agency shall, without cost to PMA, furnish office space, office furniture and equipment, heat, light, clerical assistance, and telephone service for use by the Federal-State supervisor.

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 26th day of June 1951, to become effective July 1, 1951.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-7563; Filed, June 29, 1951; 9:01 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Maryland-52)-3]

PART 727—MARYLAND TOBACCO

MARYLAND TOBACCO MARKETING QUOTA REGULATIONS, 1952-53 MARKETING YEAR

EDITORIAL NOTE: The original document designated F. R. Doc. 51-7345, appearing at page 6172 of the issue for Wednesday, June 27, 1951, has been corrected as follows:

In the table of contents, the headnote for § 727.315 should read "727.315 Applicability of §§ 727.311 to 727.329."

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

PART 907—MILK IN MILWAUKEE, WISCONSIN, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the 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 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, 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 supply 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.

(b) *Additional finding.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective on July 1, 1951. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk in the Milwaukee marketing area. The provisions of the said amendatory order are well known to handlers and producers, the public hearing having been held on May 22–24, 1951. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendatory order for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations or producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who during the determined representative period (April 1951) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, 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:

1. Delete § 907.50 (c) and substitute therefor the following:

(c) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 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 AA (93-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A. during the month: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A.;

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

2. Delete paragraphs (a) and (b) of § 907.51 and substitute therefor the following:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts as indicated: May and June $0.46; July through November, inclusive, $0.86; and all other months $0.66: *Provided,* That for each percent that the "current supply-demand ratio" computed pursuant to paragraph (e) of this section is greater or less than the applicable percentage contained in the schedule set forth in paragraph (e) (4) of this section, the Class I price differential computed prior to this proviso shall be increased or decreased, respectively, by the following amounts: May and June, $0.02; July through November, inclusive, $0.04; all other months $0.03: *And provided further,* That any adjustment made pursuant to the above proviso of this paragraph shall be limited to 16 cents in May and June; 30 cents in July through November, inclusive; and 24 cents in all other months; but in no event shall the Class I price differential computed pursuant to this paragraph be less than 46 cents.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amounts as indicated: May and June, $0.30; July through November, inclusive, $0.50; all other months, $0.40; *Provided,* That such amount for the month shall be adjusted by the amount of any adjustment made in the Class I price differential pursuant to the first proviso of paragraph (a) of this section; but in no event shall the Class II price differential computed pursuant to this paragraph be less than 40 cents in the months of July through November, inclusive, or less than 30 cents in all other months.

3. Add the following as § 907.51 (e):

(e) *Supply-demand adjustment.* On or before the last day of each month the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (i) the amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (ii) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(4) Determine the number of percentage points that the current supply-demand ration is above or below the percentage for the corresponding 6 months' period appearing in the following schedule:

6-months included in supply-demand ratio computation	Percent	Month subject to adjustment
January through June	62	August.
February through July	62	September.
March through August	64	October.
April through September	67	November.
May through October	71	December.
June through November	76	January.
July through December	81	February.
August through January	79	March.
September through February	76	April.
October through March	72	May.
November through April	68	June.
December through May	64	July.

(5) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for months prior to the effective date of this paragraph.

4. Delete § 907.91 (a) (2) and substitute therefor the following:

(2) The other order is that regulating the handling of milk in the Chicago, Illinois, marketing area and the Secretary determines that the quantity of Class I milk so disposed of by such person within the marketing area (§ 907.6) is greater than the quantity so disposed of within the marketing area defined in such other

order. This subparagraph shall apply only with respect to milk received at the plant(s) of such person from which the Class I milk was so disposed of within the marketing area and milk received at each receiving station (§ 907.9) serving and Sup. 608c)

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

Issued at Washington, D. C., this 27th day of June 1951, to be effective on and after the 1st day of July 1951.

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

[F. R. Doc. 51-7504; Filed, June 29, 1951; 8:50 a. m.]

[Docket No. AO 225]

PART 924—MILK IN DETROIT, MICH., MARKETING AREA

ORDER REGULATING HANDLING OF MILK

Sec.
924.0 Findings and determinations.

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AUTHORITY: §§ 924.1 to 924.102 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 924.0 *Findings and determinations*—(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 a proposed marketing agreement and a proposed order regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order 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.

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

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 2 cents per hundredweight or such amount not exceeding 2 cents per hundredweight as the Secretary may prescribe, with respect to all producer milk (including such handler's own production) received during the month.

(b) *Additional Findings.* In view of the number of handlers involved, the widely scattered locations of their plants, and the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the provisions relating to prices and payments to producers, in order that handlers may have opportunity to make necessary adjustments in their accounting and other operational procedures to conform with all provisions of the order. It is hereby found and determined, in view of the aforementioned facts and circumstances, that good reason exists for making § 924.1 through 924.15, 924.20 through 924.22 (e), 924.30 through 924.33, 924.40 through 924.47, 924.86, 924.120 through 924.123, and 924.130 and 924.131 effective August 1, 1951, and §§ 924.22 (f), (g), (h), (i) and (j), 924.50 through 924.53, 924.60 through 924.65, 924.70 through 924.72, 924.80 through 924.85, 924.87, 924.90, 924.91, 924.100 through 924.102, and 924.110 effective on September 1, 1951.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order) of more than 50 percent of the volume of milk covered by the aforesaid order which is marketed within the Detroit, Michigan, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during March 1951, (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

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

DEFINITIONS

§ 924.1 *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.).

§ 924.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 924.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

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

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area," hereinafter referred to as the "marketing area," means all territory, including incorporated municipalities, within the outer boundaries of the townships of Burtchville, Grant, Greenwood, Kenockee, Wales, Clyde, Fort Gratiot, Kimball, Fort Huron, St. Clair, China, East China, Ira, Cottrellville and Clay in St. Clair County, the townships of Chesterfield, Sterling, Clinton, Harrison, Warren, Erin, and Lake in Macomb County, the townships of White Lake, Waterford, Pontiac, Avon, Commerce, West Bloomfield, Bloomfield, Troy, Novi, Farmington, Southfield, and Royal Oak in Oakland County, the townships of Ann Arbor, Superior and Ypsilanti in Washtenaw County, the townships of Ash and Berlin in Monroe County and all of Wayne County, all in the State of Michigan.

§ 924.6 *Handler.* "Handler" means:

(a) A person who operates a plant in which milk is pasteurized or packaged for distribution in the marketing area and from which Class I milk is disposed of during the month on a route(s) in the marketing area;

(b) A person who operates a plant other than one described in paragraph (a) of this section which is approved by the Department of Health of the City of Detroit, Ann Arbor, Pontiac or Port Huron for the handling of milk for consumption as Class I milk in the marketing area, except such a plant from which less than 10 percent of its dairy farm supply of milk is moved to a plant described in paragraph (a) of this section in each of the months of November and December of each year after 1950.

§ 924.7 *Producer.* "Producer" means a dairy farmer who produces milk which is received directly from the farm at a plant described in § 924.6 (except such plant as described in § 924.101) or is diverted for a handler's account from such a plant to a plant not described in § 924.6.

§ 924.8 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers or from a cooperative association.

§ 924.9 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ 924.10 *Other source milk.* "Other source milk" means all skim milk and butterfat received by a handler in any form, other than that contained in producer milk.

§ 924.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State which the Secretary determines:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 924.12 *Base.* "Base" means a quantity of milk, expressed in pounds per day, determined for each producer as provided in § 924.70.

§ 924.13 *Base milk.* "Base milk" means milk delivered by a producer each month which is not in excess of his base multiplied by the number of days on which milk is delivered during the month, and all milk delivered by a producer prior to February 1, 1952.

§ 924.14 *Excess milk.* "Excess milk" means milk delivered by a producer each month in excess of his base milk.

§ 924.15 *Route.* "Route" means a delivery (other than to a handler) including a sale from a store of a Class I product to a wholesale or retail stop(s).

MARKET ADMINISTRATOR

§ 924.20 *Designation.* The agency for the administration of this part 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 by, the Secretary.

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

(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;

(d) To recommend amendments to the Secretary.

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

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

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

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

(d) Pay, out of the funds provided by § 924.86:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 924.87, 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 in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 924.30 and 924.31, or (2) payments pursuant to §§ 924.80 and 924.84.

(g) Calculate a base for each producer in accordance with § 924.70 and advise the producer and the handler receiving the milk of such base;

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

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part, and

(j) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to § 924.51 and 924.52, and the handler butterfat differential computed pursuant to § 924.53, and

(2) On or before the 11th day of each month the uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 924.62, 924.63, and 924.64, and the producer butterfat differential computed pursuant to § 924.82.

REPORTS, RECORDS, AND FACILITIES

§ 924.30 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler shall report to the market administrator for the preceding month, in the detail and on forms prescribed by the market administrator, the following with respect to (a) all producer milk received, (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk (except any nonfluid

milk product which is disposed of in the same form as received) received at a plant(s) described in § 924.6:

(1) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(2) The utilization or disposition of such receipts; and

(3) Such other information with respect to such receipts and their utilization or disposition as the market administrator may prescribe.

§ 924.31 *Other reports.* (a) Each producer-handler and each handler described in § 924.101 shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk received from each producer, and the percentage of butterfat contained therein;

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

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 924.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 924.33 *Retention of records.* All books and records required under this part 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 month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a 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 until further written notification from the market administrator. 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

§ 924.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a handler plant (a) in milk from producers or from a cooperative association (except as provided in § 924.43 (c)), (b) in any form from other handlers and (c) in other source milk required to be reported pursuant to § 924.30 shall be classified (separately as skim milk and butterfat) in the classes set forth in § 924.41.

§ 924.41 *Classes of utilization.* Subject to the conditions set forth in §§ 924.42 and 924.43 the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of for consumption in fluid form as milk, flavored milk, skim milk or buttermilk; and (2) not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat (1) disposed of for fluid consumption as sterilized flavored milk drings or sweet or sour cream; or (2) used to produce ice cream or ice cream mix, cheese (including cottage cheese), dried whole milk, nonfat dry milk solids, evaporated or condensed whole or skim milk, sweetened or unsweetened disposed of in bulk or in hermetically sealed cans, butter, or livestock feed, or dumped; or (3) in shrinkage of producer milk up to 2 percent of receipts from producers; or (4) in shrinkage of other source milk.

§ 924.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received for the purpose of weighing and testing in the transferrer handler's plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferrer handler in computing his shrinkage.

(c) Producer milk received at a plant from which a route is not operated in the marketing area and transferred in bulk from such plant to a plant from which a route is operated in the marketing area shall be subtracted from the producer milk receipts at the first plant and added to the producer milk receipts at the second plant in computing shrinkage.

§ 924.43 *Transfers.* (a) Skim milk and butterfat disposed of by a handler to another handler (except as provided in paragraph (c) of this section, other than a handler described in § 924.101, in the form of milk or skim milk shall be Class I utilization, unless Class II utilization is indicated by both handlers in their reports submitted pursuant to § 924.30: *Provided,* That in no event shall the amount so classified in Class II be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk in his plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk or skim milk by a handler to a person not a handler or to a handler described in § 924.101 shall be Class I utilization unless all of the following conditions are met:

(1) Class II utilization is indicated by the handler in his report submitted pursuant to § 924.30, and a statement certifying to such Class II utilization is received by the market administrator from the operator of the plant to which such milk or skim milk is moved not later than the last day of the month following the month of such movement.

(2) The operator of such plant had actually used in the month of such movement an equivalent amount of skim milk and butterfat in Class II, or moved such amount to another plant not operated by a handler which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in Class II.

(3) The operator of the transferee plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such Class II utilization.

(c) Producer milk transferred in bulk from a plant operated by a cooperative association from which no milk is disposed of on a route(s) in the marketing area to a plant as described in § 924.6 (a), except a plant as described in § 924.101, shall be deducted before classification of producer milk at the plant of the transferor cooperative and shall be included in producer milk classified at the plant of the transferee handler.

§ 924.44 *Responsibility of handlers and reclassification.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 924.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler.

§ 924.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers.

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 924.41 (c) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk;

(c) Subtract from the remaining pounds of butterfat in each class, the pounds of butterfat received from other handlers (except from a cooperative as set forth in § 924.43 (c)) in such classes pursuant to § 924.43 (a); and

(d) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section;

(e) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 924.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 924.46.

MINIMUM PRICES

§ 924.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b), (c), and (d) 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 month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.

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., Cooperville, 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 computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From 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 U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

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

(c) The price per hundredweight resulting from the following formula:

(1) Multiply by 6 the simple average as computed by the market administrator of the daily average wholesale selling prices per pound of Grade A (92-score) bulk creamery butter (using the midpoint of any price range as one price) at Chicago as reported by the U. S. D. A. for the month;

(2) Add an amount equal to 2.4 times the simple average as published by the U. S. D. A. of prices per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, on the trading days that fall within the month.

(3) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(d) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

Present Operator and Location

Kraft Cheese Co., Clare, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Carnation Milk Co., Sheridan, Mich.
Grand Ledge Milk Co., Grand Ledge, Mich.
Pet Milk Co., Hudson, Mich.

§ 924.51 *Class I milk price.* (a) Except as provided in paragraph (b) of this section, the minimum price per hundredweight to be paid by each handler, f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization shall be the basic formula price plus $1.35.

(b) Beginning in the third month after this order becomes effective, the percentage which total receipts of producer milk by all handlers during the next two preceding months is of total Class I utilization of all handlers during such period shall be computed each month by the market administrator, and for the following month the Class I price shall be decreased 15 cents if such percentage is 7.5 percentage points or more above the average of the percentages for the corresponding months in the following schedule and increased 15 cents if such percentage is 7.5 percentage points or more below the average of the percentages for the corresponding months in such schedule and the Class I price shall be decreased or increased an additional 15 cents for each additional full 5 percentage points which such ratio of producer milk receipts to Class I utilization is above or below such average percentage: *Provided,* That when the price has been so decreased or increased it shall not be next increased or decreased, respectively, in the following month unless such percentage is ½ percentage point higher or lower, as the case may be, than the percentage at which such price change would otherwise be made.

Month	*Percentages*	*Month*	*Percentages*
January	122.5	July	149.8
February	126.5	August	145.5
March	134.1	September	140.6
April	144.3	October	131.0
May	159.3	November	123.4
June	167.5	December	125.9

§ 924.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class II utilization, shall be the higher of the prices as computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

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

(1) Multiply the average price per pound of butter as described in paragraph (b) (1) of § 924.50 by 1.2 and then by 3.5.

(2) From the simple average of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., subtract 5.5 cents and then multiply by 8.2.

(b) The price per hundredweight as described in § 924.50 (d).

§ 924.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 924.51 and 924.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent the amounts determined as follows:

(a) *Class I milk.* Add 2 cents to the producer butterfat differential determined pursuant to § 924.82.

(b) *Class II milk.* Divide the amount computed pursuant to § 924.52 (a) (1) by the price computed pursuant to § 924.52 (a), multiply the price determined pursuant to § 924.52 (b) by the resulting percentage and then divide by 35 and round off to the nearest one tenth cent.

DETERMINATION OF PRICE TO PRODUCERS

§ 924.60 *Computation of value of milk for each handler.* (a) Subject to paragraph (c) of this section, the value of producer milk received during the month by each handler shall be a sum of money computed by the market administrator by multiplying by the applicable class price adjusted pursuant to § 924.53 the total combined hundredweight of skim milk and butterfat received in producer milk allocated to each class pursuant to §§ 924.46 and 924.47, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources, add an amount computed by multiplying any such excess utilization classified pursuant to § 924.46 (c) and § 924.47 by the applicable class prices.

(b) Each handler who has other source milk allocated to Class I pursuant to § 924.46 and § 924.47 shall pay to the producer equalization fund each month an amount computed by multiplying the hundredweight of milk so allocated by the difference between the Class I and Class II prices for the month adjusted by the butterfat differentials provided in § 924.53 to the butterfat test of such other source milk.

(c) A handler who receives milk from producers (1) at a plant located outside the marketing area and more than 34 miles by shortest highway distance from

the Detroit City Hall and from which no milk is disposed of on a route in the marketing area or (2) at a plant which is located outside the marketing area and more than 34 miles by shortest highway distance from the boundary of the marketing area and from which milk is disposed of on a route in the marketing area shall receive a credit with respect to producer milk disposed of as Class I utilization other than to a handler, and with respect to producer milk moved in bulk from such plant to a plant from which milk is disposed of on a route in the marketing area, computed on the weight of milk so moved which is not in excess of the amount of such milk classified as Class I utilization in the plant to which such milk is moved (pro rating to such milk the utilization of all producer milk received at such plant) at the rate for the applicable zone as determined by the market administrator, as follows:

Zone No.	Shortest road distance from Detroit City Hall	Rate per hundredweight
1	More than 34 miles but not more than 49 miles	$0.14
2	More than 49 miles but not more than 57 miles	.15
3	More than 57 miles but not more than 65 miles	.16
4	More than 65 miles but not more than 73 miles	.17
5	More than 73 miles but not more than 81 miles	.18
6	More than 81 miles but not more than 89 miles	.19
7	More than 89 miles but not more than 97 miles	.20
8	More than 97 miles	.21

§ 924.61 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of producer milk by:

(a) Combining into one total the individual values of milk of all handlers, computed pursuant to paragraph (a) of § 924.60;

(b) Adding the aggregate value of all allowable producer location adjustments computed at the rates for the appropriate zones as provided in § 924.81;

(c) Adding or subtracting any charges or credits pursuant to § 924.90 (a) or (b);

(d) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 924.82 multiplied by 10;

(e) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 924.62 *Uniform price.* For each month the uniform price shall be computed by:

(a) Dividing the amount computed pursuant to § 924.61 by the hundredweight of milk received from producers represented by the values included in § 937.61 (a); and

(b) Subtracting not less than 4 cents or more than 5 cents.

§ 924.63 *Excess milk price.* For each month the excess milk price shall be determined by adding 17 cents to the Class II price determined pursuant to § 924.52.

§ 924.64 *Computation of uniform price for base milk.* (a) Multiply the total pounds of excess milk and milk to be paid for at the excess milk price pursuant to § 924.70 (b) for the month by the excess milk price.

(b) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 924.70 (b) by the uniform price for the month.

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 924.61;

(d) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 924.70 (b); and

(e) Subtract not less than four cents nor more than five cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5 percent butterfat content received at plants described in § 924.6.

§ 924.65 *Notification.* On or before the 11th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month;

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 924.80, 924.84, 924.86, 924.87, and 924.90.

BASE RULES

§ 924.70 *Determination of base.* (a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year after 1950 shall have a base computed by the market administrator to be applicable, subject to § 924.72, for the 12 months' period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided,* That a producer who had a base previous to August 1 and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries.

(b) A producer who has no base shall be paid during the first three full months he is a producer the uniform price in each of the months of August through December and in other months, in the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for January and February, 70 percent for March, 60 percent for April and July and 40 percent for May and June. At the conclusion of the first three full months' delivery, a base shall be established in the following manner: Multiply the total deliveries in the months of August through December by .8, in January and February by .75, in March by .7, in April and July by .6, and in May and June by .4. Add the amounts so computed and divide by the number of days in which milk was delivered during the three months.

(c) From the effective date of this order until bases are established pursuant to this section, producers and cooperative associations shall be paid the uniform price for all milk delivered.

§ 924.71 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period, and upon death may be transferred to a member or members of the deceased producer's immediate family.

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family.

(2) Bases may be held jointly and if such joint holding is terminated the base may be transferred as specified in writing to the market administrator by the joint holders to a person or persons who maintain a dairy herd or herds on the same farm.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base.

§ 924.72 *Establishing a new base.* A producer with a base, by notifying the market administrator that he relinquishes such base, may establish a new base pursuant to § 924.70 (b) once during the 12-month period ending December 31, the period for establishing a new base to begin the first day of the month in which such notification is received by the market administrator.

PAYMENT FOR MILK

§ 924.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from such association or from producers for the account of such association, the uniform price as provided in § 924.70 (b) and (c) or the base price for base milk and for milk to be paid for at the base price pursuant to § 924.70 (b) and milk transferred pursuant to § 924.43 (c), and the excess price for excess milk and milk to be paid for at the excess price pursuant to § 924.70 (b), adjusted by the

butterfat differential pursuant to § 924.82 and any location adjustment pursuant to § 924.81: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 924.85, he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 924.81 *Location adjustments to producers.* In making payments to producers or cooperative associations pursuant to § 924.80 a handler may deduct with respect to all milk received by him from producers at a plant located outside the marketing area and more than 34 miles by shortest highway distance from the Detroit City Hall, as determined by the market administrator, and if milk is distributed from such plant on a route(s) in the marketing area, also located more than 34 miles by the shortest highway distance from the boundary of the marketing area, the amount per hundredweight applicable to the zone in which such plant is located as set forth in § 924.60 (c).

§ 924.82 *Producer butterfat differential.* In making payments pursuant to § 924.80, the base price and excess price or the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential of 7 cents when the average price of butter as described in § 924.50 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents and decreased one-half cent for each full 5-cent variance in such price of butter below 64.99 cents.

§ 924.83 *Producer equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 924.84 and out of which he shall make all payments pursuant to § 924.85.

§ 924.84 *Payments to the producer-equalization fund.* On or before the 13th day after the end of each month, each handler

(a) whose value of milk is required to be computed pursuant to § 924.60 (a) shall pay to the market administrator any amount by which such value for such month (in the case of a cooperative association which is a handler plus the value of any milk transferred as provided in § 924.43 (c) at the price for base milk for the month adjusted pursuant to § 924.82) is greater than the minimum amount required to be paid by him pursuant to § 924.80, and

(b) who is required to make payment pursuant to § 924.60 (b) shall pay such amount to the market administrator.

§ 924.85 *Payment out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 924.60 (a) (in the case of a cooperative association which is a handler plus the value of any milk transferred as provided in § 924.43 (c) at the price for base milk for the month adjusted pursuant to § 924.82) is less than the total minimum amount required to be paid by him pursuant to § 924.80, less any unpaid obligations of such handler to the market administrator pursuant to § 924.84: *Provided,* That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 924.86 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month two cents per hundredweight, or such amount not exceeding two cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers, including milk of such handler's own production.

§ 924.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 924.80 for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 924.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

ADJUSTMENT OF ACCOUNTS

§ 924.90 *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler,

the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 924.91 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 924.84, 924.85, 924.86, 924.87, and 924.90 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 924.100 *Milk caused to be delivered by cooperative associations.* Milk referred to in this part as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association.

§ 924.101 *Handler exemption.* A handler who operates a plant located outside the marketing area from which class I milk is disposed of on a route(s) within the marketing area but from which the disposition of Class I milk on all routes operating wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers, or a handler whom the Secretary finds is subject, during the delivery period, to another Federal order, and whose disposition of Class I milk in the other Federal marketing area exceeds that in the Detroit marketing area, shall be exempted for such month from all provisions of this part except §§ 924.31, 924.32 and 924.33.

§ 924.102 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 924.31, 924.32, 924.33 and 924.60 (b).

TERMINATION OF OBLIGATIONS

§ 924.110 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable.

Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

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

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

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or 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 month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful 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 part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the 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

§ 924.120 *Effective time.* The provisions of this part, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 924.121 *When suspended or terminated.* The secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 924.122 *Continuing obligations.* If, upon the suspension or termination of any of all provisions of this part, there are any obligations thereunder 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.

§ 924.123 *Liquidation.* Under 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

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

§ 924.131 *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.

Issued at Washington, D. C., this 28th day of June 1951. Sections 924.1 through 924.15, 924.20 through 924.22 (e), 924.30 through 924.33, 924.40 through 924.47, 924.86, 924.120 through 924.123 and 924.130 and 924.131 shall be effective on and after the 1st day of August 1951, and §§ 924.22 (f), (g), (h), (i) and (j), 924.50 through 924.53, 924.60 through 924.65, 924.70 through 924.72, 924.80 through 924.85, 924.87, 924.90, 924.91, 924.100 through 924.102, and 924.110 shall be effective on and after the first day of September 1951.

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

[F. R. Doc. 51-7578; Filed, June 29, 1951; 8:56 a. m.]

[Bartlett Pear Order 1]

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

REGULATION BY GRADES AND SIZES

§ 936.383 *Bartlett Pear Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Bartlett Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1951. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information thereon was not available to the Bartlett pear Commodity Committee until June 20, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on June 20, 1951, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such pears are expected to begin on or about July 5, 1951; and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 5, 1951, and ending at 12:01 a. m., P. s. t., December 1, 1951, no shipper shall ship any box or container of Bartlett pears unless:

(i) Such pears are well matured and grade, except with respect to shape and damage by hail, at least U. S. Combination Grade: *Provided,* That not less than seventy (70) percent by count of the pears contained in such box or container, grade not less than U. S. No. 1 except that of the foregoing percentage not more than fifteen (15) percent may be damaged by hail: *And provided further,* That while the pears in such box or container need not be fairly well formed, they shall not be seriously misshapen; and

(ii) Such pears are of a size not smaller than the size known commercially as size 180.

(2) Each shipper, prior to making each shipment of Bartlett pears, shall, during the period set forth in subparagraph (1) of this paragraph, have the pears included in each such shipment inspected by a duly authorized representative of the Federal State Inspection Service, heretofore designated by the Bartlett Pear Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Bartlett Pear Commodity Committee Federal-State shipping point inspection certificates stating the grades and sizes of the Bartlett pears contained in each such shipment: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnished the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Bartlett Pear Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all other provisions of this regulation applicable to such shipment.

(c) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 180" means a size Bartlett pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with five tiers, each tier having six rows with six pears in each row, and with the twenty smallest pears weighing not less than five pounds.

(3) "Standard pear box" means the container so designated in § 828.3 of the Agricultural Code of California.

(4) " U. S. No. 1," "U. S. Combination Grade," "fairly well formed," "seriously misshapen," and "standard pack" shall have the same meaning as when used in the United States Standards for Pears (summer and fall), 7 CFR 51.331.

(5) "Pears are well matured" means that the pears meet the maturity standards for Bartlett pears prescribed in section 804 of the Agricultural Code of California: *Provided*, That (i) if the inspection is on the basis of the average pressure test, it does not exceed 21 pounds; (ii) if the inspection is on the basis of the soluble solids, it is not less than 14 percent; and (iii) if the inspection is on the basis of color, the pears show a distinctly yellowish-green color: *Provided further*, That pears which have equivalent maturity, as determined by the Federal-State Inspection Service, may be passed as well matured.

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

Done at Washington, D. C., this 29th day of June 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit & Vegetable Branch, Production & Marketing Administration.

[F. R. Doc. 51-7642; Filed, June 29, 1951; 11:43 a. m.]

PART 941—MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

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AUTHORITY: §§ 941.0 to 941.100, inclusive, issued under Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 941.0 *Findings and determinations*—(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 proposed amendments to the tentatively approved marketing agreement and to the order regulating the handling of milk in the Chicago, Illinois, 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 produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the 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.

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

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning

of such agency will require the payment by each handler as his pro rata share of such expenses, an amount not exceeding 2¢ per hundredweight as the Secretary may prescribe, with respect to all milk received by such handler during each delivery period from producers, from his own farm production and as other source milk allocated to Class I milk and Class II milk.

(b) *Additional findings.* It is hereby found that good cause exists for making this order, as amended, effective not later than July 1, 1951. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order, as amended, will seriously impair orderly marketing of milk in the Chicago, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held January 22-31, 1951, and the decision having been executed by the Secretary on June 13, 1951. Reasonable time under the circumstances, has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c), Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended, which is marketed within the Chicago, Illinois, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (February 1951), were engaged in the production of milk for sale in the said marketing area.

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

DEFINITIONS

§ 941.1 *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.)

§ 941.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 941.3 *Chicago, Illinois, marketing area.* "Chicago, Illinois, marketing area", called the "marketing area" in this subpart means the territory lying within the townships of Warren, Waukegan, Libertyville, Shields, Vernon, West Deerfield, Deerfield, and the city of Barrington, in Lake County; Cook and Du Page Counties; the townships of Dundee, Elgin, St. Charles, Geneva, Batavia, and Aurora in Kane County; the townships of Wheatland, Du Page, Plainfield, Lockport, Homer, Troy, Joliet, New Lenox, and Frankfort in Will County, all in the State of Illinois; and the townships of North, Calumet and Hobart in Lake County, Indiana.

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

§ 941.5 *Dairy Farmer.* "Dairy farmer" means any person who produces milk.

§ 941.6 *Pool plant.* "Pool plant" means any plant which meets the requirements of § 941.66.

§ 941.7 *Producer.* "Producer" means a dairy farmer whose milk is

(a) Received at a pool plant directly from the farm where produced, or

(b) Qualified, upon satisfactory proof furnished to the market administrator, to be received at a pool plant and is caused by a handler to be delivered during part or all of the months of December through July, inclusive, for his account to a nonpool plant. Milk caused to be delivered pursuant to this paragraph shall be deemed to have been received at the pool plant from which diverted.

§ 941.8 *Handler.* "Handler" means any person who, on his own behalf or on behalf of others:

(a) Operates a pool plant;

(b) Processes or packages any Class I milk product, part or all of which is disposed of in the marketing area for consumption in fluid form;

(c) Processes or packages any Class II milk product which any health authority having jurisdiction in any portion of the marketing area requires to be made from approved milk, part or all of which is disposed of in the marketing area, or

(d) In a brokerage capacity, engages in buying milk, in bulk, from a person named in paragraphs (a), (b), or (c) of this section.

§ 941.9 *Regulated plant.* "Regulated plant" means a pool plant or a plant where any Class I milk product or Class II milk product (which any health authority having jurisdiction in any portion of the marketing area requires to be made from approved milk) is processed or packaged, all or part of which is disposed of in the marketing area.

§ 941.10 *Market administrator.* "Market administrator" means the agency which is described in § 941.20 for the administration of this subpart.

§ 941.11 *Delivery period.* "Delivery period" means the current marketing period from the first to the last day of each month, both inclusive.

§ 941.12 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines to have its entire activities under the control of its members, and to have and to be exercising full authority in the sale of milk of its members.

§ 941.13 *Frozen cream.* "Frozen cream" means cream which is held in an approved cold storage warehouse at an average temperature below zero degrees Fahrenheit for seven (7) consecutive days, as shown by charts of a recording thermometer.

§ 941.14 *Grade A milk.* "Grade A milk" means milk in fluid form labeled Grade A milk and milk from which milk in fluid form labeled Grade A may be obtained.

§ 941.15 *Grade B milk.* "Grade B milk" means milk other than Grade A milk.

§ 941.16 *Other source milk.* "Other source milk" means any milk or milk products (except those milk products covered by the Class III milk, Class III (a), or Class IV milk definitions which are not reused in another product) received by handlers from sources other than (a) producers, (b) pool plants of other handlers, or (c) plants where milk is priced under a marketing agreement or order issued pursuant to the act for any other milk marketing area.

MARKET ADMINISTRATOR

§ 941.20 *Selection, removal and bond.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

§ 941.21 *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

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

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

(b) Report to the Secretary complaints of violations of this subpart;

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

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

§ 941.23 *Duties.* The market administrator, in addition to the duties described in this subpart, shall:

(a) Keep such books and records as will clearly reflect the transactions provided for in this subpart;

(b) Submit his books and records to examination by the Secretary at any and all times;

(c) Furnish such information and such verified reports as the Secretary may request;

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

(e) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to § 941.30, or made payments required by §§ 941.80 through 941.84, 941.86, 941.87 and 941.88 (b);

(f) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this subpart as do not reveal confidential information;

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

(h) Pay, out of the funds received pursuant to § 941.86, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses, except those incurred under § 941.87, which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

§ 941.24 *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(a) Not later than the 5th day after the end of each delivery period, the prices for all classes of milk pursuant to § 941.52 and the differential pursuant to § 941.82.

(b) Not later than the 14th day after the end of each delivery period, the uniform prices computed pursuant to § 941.71.

REPORTS OF HANDLERS

§ 941.30 *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(a) On or before the 10th day after the end of each delivery period;

(1) The pounds and butterfat test of and the butterfat pounds in milk and milk products received from producers (including his own farm production), from other handlers, from plants under other Federal marketing agreements and orders, and as other source milk; and

(2) The utilization of all receipts of milk and milk products for the delivery period.

(b) On or before the 25th day after the end of each delivery period, his producer payroll, which shall show for each producer:

(1) The total delivery of milk with the average butterfat test thereof,

(2) The net amount of payment to such producer made pursuant to § 941.80 (b),

(3) Any deduction and charges made by the handler, and

(4) Such other information with respect thereto as the market administrator may request.

§ 941.31 *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk such handler claims classification, and by such investigation as the market administrator deems necessary. Each handler shall keep adequate records of receipts and utilization of milk and, during the usual hours of business, shall make available to the market administrator such records and facilities as will enable him to:

(a) Verify the receipts and disposition of all milk required to be reported pursuant to § 941.30 and, in case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(c) Verify the payments to producers and to associations of producers as prescribed in §§ 941.80 and 941.88 (b).

§ 941.32 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the 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 OF MILK

§ 941.40 *Basis of Classification.* All milk and milk products received by a handler (including his own farm production) shall be reported by the handler in the classes set forth in paragraph (b) of this section: *Provided,* That

(a) Any milk moved as milk or skim milk in fluid form from a regulated plant to a plant at which the handling of milk is subject to pricing and payment under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area shall be classified as Class I milk, and any milk so moved as cream in fluid form shall be classified as Class II milk. If satisfactory proof is furnished to the market administrator that such milk, skim milk, or cream was in excess of the total amount used in Class I milk or Class II milk, respectively (as defined in § 941.41), at the latter plant, such excess shall be classified according to its utilization. If this paragraph is applicable, then paragraphs (b), (c), (d) and (e) of this section do not apply.

(b) Any milk moved as milk or skim milk in fluid form from a regulated plant to any plant located outside the following area (hereinafter referred to as "surplus milk manufacturing area") shall be classified as Class I milk, any milk so moved as cream in fluid form, frozen cream, other cream frozen, plastic cream, powdered cream, or any cream product in fluid form, including any bulk condensed or evaporated milk product containing more than 12 percent butterfat, shall be classified as Class II milk, and any milk so moved as any other milk product containing butterfat shall be classified according to the form in which it leaves the plant of shipment: the State of Wisconsin; the counties of Stark, Marshall, Woodford, Livingston, Ford, Iroquois, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, De Kalb, Kane, Cook, Du Page, Whiteside, Lee, Rock Island, Henry, Bureau, Putnam, La Salle, Kendall, Grundy, Will, Kankakee, Peoria, McLean, Champaign, and Shelby, in the State of Illinois; the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion, Vigo, Sullivan, Lake, Newton, Porter, Jasper, La Porte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Kosciusko, Wabash, and Elkhart, in the State of Indiana: the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass and Berrien, in the State of Michigan, and the county of Van Wert in the State of Ohio.

(c) Any milk moved as milk, skim milk, or cream in fluid form from a regulated plant to the establishment of a commercial food or drug processor located within the surplus milk manufacturing area or to an unregulated milk plant so located, which milk plant manufactured during the delivery period butter, cheese, evaporated milk, condensed milk or skim milk, whole milk powder, nonfat dry milk solids, casein or ice cream powder shall be classified under § 941.41 according to its utilization at the latter plant or establishment, as shown by adequate daily records: *Provided,* That (1) If in such unregulated plant or establishment, such receipts from a regulated plant are commingled with its other receipts, the receipts of the regulated milk or skim milk shall be allocated, according to such daily records, to the available quantity of Class III (a) milk, Class III milk, Class IV milk, Class II milk, and Class I milk, in that sequence; and any such receipts of regulated cream shall be allocated to Class IV milk, Class III milk, Class III (a) milk, Class II milk, and Class I milk, in that sequence; and (2) If such unregulated plant or establishment does not make available to the market administrator adequate utilization records on a daily basis, but does make available to the market adminis-

trator adequate utilization records on a monthly basis, the milk or skim milk received from a regulated plant shall be allocated to the available quantity of Class I milk, Class II milk, Class III milk, Class III (a) milk and Class IV milk, in that sequence; and the cream received from a regulated plant shall be allocated to the available quantities of Class II milk, Class III milk, Class III (a) milk, Class IV milk, and Class I milk, in that sequence.

(d) Any milk moved as milk or skim milk in fluid form from a regulated plant to any unregulated plant located within the surplus milk manufacturing area which did not manufacture any of the products named in paragraph (c) of this section during the delivery period shall be classified as Class I milk, and any milk so moved as cream in fluid form shall be classified as Class II milk.

(e) Any milk moved from a regulated plant to a regulated plant of another handler shall be reported as Class I milk if moved as milk or skim milk in fluid form, and shall be reported as Class II milk if moved as cream in fluid form, unless utilization in another class is indicated in writing to the market administrator by both handlers on or before the 10th day after the end of the delivery period within which such transfer was made, but in no event shall the amount so reported in any class exceed the total used in such class by the receiving handler.

§ 941.41 *Classes of utilization.* Subject to the conditions set forth in §§ 941.40, 941.42, 941.43, 941.44, and 941.45, the classes of utilization of milk shall be as follows:

(a) Class I milk shall be all milk and milk products (1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, or flavored milk drink, (2) Disposed of in fluid or frozen form as concentrated milk, flavored milk, or flavored milk drinks, not sterilized and not otherwise specified under paragraph (c) of this section, and (3) Not accounted for (i) under subparagraphs (1) and (2) of this paragraph, and (ii) as Class II milk, Class III milk, Class III (a) milk, and Class IV milk, except that this definition shall not include milk disposed of in bulk as any product mentioned in subparagraphs (1) or (2) of this paragraph to bakeries, soup companies, and candy manufacturing establishments in their capacity as such.

(b) Class II milk shall be all milk and milk products the butterfat from which is contained in sweet or sour cream, any cream product in fluid form having more than 6 percent butterfat, butter cream, filled cream, frozen cream, plastic cream, powdered cream, eggnog, yogurt, ice cream, ice cream mix (liquid or powder), cottage cheese, and any other milk product of composition and texture similar to any of the products named in this paragraph, except that this definition shall not include butterfat:

(1) In cream or cream products in fluid form, powdered cream, filled cream, and cottage cheese disposed of in bulk to bakeries, soup companies, and candy manufacturing establishments in their capacity as such; and

(2) Derived from Grade B milk and used in frozen cream, plastic cream, ice cream, and ice cream mix (liquid or powder) if such use is not in violation of the applicable health requirements.

(c) Class III milk shall be all milk and milk products the butterfat from which is contained in:

(1) Condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors, sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, and nonfat dry milk solids (the products specified in this subparagraph are referred to hereinafter as Class III (a) milk):

(2) Any other product not included in Class I milk, Class II milk, or Class IV milk;

(3) Products disposed of in bulk to bakeries, soup companies and candy manufacturing establishments pursuant to the exceptions in paragraphs (a) and (b) (1) of this section; and

(4) Frozen cream, plastic cream, ice cream, and ice cream mix (liquid or powder) referred to in the exception in paragraph (b) (2) of this section.

(d) Class IV milk shall be all milk and milk products the butterfat from which is:

(1) Contained in butter, cheese (except cottage cheese), inventory variations, and products lost in transit by a handler; and

(2) Actual shrinkage, but in an amount not to exceed one-half percent of the total pounds of butterfat received directly from producers plus 1½ percent of the total pounds of butterfat in bulk milk, skim milk, and cream in fluid form received at a regulated plant from all sources which were not disposed of in bulk to a regulated plant of another handler: *Provided,* That such shrinkage shall be allowed in this class only if records of utilization satisfactory to the market administrator are available.

§ 941.42 *Responsibility of handlers.* In establishing classification the responsibility of handlers shall be as follows: Any milk received from producers shall be classified as Class I milk unless the handler who receives such milk directly from producers proves to the satisfaction of the market administrator that such milk should be classified in another class without regard to whether such milk has been used or disposed of (whether in original or other form) by such handler(s), or by any unregulated plant(s).

§ 941.43 *Correction of classification and reclassification.* (a) The classification of any milk or milk product shall be corrected by the market administrator if upon his audit it is found that such classification was reported incorrectly or incompletely by the handler.

(b) Any milk or milk product reported by a handler as having been used or disposed of in any class which is found by the market administrator to have been reused or redisposed of (whether in original or other form) in a different class by such handler, by any other handler, or by the first unregulated plant or establishment located within the surplus milk manufacturing area where used in processing milk, milk products, other food products or drugs shall be reclassified by the market administrator in accordance with such latter use or disposition: *Provided,* That any classification made pursuant to § 941.40 (a), (b), (c) or (d) shall not be subject to reclassification.

(c) If, in the application of paragraph (a) or (b) of this section, the ultimate use or disposition of the affected milk or milk product was at a plant or establishment receiving milk or milk products from more than one handler, the market administrator may assign the change, or correction, in classification to the major supplying handler(s), but not to an extent greater than the amount received from such supplying handler(s).

(d) If the application of paragraph (a), (b), or (c) of this section discloses a higher classification than that reported pursuant to § 941.30 (a) with respect to milk or milk products received by a handler from a cooperative association, the market administrator shall notify the receiving handler of such change and of the amount of money involved and such handler within five days thereafter shall pay such amount to the cooperative association.

§ 941.44 *Computation of milk in each class.* For each delivery period, each handler, with respect to all milk and milk products received by him (including his own farm production), shall compute, in the manner and on forms prescribed by the market administrator, the amounts in each class, as follows:

(a) Determine the total pounds of milk and milk products received from producers (including such handler's own farm production), from other handlers, from plants under other Federal marketing agreements or orders, and as other source milk, and add together the resulting amounts;

(b) Determine the total pounds of butterfat received as follows: Multiply by their respective average butterfat tests the weights of milk and milk products received from producers (including such handler's own farm production), from other handlers, from plants under other Federal marketing agreements or orders, and as other source milk, and add together the resulting amounts;

(c) Determine the total pounds of Class I milk as follows:

(1) Convert to pounds on the basis of 2.15 pounds per quart (in case of nonconcentrated flavored milk and flavored milk drinks 2 pounds per quart) the volume disposed of in each of the several items of Class I milk, except in the case of converting milk, flavored milk or flavored milk drinks in concentrated form such conversion shall apply to the volume of milk used in the production of the concentrated product rather than to the volume of finished product.

(2) Multiply each of the resulting amounts by its average butterfat test (in the case of flavored milk and flavored milk drinks the test to be used shall be the average fat test of the finished product if the handler's production records do not show the amount of butterfat

contained therein); and add the results so obtained.

(3) If the total pounds of butterfat so computed when added to the sum of the pounds of butterfat computed pursuant to paragraphs (d) (2), (e) (2), and (f) (7) of this section are less than the total pounds of butterfat computed pursuant to paragraph (b) of this section, divide the difference by .035; and

(4) Add together the results obtained pursuant to subparagraphs (1) and (3) of this paragraph;

(d) Determine the total pounds of Class II milk as follows:

(1) Multiply the actual weight of each of the several items of Class II milk by its average butterfat test;

(2) Add together the resulting amounts; and

(3) Divide the result obtained in subparagraph (2) of this paragraph by .035;

(e) Determine the total pounds of Class III milk (with Class III (a) milk items computed separately) as follows:

(1) Multiply the actual weight of each of the several items of Class III milk by its average butterfat test;

(2) Add together the resulting amounts; and

(3) Divide the result obtained in subparagraph (2) of this paragraph by .035;

(f) Determine the total pounds in Class IV milk as follows:

(1) Multiply the actual weight of each of the several items of Class IV milk (other than inventory variation) by its average butterfat test;

(2) Determine the difference in pounds of butterfat contained in inventories at the beginning and end of the delivery period;

(3) Add together the pounds of butterfat obtained in subparagraph (1) and (2) of this paragraph;

(4) Add to the total pounds of butterfat computed pursuant to paragraphs (c) (2), (d) (2), and (e) (2) of this section to the total pounds of butterfat computed pursuant to subparagraph (3) of this paragraph;

(5) Subtract the total pounds of butterfat computed pursuant to subparagraph (4) of this paragraph from the total pounds of butterfat computed pursuant to paragraph (b) of this section, and the difference is the pounds of butterfat in actual shrinkage unless such difference is a minus quantity, in which case the butterfat shrinkage is zero for purposes of all computations required by this section;

(6) Determine the maximum number of pounds of butterfat shrinkage in Class IV milk by multiplying by 1½ percent the pounds of butterfat in bulk milk, skim milk, or cream in fluid form received at a regulated plant from all sources which were not disposed of in bulk to other handlers, and adding such amount to the result obtained by multiplying by ½ percent the pounds of butterfat received directly from producers: *Provided*, That the pounds determined pursuant to this subparagraph shall be zero if records of utilization satisfactory to the market administrator are not available;

(7) Add to the amount computed pursuant to subparagraph (3) of this paragraph the smaller of the amount determined pursuant to subparagraphs (5) and (6) of this paragraph;

(8) Divide the pounds of butterfat obtained in subparagraph (7) of this paragraph by .035; and

(g) Determine the pounds of overrun as follows: In the event the pounds of butterfat computed pursuant to paragraph (f) (4) of this section are greater than the pounds of butterfat computed pursuant to paragraph (b) of this section, subtract the smaller amount from the larger amount and divide the result by .035.

§ 941.45 *Allocation of classified milk.* The pounds remaining in each class after making the following computations shall be the pounds of producer milk in such class:

(a) Subtract pro rata from the pounds in each class, the pounds of milk received from the handler's own farm production;

(b) Subtract from the remaining pounds in each class, the pounds of milk and milk products received from other handlers and assigned to such class (§ 941.40 (e));

(c) Subtract from the remaining pounds in each class, the pounds of milk equivalent of frozen cream or any other product (not including inventory variation) that has been classified in an earlier delivery period and used in such class in the current delivery period;

(d) Subtract from the remaining pounds in each class, the pounds of milk and milk products received from a handler or plant under another Federal milk marketing agreement or order on the basis of classification which is comparable to the class of utilization of such milk or milk product under the marketing agreement or order covering the transferor handler or plant;

(e) Subtract, in the case of other source milk received in the form of a product named in Class III milk, Class III (a) milk or Class IV milk, the pounds of such other source milk used as Class I milk and Class II milk, respectively, from the remaining pounds in the class of use;

(f) Subtract for the delivery periods of December through July, inclusive, from the remaining pounds in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk not deducted pursuant to paragraph (e) of this section;

(g) Subtract for the delivery periods of August through November, inclusive, pro rata from the remaining pounds in Classes II, III, III (a) and IV (except the pounds in inventory variation and shrinkage) the pounds of other source milk received in products other than milk in fluid form and those items deducted pursuant to paragraph (e) of this section;

(h) Subtract, for the delivery periods of August through November, inclusive, pro rata from the remaining pounds in each class (except the pounds in inventory variation and shrinkage) the pounds of other source milk received as milk in fluid form;

(i) Subtract from the remaining pounds in each class in series beginning with the lowest-priced class, the pounds of overrun;

(j) If deductions have been made pursuant to paragraphs (e), (f), (g) or (h) of this section, and the remaining amount of Class I milk plus the 18 percent cream equivalent of butterfat remaining in the pounds in Class II, III, III (a), and IV milk are greater than the amount of milk received from producers, deduct the difference from the remaining amount of Class I milk; and

(k) In the event the total pounds remaining in the several classes is greater, or less, than the pounds of milk received from producers (excluding the handler's own farm production) reconciliation shall be effected by respectively deducting such differences from, or adding such differences to, the class to which the lowest announced price is applicable.

MINIMUM PRICES

§ 941.50 *Basic formula price.* The basic formula price to be used in computing the prices for Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III milk and Class IV milk as computed by the market administrator pursuant to paragraphs (c) and (d) of § 941.52 for the delivery period next preceding.

§ 941.51 *Supply and demand ratio.* On or before the last day of each delivery period the market administrator shall make the following computations based upon information obtained from handler's reported receipts and utilization:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (1) The amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (2) The amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(d) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 6-months' period appearing in the following schedule:

6-months included in supply-demand ratio computation	Percent	Delivery period subject to adjustment
January through June	62	August.
February through July	62	September.
March through August	64	October.
April through September	67	November.
May through October	71	December.
June through November	76	January.
July through December	81	February.
August through January	79	March.
September through February	76	April.
October through March	72	May.
November through April	68	June.
December through May	64	July.

(e) In making the computation specified in paragraphs (a) and (b) of this section, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for delivery periods prior to the effective date of this section.

§ 941.52 *Class prices.* Subject to the appropriate location adjustment credits, as set forth in § 941.53, each handler, at the time and in the manner set forth in § 941.80, shall pay per hundredweight of milk received during each delivery period from producers or from cooperative associations, not less than the prices set forth below in this section:

(a) *Class I milk.* (1) The price for Grade A Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.50; July, August, September, October, and November, $0.90; all others, $0.70: *Provided,* That for each percent that the current supply-demand ratio is greater or less than the applicable percentage contained in the schedule in § 941.51 (d), the Class I price differential shall be increased or decreased, respectively, by the following amounts for the delivery periods indicated: May and June, $0.02; July, August, September, October, and November, $0.04; all others, $0.03: *And provided further,* That any adjustment made pursuant to the above proviso in this subparagraph shall be limited to $0.16 for the delivery periods of May and June; $0.30 for the delivery periods of July through November; and $0.24 for all other delivery periods; but in no event shall the Class I price differential computed pursuant to this subparagraph be less than $0.50.

(2) The price for Grade B Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the price for Grade A Class I milk less $0.10.

(3) Grade A or Grade B Class I milk moved in bulk to any place outside the surplus milk manufacturing area during any of the delivery periods of September, October or November shall be classified separately and its price shall be $0.70 higher than the prices otherwise computed pursuant to subparagraphs (1) and (2), respectively, of this paragraph.

(b) *Class II milk.* (1) The price for Grade A Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.30; July, August, September, October and November, $0.50; all others, $0.40: *Provided,* That such amount for the delivery period shall be adjusted by the amount of any adjustment made in the Class I price differential pursuant to the first proviso of paragraph (a) (1), but in no event shall the Class II price differential computed pursuant to this subparagraph be less than $0.40 for the delivery periods of July through November or less than $0.30 for all other delivery periods.

(2) The price for Grade B Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the price for Grade A Class II milk less $0.10.

(3) Grade A or Grade B Class II milk moved in bulk to any place outside the surplus milk manufacturing area during any of the delivery periods of September, October or November shall be classified separately and its price shall be $0.70 higher than the price otherwise computed pursuant to subparagraphs (1) and (2), respectively, of this paragraph.

(c) *Class III milk.* The price per hundredweight for Class III milk shall be the highest of the prices resulting from the respective formulas set forth in subparagraphs (1) and (2) of this paragraph and in paragraph (d) of this section: *Provided,* That the price resulting from the formula set forth in subparagraph (1) of this paragraph shall apply at all times to Class III (a) milk.

(1) The average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator.

Companies and Location

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

(2) The price per hundredweight computed from the following formula:

(i) Multiply the simple average as computed by the market administrator, of the daily average 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 United States Department of Agriculture during the delivery period, by 6;

(ii) Add 2.4 times the simple average, as published by the United States Department of Agriculture, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(iii) Divide by 7;

(iv) Add 30 percent thereof; and

(v) Multiply by 3.5.

(d) *Class IV Milk.* The price per hundredweight for Class IV milk shall be that computed from the following formula:

(1) Multiply by 4.24 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 AA (93-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture, during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

§ 941.53 *Location adjustment credits to handlers.* (a) The location adjustment credit with respect to that portion of milk received directly from producers at a pool plant (1) Which is moved as milk or skim milk in fluid form from such pool plant to a regulated plant which is located less than 70 miles from the City Hall in Chicago, or (2) which is classified as Class I milk but did not move in the manner described in subparagraph (1) of this paragraph or in paragraph (b) (1) of this section, shall be 2 cents per hundredweight for each 15 miles or fraction thereof that such plant shipping is located more than 70 miles from the City Hall in Chicago, but not to exceed a total credit of 42 cents per hundredweight: *Provided,* That there shall be no location adjustment credit with respect to Class I milk pursuant to § 941.41 (a) (3).

(b) The location adjustment credit with respect to that portion of milk received directly from producers at a pool plant (1) Which is moved as cream in fluid form from such pool plant to a regulated plant engaged in the processing of any Class I milk or Class II milk product which is located less than 70 miles from the City Hall in Chicago, or (2) Which is classified as Class II milk but did not move in the manner described in paragraph (a) (1) of this section or in subparagraph (1) of this paragraph, shall be ascertained by dividing the pounds of butterfat contained therein by 0.36 and applying to the result the applicable rate per hundredweight specified in the following table:

Distance from the pool plant to the City Hall in Chicago:	*Cents per hundredweight*
0 to 70 miles (zone 1)	0
70.1 to 85 miles (zone 2)	5
85.1 to 115 miles (zones 3 and 4)	10
115.1 to 160 miles (zones 5, 6, and 7)	20
160.1 to 220 miles (zones 8, 9, 10, and 11)	30
220.1 to 250 miles (zones 12 and 13)	35
250.1 to 310 miles (zones 14, 15, 16, and 17)	40
310.1 and over (zones 18 and over)	50

(c) The burden rests upon the handler who receives the milk from pro-

ducers to prove to the market administrator that the conditions required for the receiving of location adjustment credits have been fulfilled.

APPLICATION OF PROVISIONS

§ 941.60 *Handlers who are also producers.* No provision of this subject shall apply to a handler whose sole sources of supply are receipts from his own production and from other handlers, except that such handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 941.61 *Payment for other source milk.* In the event a handler uses other source milk for purposes which violate the requirements of an applicable health authority in the marketing area or other source milk originating from a plant under suspension pursuant to § 941.67, and such other source milk is allocated to Class I milk or Class II milk pursuant to § 941.45 (e), (f), (g), or (h) the market administrator is computing the net pool obligation for such handler pursuant to § 971.70 shall add an amount determined by multiplying the pounds of other source milk so allocated to Class I milk or Class II milk by the difference between the value at the appropriate class price and the value at the lowest announced price per hundredweight applicable for the delivery period.

§ 941.62 *Payment for overrun.* The market administrator, in computing the net pool obligation for each handler pursuant to § 941.70 shall add an amount determined by multiplying the pounds of overrun pursuant to § 941.44 (g) by the appropriate price pursuant to its allocation in § 941.45 (i): *Provided,* That if the handler did not receive milk directly from producers, an amount obtained by multiplying the quantity of overrun by the lowest announced price per hundredweight shall be subtracted from the amount obtained above in this section.

§ 941.63 *Butterfat in skim milk.* A handler may claim, for classification purposes pursuant to §§ 941.40 through 941.45 butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to § 941.30 (a) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided,* That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

§ 941.64 *Separate classification of Grade A milk and Grade B milk.* (a) Subject to paragraphs (b) and (c) of this section, Grade A milk and Grade B milk shall be separately classified.

(b) All milk received from producers at a plant from which any Grade A milk is disposed of shall be deemed to be Grade A milk unless such milk is identified and handled in accordance with the conditions set forth in paragraph (c) of this section.

(c) In the case of milk received from producers at a plant which a health authority having jurisdiction in any portion of the marketing area has approved for receiving, processing, and distributing both Grade A milk and Grade B milk and the Grade A milk is received from producers specifically designated by such health authority as qualified to produce such milk, the market administrator shall determine the classification of Grade A milk and Grade B milk, respectively, in the following manner:

(1) If the handler operating such a plant maintains adequate accounts and records of quantities of each grade of milk and practices complete segregation of Grade A milk and Grade B milk receipts, the market administrator, in applying §§ 941.40 through 941.45, shall determine separate classification for Grade A milk and Grade B milk in such plant.

(2) In the event adequate records are not maintained or complete segregation is not practiced, the receipts of Grade A milk shall be allocated to the available quantity of Class I milk, Class II milk, Class III milk, Class III (a), and Class IV milk, in that sequence.

§ 941.65 *Determination of Mileages.* All mileages relating to location adjustment credits to handlers pursuant to § 941.53, location adjustments to producers pursuant to § 941.81, and payment for milk pursuant to § 941.80, shall be computed by the market administrator by rail or highway distance, whichever is shorter: *Provided,* That the rail distance shall be the sum of the following:

(a) The highway distance between the handler's plant and the railroad loading point (but not to exceed 25 miles);

(b) The rail distance by the most direct single rail line between the loading point and the rail terminal in Chicago; and

(c) The highway distance between the appropriate rail terminal and the City Hall in Chicago.

Mileage shall be subject to redetermination at all times and in the event a handler requests a redetermination of the mileage pertaining to any plant, the market administrator shall notify the handler of his findings within 30 days after receipt of such request.

Any financial obligations resulting from a change in mileage shall not be retroactive for any period prior to the redetermination announced by the market administrator.

§ 941.66 *Pool plant.* "Pool plant" means any plant which receives milk from dairy farmers and which:

(a) Processes and packages any Class I milk product specified in § 941.41 (a) (1), all or a part of which is disposed of in the marketing area for consumption in fluid form, or;

(b) Is approved by the Board of Health for receiving milk which may be disposed of as Class I milk or Class II milk in Chicago, Illinois, and which is not the type of plant described in paragraph (a) of this section and is not under suspension as a pool plant pursuant to § 941.67; or

(c) Is not approved by the Board of Health of Chicago, Illinois, and which ships during the delivery period at least 50 percent of the butterfat received from dairy farmers as milk or cream in fluid form to a plant(s) described in paragraph (a) of this section. Any plant which fulfills this requirement for each of the months of September, October and November of the same year shall be a pool plant until September 1 of the following year: *Provided,* That the milk received at the plant continues to be qualified under the applicable health requirements as a source of milk for the plants supplied by it during said months: *Provided further,* That the plant operator does not notify the market administrator that the plant should be withdrawn from the pool; in the event such notification is given, the plant will no longer be a pool plant, starting with the beginning of the delivery period following receipt of the notification by the market administrator, except during delivery period(s) in which the condition set forth in the first sentence of this paragraph is fulfilled: *And provided further,* That any plant which shipped, as verified by the market administrator, at least 50 percent of the butterfat received from dairy farmers during September, October and November 1950 as milk or cream in fluid form to a plant(s) where the handling of milk was regulated pursuant to Federal order 41 or 69 (regulating the handling of milk in the Chicago, Illinois, and Suburban Chicago, Illinois, marketing areas) shall be a pool plant from the effective date of this order until September 1, 1951, if the plant operator notifies the market administrator in writing of his desire to have such status.

§ 941.67 *Suspension of pool plants.* (a) Any plant described in § 941.66 (b) shall be suspended automatically as a pool plant, such suspension to be effective during each of the delivery periods of February through July inclusive of the next succeeding year, unless:

(1) At least 50 percent of the butterfat in milk received from dairy farmers at such plant during each of the delivery periods of September, October and November is (i) Shipped as milk or cream in fluid form to a plant(s) which processes and packages Class I milk or Class II milk, all or part of which is disposed of in the marketing area, or (ii) Disposed of from such plant as Class I milk or Class II milk within the surplus milk manufacturing area other than to a regulated plant; or

(2) Such plant gives notice to the market administrator in writing not later than the 10th day of the delivery period in each of the delivery periods of September, October, and November that it is able and willing to ship as milk or cream in fluid form to any plant(s) which processes and packages Class I milk or Class II milk all or part of which is disposed of in the marketing area, at

prices and terms therein stated, a specified amount of milk or cream in fluid form during the remaining portion of the delivery period covered by said notice, which together with such amount as it has disposed of as Class I milk or Class II milk within the surplus milk manufacturing area (including shipments to any such plant(s) in said delivery period), shall be not less than 50 percent of the butterfat received by it from dairy farmers during the preceding delivery period. Upon receipt of said notice, the market administrator shall forthwith make the offer and terms thereof public by transmitting the same to all handlers.

(b) The market administrator shall maintain at his office a list of plants (including plant location and name of operator) suspended pursuant to this section which shall be made available to any interested person upon request.

(c) Any milk or milk product received at a regulated plant from a plant during any period of suspension pursuant to this section shall be other source milk.

§ 941.68 *Milk under more than one Federal order.* (a) Milk or any milk product disposed of within the Chicago, Illinois, marketing area (other than to a regulated plant) as any item of Class I milk or Class II milk from a plant receiving milk subject to the class price provisions of a marketing agreement or order issued pursuant to the act for another marketing area shall not be subject to the class price provisions or to §§ 941.80 through 941.88, except that if the price per hundredweight for the class of utilization under the other subpart is less than the price per hundredweight of the applicable class of utilization under this order with respect to such item(s) (each price to be adjusted to 3.5 percent butterfat content and by any applicable location differential), an amount of money representing the difference in such prices multiplied by the quantity (in the case of Class II milk items the 3.5 percent milk equivalent of butterfat) so disposed of within the Chicago, Illinois, marketing area shall be paid to the market administrator by the handler operating such plant on or before the 16th day after the delivery period for deposit in the producer settlement fund (§ 941.83).

(b) Milk received from producers at a pool plant shall be exempt from the class price provisions and §§ 941.80 through 941.88 if (1) The Secretary determines that the quantity of Class I milk, as defined in § 941.41 (a), disposed of from such plant to any outlet(s), other than a milk processing or milk distributing plant, in a marketing area defined in a marketing agreement or order issued pursuant to the act for another marketing area is greater than the quantity of Class I milk disposed of from such plant within the Chicago, Illinois, marketing area, and (2) the milk at such plant would be subject to the class price and payment provisions of the other marketing agreement or order upon being made exempt from this subpart.

DETERMINATION OF UNIFORM PRICE

§ 941.70 *Net pool obligation(s) of handlers.* On or before the 14th day of each delivery period the market administrator shall examine for mathematical correctness and obvious errors the report of receipts and utilization submitted by each handler for the preceding delivery period and shall make such corrections as such examination shall indicate to be appropriate. A separate net pool obligation for Grade A milk and Grade B milk received from producers shall be computed for each handler (based upon his reports as corrected), as follows:

(a) Multiply the producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amount of any payments required to be made pursuant to §§ 941.61 and 941.62;

(c) Subtract all location adjustment credits computed pursuant to § 941.53; and

(d) Subtract 6 cents per hundredweight on all milk received from producers at a regulated plant located within the marketing area.

§ 941.71 *Computation of uniform prices.* The market administrator shall compute separate uniform prices per hundredweight of Grade A milk and Grade B milk for each delivery period. Each computation shall be made in the following manner:

(a) Combine into one total the net pool obligation of all handlers computed pursuant to § 941.70;

(b) Add the aggregate of all allowable location adjustments computed pursuant to § 941.81;

(c) Add an amount representing the unobligated cash balance in the applicable producer-settlement fund on hand at the close of business on the last day of the delivery period;

(d) Divide the result by the total hundredweight of producer milk of all handlers whose net pool obligations are included pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents as a producer-settlement fund reserve. The result shall be the uniform price per hundredweight (for the grade of milk involved) of milk containing 3.5 percent of butterfat received from producers at pool plants located more than 55 miles but not more than 70 miles from the City Hall in Chicago, Illinois.

PAYMENTS

§ 941.80 *Time and method of payment for producer milk.* (a) On or before the 15th day after the end of each delivery period each handler shall pay to each cooperative association which is also a handler for milk received from it during the delivery period not less than the total value of such milk computed by multiplying the pounds of such milk in each class by the applicable class price subject to the location adjustment credit pursuant to § 941.53 and to a butterfat differential computed as in § 941.82, plus 4 cents per hundredweight if the milk was received from producers at a pool plant located within the marketing area and 2 cents if received at a pool plant located outside the marketing area and not more than 55 miles from the City Hall in Chicago.

(b) On or before the 18th day after the end of each delivery period each handler shall pay to each producer per hundredweight of milk received from him during such delivery period not less than the uniform price, subject to the location adjustment and butterfat differential provided by §§ 941.81 and 941.82: *Provided,* That if the milk was received from such producer at a pool plant located within the marketing area, an additional payment of 10 cents per hundredweight of such milk shall be made, and if the milk was received from such producer at a pool plant located outside the marketing area but not more than 55 miles from the City Hall in Chicago, an additional payment of 2 cents per hundredweight of such milk shall be made.

§ 941.81 *Location adjustments to producers.* In making payments to producers pursuant to § 941.80 (b), each handler shall deduct per hundredweight of milk received from producers at a pool plant located more than 70 miles from the City Hall in Chicago, 2 cents for each 15 miles, or fraction thereof, greater than 70 miles.

§ 941.82 *Butterfat differential on producer milk.* For each one-tenth of 1 percent above or below 3.5 percent in average butterfat content of milk delivered by any producer during any delivery period, the uniform price paid to such producer shall be plus or minus, as the case may be, an amount computed as follows: 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 United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest one-tenth cent.

§ 941.83 *Producer-settlement funds.* The market administrator shall establish and maintain separate funds known as "Producer-Settlement Funds" for Grade A milk and Grade B milk, respectively, into which he shall deposit all payments made by handlers pursuant to § 941.84 (including any adjustments thereto pursuant to § 941.88 (b) (1) and § 941.68; and out of which he shall make all payments to handlers pursuant to § 941.85 (including any adjustments thereto pursuant to § 941.88 (b) (2)). Immediately after computing the uniform prices for each delivery period, the market administrator shall compute the amount(s) by which each handler's net pool obligation(s) is greater or less than the sum obtained by multiplying such handler's producer milk by the applicable uniform price for Grade A milk or Grade B milk, subject to the location adjustment pursuant to § 941.81, and shall enter such amount(s) on such handler's account(s) as a pool debit or pool credit, as the case may be, and shall render such handler a transcript of his account(s).

§ 941.84 *Payments to the producer-settlement funds.* On or before the 16th day after the end of each delivery pe-

riod, each handler shall make full payment to the market administrator for deposit in the appropriate producer-settlement fund of any pool debit balance(s) shown on the account(s) rendered, pursuant to § 941.83, for such delivery period.

§ 941.85 *Payments out of the producer-settlement funds.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler from the appropriate producer-settlement fund the pool credit balance(s) shown on the account(s) rendered, pursuant to § 941.83, for such delivery period, less any unpaid obligations of the handler, pursuant to §§ 941.84, 941.86, 941.87 (a), and 941.88 (b) (1). If at such time the balance(s) in the appropriate producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler, who, on the 18th day of the month, has not received such payments in full from the market administrator shall not be deemed to be in violation of § 941.80 (b), if he reduces his total payments for milk delivered by producers during the preceding delivery period by not more than the reduction in payment from the producer-settlement fund; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to § 941.80 (b) next following that on which such balance of payment was received from the market administrator.

§ 941.86 *Expense of administration.* As his prorata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 18th day after the end of each delivery period, an amount not exceeding 2 cents per hundredweight as the Secretary may prescribe, with respect to all milk received by him during such delivery period from producers, from his own farm production, and as other source milk allocated to Class I milk and Class II milk pursuant to § 941.45 (f), (g) and (h): *Provided,* That each handler which is a cooperative association shall pay such prorata share of expense of administration only on that milk of producers actually received at a pool plant of such cooperative association or caused to be delivered by such cooperative association to an unregulated plant.

§ 941.87 *Marketing services.* (a) In making payments to producers pursuant to § 941.80 (b), each handler, with respect to all milk received from each producer during each delivery period, at a plant not operated by a cooperative association of which such producer is a member, shall, except as set forth in paragraph (b) of this section, deduct an amount not exceeding 3 cents per hundredweight as the Secretary may prescribe, and shall, on or before the 18th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to, the milk received from such producers.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and for whom a cooperative association is actually performing 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 payments made pursuant to § 941.80 (b) as may be authorized by such producers, and pay over on or before the 18th day after the end of each delivery period such deductions to the associations rendering such service of which such producers are members.

§ 941.88 *Adjustment of accounts.* (a) Whenever audit by the market administrator of any handler's reports, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due.

(b) Payments resulting from adjustments pursuant to paragraph (a) of this section shall be made on or before the next date for making payments to producers following notification by the market administrator or within 5 days following notification by the market administrator if payment is due (1) the market administrator from a handler, (2) a handler from the market administrator, or (3) any cooperative association which is a handler from another handler.

§ 941.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted prior to August 1, 1949, under section 9c (15) (A) of the act or before a court.

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

(1) The amount of the obligation;

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

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

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the 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 OF ORDER

§ 941.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 941.91.

§ 941.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds that this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 941.92 *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty

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

(a) The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until removed by the Secretary;

(2) From time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person, as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

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

MISCELLANEOUS PROVISIONS

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

Issued at Washington, D. C., this 27th day of June 1951, to be effective on and after the 1st day of July, 1951.

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

[F. R. Doc. 51-7502; Filed, June 29, 1951; 8:49 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

[Lemon Reg. 389]

LIMITATION OF SHIPMENTS

§ 953.496 *Lemon Regulation 389*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the state of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 27, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

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

(i) District 1: Unlimited movement;

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

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

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

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

Done at Washington, D. C., this 28th day of June 1951.

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

PRORATE BASE SCHEDULE

[Storage Date: June 24, 1951]

DISTRICT NO. 2

[12:01 a. m. July 1, 1951, to 12:01 a. m. July 15, 1951]

Handler	*Prorate base (percent)*
Total	100.000
American Fruit Growers, Inc., Corona	.413
American Fruit Growers, Inc., Fullerton	.983
American Fruit Growers, Inc., Upland	.363
Eadington Fruit Co	.614
Hazeltine Packing Co	.286
Ventura Coastal Lemon Co	1.041
Ventura Pacific Co	1.970
Glendora Lemon Growers Association	1.740
La Verne Lemon Association	.755
La Habra Citrus Association	2.127
Yorba Linda Citrus Association, The	1.233
Escondido Lemon Association	3.351
Alta Loma Heights Citrus Association	.514
Etiwanda Citrus Fruit Association	.335
Mountain View Fruit Association	.338
Old Baldy Citrus Association	.864
San Dimas Lemon Association	1.608
Upland Lemon Growers Association	5.049
Central Lemon Association	1.327
Irvine Citrus Association, The	1.141
Placentia Mutual Orange Association	.906
Corona Citrus Association	.510
Corona Foothill Lemon Co	2.374
Jameson Co	1.200
Arlington Heights Citrus Co	1.058
College Heights Orange & Lemon Association	2.685
Chula Vista Citrus Association, The	1.010
El Cajon Valley Citrus Association	.093
Escondido Co-operative Citrus Association	.262
Fallbrook Citrus Association	1.890
Lemon Grove Citrus Association	.500
Carpinteria Lemon Association	1.878
Carpinteria Mutual Citrus Association	2.276
Goleta Lemon Association	3.944
Johnston Fruit Co	4.949
North Whittier Heights Citrus Association	.959
San Fernando Heights Lemon Association	.564
Sierra Madre-Lamanda Citrus Association	1.027
Briggs Lemon Association	2.530
Culbertson Lemon Association	2.017
Fillmore Lemon Association	1.588
Oxnard Citrus Association	5.100
Rancho Sespe	1.183
Santa Clara Lemon Association	3.615
Santa Paula Citrus Fruit Association	4.692
Saticoy Lemon Association	2.788
Seaboard Lemon Association	3.972

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Somis Lemon Association	2.642
Ventura Citrus Association	.915
Ventura County Citrus Association	.018
Limoneira Co	2.729
Tague-McKevett Association	.994
East Whittier Citrus Association	1.014
Leffingwell Rancho Lemon Association	.976
Murphy Ranch Co	2.040
Chula Vista Lemon Association	.514
Index Mutual Association	.712
La Verne Cooperative Citrus Association	2.349
Orange Belt Fruit Distributors	.856
Ventura Company Orange & Lemon Association	2.281
Whittier Mutual Orange & Lemon Association	.129
Ayoob, Fred	.001
Cappos Bros. Produce	.000
Evans Bros. Packing Co	.002
Johnson, Fred	.000
Latimer, Harold	.026
MacDonald Fruit Co	.002
Paramount Citrus Association, Inc	.177
San Antonio Orchard Co	.000
Uyeji, Kikuo	.001

[F. R. Doc. 51-7524; Filed, June 29, 1951; 9:00 a. m.]

[Orange Reg. 378]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.524 *Orange Regulation 378*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on June 28, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

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

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

(b) Prorate District No. 2: 950 carloads;

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

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

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

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

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

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

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

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

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

Done at Washington, D. C., this 29th day of June 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. (P. d. s. t.) July 1, 1951, to 12:01 a. m. (P. d. s. t.) July 8, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0796
A. F. G. Corona	.0431
A. F. G. Fullerton	.8966
A. F. G. Orange	.4293
A. F. G. Riverside	.1302
A. F. G. San Juan Capistrano	.6251
A. F. G. Santa Paula	.5064
Eadington Fruit Co., Inc	5.5651
Hazeltine Packing Co	.3571
Krinard Packing Co	.2083
Placenti Cooperative Orange Association	.5073
Placentia Pioneer Valencia Growers Association	.5977
Signal Fruit Association	.1002
Azusa Citrus Association	.5093
Covina Citrus Association	1.0746
Covina Orange Growers Association	.5318
Damerel-Allison Association	.7189
Glendora Citrus Association	.4318
Glendora Mutual Orange Association	.3797
Valencia Heights Orchard Association	.4268
Gold Buckle Association	.4537
La Verne Orange Association	.7013
Anaheim Valencia Orange Association	1.2921
Fullerton Mutual Orange Association	3.0058
La Harbra Citrus Association	1.1325
Yorba Linda Citrus Association, The	1.1103
Escondido Orange Association	2.3376
Alta Loma Heights Citrus Association	.0600
Citrus Fruit Growers	.1403
Etiwanda Citrus Fruit Association	.0320
Old Baldy Citrus Association	.1096
Rialto Heights Orange Growers	.0562
Upland Citrus Association	.3612
Upland Heights Orange Association	.1053
Consolidated Orange Growers	1.8265
Frances Citrus Association	1.1434
Garden Grove Citrus Association	1.7699
Goldenwest Citrus Association	1.7268
Irvine Valencia Growers	3.3700
Olive Heights Citrus Association	2.4695
Santa Ana-Tustin Mutual Citrus Association	.9191
Santiago Orange Growers Association	3.7276
Tustin Hills Citrus Association	1.9470
Villa Park Orchards Association	2.0525
Bradford Bros., Inc	.9063
Placentia Mutual Orange Association	3.7198
Placentia Orange Growers Association	3.2481
Yorba Orange Growers Association	.8319
Call Ranch	.0695
Corona Citrus Association	.3704
Jameson Co	.1308
Orange Heights Orange Association	.5296
Crafton Orange Growers Association	.2646
East Highlands Citrus Association	.0604
Redlands Heights Groves	.1973
Redlands Orangedale Association	.1644
Rialto-Fontana Citrus Association	.1023
Break & Son, Allen	.0460
Bryn Mawr Fruit Growers Association	.1052
Mission Citrus Association	.1471
Redlands Cooperative Fruit Association	.2609
Redlands Orange Growers Association	.1491
Redlands Select Groves	.2235

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Rialto Orange Co	.1992
Southern Citrus Association	.1187
United Citrus Growers	.2160
Zilen Citrus Co	.0377
Arlington Heights Citrus Co	.1156
Brown Estate, L. V. W	.1308
Gavilan Citrus Association	.1428
Highgrove Fruit Association	.0600
McDermont Fruit Co	.1232
Monte Vista Citrus Association	.1868
National Orange Co	.0498
Riverside Heights Orange Growers Association, The	.0327
Sierra Vista Packing Association	.0419
Victoria Ave. Citrus Association	.1623
Claremont Citrus Association	.1050
College Heights Orange & Lemon Association	.3507
Indian Hill Citrus Association	.2233
Pomona Fruit Growers Exchange	.3200
Walnut Fruit Growers Association	.5394
West Ontario Citrus Association	.1845
El Cajon Valley Citrus Association	.2024
Escondido Cooperative Citrus Association	.2913
San Dimas Orange Growers Association	.3182
Canoga Citrus Association	.8988
North Whittier Heights Citrus Association	.8144
San Fernando Heights Orange Association	.7733
Sierra Madre-Lamanda Citrus Association	.3337
Camarillo Citrus Association	1.3519
Fillmore Citrus Association	3.0802
Mupu Citrus Association	1.9369
Ojai Orange Association	.6683
Piru Citrus Association	2.1329
Rancho Sespe	.7831
Santa Paula Orange Association	1.0579
Tao Citrus Association	.9752
Ventura County Citrus Association	.3764
Limoneira Co	.4056
East Whittier Citrus Association	.3540
Murphy Ranch Co	.8096
Anaheim Cooperative Orange Association	2.2610
Bryn Mawr Mutual Orange Association	.1422
Chula Vista Mutual Lemon Association	.0882
Euclid Avenue Orange Association	.5874
Foothill Citrus Union, Inc	.1204
Fullerton Cooperative Orange Association	.3983
Garden Grove Orange Cooperative, Inc	1.2763
Golden Orange Groves, Inc	.1765
Highland Mutual Groves, Inc	.0091
Index Mutual Association	.4189
La Verne Cooperative Citrus Association	1.7274
Olive Hillside Groves, Inc	.5725
Orange Cooperative Citrus Association	1.9541
Redlands Foothill Groves	.4127
Redlands Mutual Orange Association	.1535
Ventura County Orange & Lemon Association	1.1753
Whittier Mutual Orange & Lemon Association	.1548
Babijuice Corp. of California	.9222
Banks, L. M	.7183
Becker, Samuel Eugene	.0094
Bennett Fruit Co	.1024
Borden Fruit Co	.5380
Cappos Brothers Produce	.0073
Cherokee Citrus Co., Inc	.1093
Chess Co., Meyer W	.4150
Dozier, Paul M	.0128
Dunning Ranch	.0494
Evans Bros. Packing Co	.7106

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Gold Banner Association	.1753
Granada Hills Packing Co	.0333
Granada Packing House	.7758
Hill Packing Co., Fred A	.0633
Knapp Packing Co., John C	.5570
L Bar S Ranch	.1103
Lawson, William J	.0069
Lima & Sons, Joe	.1091
Orange Belt Fruit Distributors	1.3153
Orange Hill Groves	.0116
Otte, Arnold	.0630
Panno Fruit Co., Carlo	.4003
Paramount Citrus Association	.7402
Patitucci, Frank L	.0092
Placentia Orchard Co	.5288
Prescott, John A	.0193
Redlands Fruit Association, Inc	.0149
Riverside Citrus Association	.0238
Ronald, P. W	.0212
San Antonio Orchard Co	.2424
Stephens, T. F	.2263
Summit Citrus Packers	.0174
Treesweet Products Co	.2446
Wall, E. T., Grower-Shipper	.1353
Western Fruit Growers, Inc	.4713

[F. R. Doc. 51-7641; Filed, June 29, 1951; 11:43 a. m.]

PART 967—MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and 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 South Bend-La Porte, Indiana, 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 supply 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.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than July 1, 1951, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the South Bend-La Porte, Indiana, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held February 15-16, 1951, and the decision having been executed by the Secretary on June 21, 1951. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the South Bend-La Porte, Indiana, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (March 1951) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the South Bend-La Porte, Indiana, 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 as follows:

1. Delete §§ 967.8 and 967.9 and substitute therefor the following:

§ 967.8 *Approved plant.* "Approved plant" means a milk plant which is approved by the health authorities of any of the following municipalities: South Bend, Mishawaka, La Porte, or Michigan City, Indiana, for the processing and distribution of milk for consumption in fluid form and from which a route is operated wholly or partially within the marketing area.

§ 967.9 *Producer.* "Producer" means any person except a producer-handler, who produces milk (other than milk exempt pursuant to § 967.60) which is received at an approved plant, provided such milk is eligible for consumption as milk in fluid form within the marketing area under the approval or certification of one or more of the health authorities referred to in § 967.8. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be temporarily diverted by a handler from an approved plant to a plant not an approved plant.

2. Delete § 967.12 and substitute therefor the following:

§ 967.12 *Route.* "Route" means a delivery (including a sale at a plant store) of any item named in § 967.41 (a) (1) to a wholesale or retail stop other than a milk processing or distributing plant.

3. Delete in § 967.22 (i) (1) the cross-reference "§ 967.5" and substitute therefor the cross-reference "§ 967.51."

4. Delete §§ 967.40 through 967.46, inclusive, and substitute therefor the following:

§ 967.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 967.41 to 967.46, inclusive.

§ 967.41 *Classes of utilization.* Subject to the conditions set forth in §§ 967.43 and 967.44, the skim milk and butterfat described in § 967.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of (except as provided in paragraph (b) (1) of this section) in the form of milk, skim milk, flavored milk, flavored milk drink, and buttermilk; (2) disposed of as cream (sweet or sour) and as any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); (3) disposed of in fluid or frozen form as concentrated milk, flavored milk, and flavored milk drink not sterilized and not otherwise specified under paragraph (b) of this section, and as eggnog; (4) in shrinkage of receipts of producer milk computed pursuant to § 967.42 which is in excess of 2 percent of such receipts; and (5) not specifically accounted for as any item named in this paragraph or as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup or bakery products and used in such products; (2) in condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors; (3) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, cottage cheese, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese and nonfat dry milk solids; (4) dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk; (5) disposed of as a milk product other than any of those specified in paragraph (a) (1) and in subparagraphs (1), (2), (3), and (4) of this paragraph; (6) contained in monthly inventory variations; (7) in actual shrinkage of receipts of producer milk computed pursuant to § 967.42 but not in excess of 2 percent of such receipts; and (8) in actual shrinkage of other source milk computed pursuant to § 967.42.

§ 967.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between that in producer milk and in other source milk.

§ 967.43 *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 proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

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

(a) As Class I milk if transferred or diverted to another handler (except a producer-handler) in the form of any item named in § 967.41 (a) (1), (2), or (3) unless utilization as Class II milk is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the delivery period within which such transaction occurred: *Provided,* That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee handler after the subtraction of other source milk pursuant to § 967.46, and any excess of such skim milk or butterfat, respectively, shall be assigned to the other class;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of any item named in § 967.41 (a) (1), (2), or (3);

(c) As Class I milk if transferred or diverted to a plant not an approved plant in the form of any item named in § 967.41 (a) (1), (2), or (3), unless (1) the transferor handler claims Class II milk on the basis of utilization mutually indicated in writing to the market administrator by both the receiver and transferor handler on or before the 8th day after the end of the delivery period within which such transaction occurred, (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, and (3) in such receiver's plant there actually had been used during such delivery period in the use indicated in such statement, not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided,* That if upon inspection of such receiver's records of such plant, there had not been used in such indicated use an equivalent amount of skim milk and butterfat so derived, the remaining pounds shall be classified as Class I milk.

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

§ 967.46 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat, respectively, remaining in each class after the following computations shall be the pounds in each class allocated to producer milk;

(a) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk the pounds of skim milk and butterfat in other source milk which is disposed of as Class I milk in bottles on a route outside the marketing area: *Provided,* That the health authority having jurisdiction over the plant from which such distribution is made has granted approval for receiving and proc-

essing for fluid distribution both approved milk and other source milk in such plant, the handler maintains adequate accounts and records of, and practices complete segregation of, producer milk and other source milk used in his Class I milk operations, and that such other source milk is disposed of on a route on which no producer milk is disposed of as Class I milk;

(b) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk (to the extent Class I milk is available) the pounds of skim milk and butterfat in other source milk which is (1) received in consumer packages as any item specified in § 967.41 (a) (1), (2) or (3) from a plant where milk is subject to the class price provisions of a Federal marketing agreement or order issued pursuant to the act for another fluid milk marketing area, and (2) disposed of without repackaging;

(c) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class (other than the pounds in inventory variations and plant shrinkage of skim milk and butterfat pursuant to § 967.41 (b) (7)), in series beginning with Class II milk, the pounds of skim milk and butterfat in other source milk excluding that subtracted pursuant to paragraphs (a) and (b) of this section:

(d) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and assigned to such class pursuant to § 967.44; and

(e) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class in series beginning with Class II milk, the pounds by which such pounds of skim milk and butterfat in all classes exceed, respectively, the total pounds of skim milk and butterfat received in milk from producers.

5. Delete §§ 967.50 through 967.53, inclusive, and substitute therefor the following:

§ 967.50 *Basic formula price.* The basic formula price to be used in computing the price of Class I milk for the delivery period shall be the highest of the prices computed by the market administrator for the delivery period immediately preceding pursuant to paragraphs (a), (b) and (c) of this section:

(a) Compute the arithmetical 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 are reported to the market administrator or to the Department by the companies listed below:

Present Operator and Location

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

(b) Compute a price per hundredweight as follows:

(1) Multiply the simple average of the daily average 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, by 6;

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

(3) Divide by seven, add 30 percent thereof, and multiply by 3.5;

(c) Compute a price per hundredweight by adding together the amounts resulting pursuant to subparagraphs (1) and (2) of this paragraph;

(1) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department, and from the result thus obtained deduct 64.2 cents;

(2) Multiply by 4.24 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 AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter, and from the result thus obtained deduct 11 cents.

§ 967.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class I milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: May and June $0.60; July through November, inclusive, $1.00; and all others $0.80: *Provided,* That for each percent that the most recent "current supply-demand ratio" computed pursuant to paragraph (d) of this section is greater or less than the applicable percentage contained in the schedule set forth in paragraph (d) (4) of this section, the Class I price differential computed prior to this proviso shall be increased or decreased, respectively, by the following amounts for the delivery period indicated: May and June, $0.02; July, August, September, October and November, $0.04; all others $0.03: *And provided further,* That any adjustment made pursuant to the above proviso in this paragraph shall be limited to 16 cents for the delivery periods of May and June; 30 cents for the delivery periods of July through November; and 24 cents for all other delivery periods; but in no event shall the Class I price differential computed pursuant to this paragraph be less than 60 cents.

(b) Add together the amount computed pursuant to § 967.50 (c) (2) and any amount per hundredweight by which (on a 3.5 percent butterfat basis) the effective basic formula price pursuant to § 967.50 is higher than the price computed pursuant to § 967.50 (c), divide such sum by 0.035, and then add thereto the following amount for the delivery period indicated: May and June, $8.25; July through November, inclusive, $13.75; and all others, $11.00: *Provided,* That such amount for the delivery period indicated shall be increased or decreased, as the case may be, by the amount per hundredweight resulting from the provisos of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class I milk.

(d) On or before the last day of each delivery period the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (i) the amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (ii) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(4) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 6-month

period appearing in the following schedule;

6-months included in supply-demand ratio computation	Percent	Delivery period subject to adjustment
January through June	62	August.
February through July	62	September.
March through August	64	October.
April through September	67	November.
May through October	71	December.
June through November	76	January.
July through December	81	February
August through January	79	March
September through February	76	April.
October through March	72	May.
November through April	68	June.
December through May	64	July.

(5) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for delivery periods prior to the effective date of this paragraph.

§ 967.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class II milk for each delivery period shall be computed by the market administrator as follows:

(a) The price of butterfat in Class II milk shall be the producer butterfat differential computed for such delivery period pursuant to § 967.81 times 1000.

(b) The price of skim milk in Class II milk shall be computed by subtracting the hundredweight price of butterfat computed pursuant to paragraph (a) of this section times 0.035, from the price determined pursuant to paragraph (c) of this section, and divide the remainder by 0.965.

(c) Compute the arithmetical 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 the Department by the companies listed below:

Present Operator and Location

Goshen Milk Condensing Co., Goshen, Ind.
Litchfield Creamery Co., Warsaw, Ind.
New Paris Creamery Co., New Paris, Ind.

6. Delete from § 967.60 the words "and Class II."

7. Delete from § 967.70 the phrase "from the various classes"; delete also from such section the cross-reference "§ 967.46 (d)" and substitute therefor "§ 967.46 (e)."

8. Delete § 967.80 and substitute therefor the following:

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

(a) On or before the 18th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such delivery period pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81, for all milk received from such producer during such delivery period and less payment to such producer made pursuant to paragraph (c) of this section: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further,* That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such delivery period, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices, less payments to such association made pursuant to paragraph (c) of this section. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the quantities of skim and butterfat in such handler's Class I milk and Class II milk allocated to producer milk pursuant to § 967.46.

(c) On or before the 4th day after the end of such delivery period, each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the uniform price for 3.5 percent milk last announced by the market administrator, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery period: *Provided,* That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section.

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

Issued at Washington, D. C., this 27th day of June 1951, to be effective on and after the 1st day of July 1951.

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

[F. R. Doc. 51-7503; Filed, June 29, 1951; 8:50 a. m.]

PART 975—MILK IN CLEVELAND, OHIO, MARKETING AREA

ORDER, AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the 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 orders (7 CFR Part 900), public hearings were held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area; and a decision was made with respect to amendments by the Secretary on June 20, 1951. 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 of said order, as amended, and as hereby further amended, 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 supply of and demand for milk in the 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 wholesale 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 hearings have been held.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions, and to insure the production of an adequate supply of milk. Any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Cleveland, Ohio, marketing area and will disrupt orderly marketing. The changes affected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (section 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Cleveland, Ohio, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (March 1951) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, 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:

1. Delete § 975.30 (b) and substitute therefor the following:

(b) A plant other than a plant named in paragraph (a) of this section which either was a qualified pool plant on December 31, 1950, or has become a pool plant pursuant to paragraph (c) of this section.

2. Insert following the word "under" in the first sentence of § 975.32 the following: "§ 975.30 (b) or (c) under."

3. Delete § 975.51 (a) (1) and substiture therefor the following:

(1) Disposed of for fluid consumption as milk, skim milk, buttermilk (except for livestock feed), flavored milk or flavored milk drinks, sweet or sour cream, or eggnog, or used to produce concentrated milk disposed of for fluid consumption;

4. Delete § 975.51 (b) and substitute therefor the following:

(b) Class II milk shall be all skim milk and butterfat in frozen cream or used to produce any milk product not specified in Class I milk or Class III milk and containing 8 percent or more of butterfat; ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); or cottage cheese.

5. Redesignate paragraphs (e) and (f) of § 975.56 as paragraphs (d) and (e) respectively, and delete paragraphs (b), (c) and (d) and substitute therefor the following:

(b) For the delivery periods of October, November, December and January, if the total pounds of butterfat received from producers and pool plants is less than 110 percent of the total pounds of butterfat classified as Class I milk, not including reconstituted skim milk or Class I milk transferred to pool plants or nonpool plants, subtract pro rata from the pounds of butterfat remaining in each class the pounds of butterfat received in other source milk.

(c) Except as provided in paragraph (b) of this section, subtract from the pounds of butterfat remaining in each class in series beginning with the lowest priced utilization the pounds of butterfat received in other source milk.

6. Delete § 975.61 (a) and (b) and substitute therefor the following:

(a) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.85
March, April, July and August	1.10
All others	1.50

Provided, That with respect to Class I milk in sweet or sour cream for fluid consumption, the amount added to the basic formula price shall be the amount set forth above in this paragraph less 45 cents.

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section multiplied by 20.

7. Delete § 975.71 and substitute therefor the following:

§ 975.71 *Location adjustments to handlers.* With respect to the actual weight of any product named in Class I and Class II which is (a) moved directly to the marketing area from a pool plant located outside the marketing area; and (b) disposed of outside the marketing area as Class I or Class II milk from a pool plant so located there shall be deducted in the computation of the handler's pool value with respect to such amounts moved or disposed of from plants located more than 60 miles but not more than 75 miles by shortest highway distance from the Public Square, Cleveland, Ohio, as determined by the market administrator, 15 cents per hundredweight, from plants located as so determined more than 75 miles but not more than 90 miles, 17 cents per hundredweight and an additional 1 cent for each additional 15 mile zone: *Provided,* That such adjustment shall be limited to an amount of the specified items so moved which could be derived from the milk received from producers at such plants.

8. Delete § 975.72 (b) and substitute therefor the following:

(b) For each delivery period, the pool value pursuant to § 975.70 for each handler who operates a pool plant designated pursuant to paragraph (a) of § 975.30 which received within such delivery period less than 50 percent of its total receipts of skim milk and butterfat from producers or from other pool plants shall be increased by an amount computed by multiplying the amount of skim milk and butterfat in other source milk received which is classified as Class I milk by the difference betwen the price for skim milk and for butterfat in Class I milk and the highest price for skim milk and for butterfat, respectively, in Class III milk.

9. Insert "(b)" following the figure "975.81" in paragraph (c) of § 975.73.

10. Delete § 975.81 and substitute therefor the following:

§ 975.81 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 975.80, a handler may deduct, with respect to all milk received from producers at a plant outside the marketing area and located, as determined by the market administrator, by shortest highway distance from the Public Square in Cleveland, Ohio:

(a) More than 30 miles but not more than 60 miles, an amount not to exceed 13 cents; and

(b) More than 60 miles but not more than 75 miles, an amount not to exceed 15 cents, more than 75 miles but not more than 90 miles, an amount not to exceed 17 cents, and an additional 1 cent for each additional 15 mile zone.

11. Insert following the figure "975.80" in paragraph (a) of § 975.84 the following: "before subtracting any location adjustment pursuant to § 975.81 (a)."

12. Insert following the figure "975.80" in § 975.85 the following: "before subtracting any location adjustment pursuant to § 975.81 (a)."

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

Issued at Washington, D. C., this 28th day of June, 1951, to be effective on and after the first day of July 1951.

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

[F. R. Doc. 51-7579; Filed, June 29, 1951; 8:56 a. m.]

PART 991—MILK IN ROCKFORD-FREEPORT, ILL., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

§ 991.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and 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 Rockford-Freeport, Illinois, 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 supply 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.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than July 1, 1951, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions, and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Rockford-Freeport, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held May 25, 1951, and the decision having been executed by the Secretary on June 21, 1951. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Rockford-Freeport, Illinois, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (April 1951) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Rockford-Freeport, Illinois, 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 as follows:

1. Delete in § 991.22 (d) the cross-reference "§ 991.82" and substitute therefor "§ 991.85".

2. Delete in § 991.22 (d) (3) the cross-reference "§ 991.83" and substitute therefor "§ 991.86".

3. Delete § 991.22 (f) (3) and substitute therefor the following:

(3) made the payments required under §§ 991.80, 991.81, 991.83, 991.85, or 991.86;

4. Delete § 991.41 (a) (1) and substitute therefor the following:

(1) Disposed of (except as provided in paragraph (c) (4) of this section) (i) in fluid form as milk, skim milk, buttermilk, flavored milk, and flavored milk drinks, and (ii) in fluid or frozen form as concentrated milk, flavored milk, and flavored milk drink not sterilized; or

5. Delete § 991.46 (a) (2) and renumber subparagraphs (3) and (4) of § 991.46 (a) as subparagraphs (5) and (6), respectively, of such paragraph.

6. Add the following as subparagraphs (2), (3) and (4) of § 991.46 (a):

(2) Subtract from the pounds of skim milk in Class I milk (to the extent available), the pounds of skim milk in other source milk received during September through December, inclusive, in bulk as milk or skim milk in fluid form from a plant where milk is priced under the class price provisions of a marketing agreement or order issued pursuant to the act for another fluid milk marketing area;

(3) Subtract from the pounds of skim milk in Class II milk (to the extent available), the pounds of skim milk in other source milk received during September through December, inclusive, in bulk as cream in fluid form from a plant as described in subparagraph (2) of this paragraph;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced available use, the pounds of skim milk in other source milk not otherwise subtracted pursuant to subparagraphs (2) and (3) of this paragraph.

7. Delete paragraphs (b) and (c) of § 991.50 and substitute therefor the following:

(b) The price per hundredweight computed from the following formula:

(1) Multiply the simple average of the daily average 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, by 6;

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

(3) Divide by 7, add 30 percent thereof, and multiply by 3.5;

(c) The price per hundredweight computed as follows:

(1) Multiply by 4.24 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 AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department;

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 75.2 cents.

8. Delete §§ 991.51 and 991.52 and substitute therefor the following:

§ 991.51 *Class I milk prices.* (a) Subject to the provisions of § 991.54, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler at his plant, for Grade A producer milk received and classified as Class I milk, shall be the basic formula price as determined pursuant to § 991.50 for the preceding delivery period, plus the following amounts as indicated: May and June, $0.48; July through November, inclusive, $0.88; and all other delivery periods, $0.68: *Provided,* That for each percent that the "current supply-demand ratio" computed pursuant to § 991.55 is greater or less than the applicable percentage contained in the schedule set forth in paragraph (d) of such section, the Class I price differential computed prior to this proviso shall be increased or decreased, respectively, by the following amounts: May and June, $0.02; July through November, inclusive, $0.04; all other delivery periods, $0.03: *And provided*

further, That any adjustment made pursuant to the above proviso of this section shall be limited to 16 cents in May and June; 30 cents in July through November, inclusive; and 24 cents in all other delivery periods; but in no event shall the Class I price differential computed pursuant to this paragraph be less than 48 cents.

(b) The minimum price per hundredweight for non-Grade A producer milk received and classified as Class I milk shall be the price computed pursuant to paragraph (a) of this section, less 10 cents.

§ 991.52 *Class II milk prices.* (a) Subject to the provisions of § 991.54, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler at his plant, for Grade A producer milk received and classified as Class II milk, shall be the basic formula price as determined pursuant to § 991.50 for the preceding delivery period, plus the following amounts as indicated: May and June, $0.30; July through November, inclusive, $0.50; all other delivery periods, $0.40: *Provided*, That such amount for the delivery period shall be adjusted by the amount of any adjustment made in the Class I price differential pursuant to the first proviso of § 991.51; but in no event shall the Class II price differential computed pursuant to this paragraph be less than 40 cents in the delivery periods of July through November, inclusive, or less than 30 cents in all other delivery periods.

(b) The minimum price per hundredweight for non-Grade A producer milk received and classified as Class II milk shall be the price computed pursuant to paragraph (a) of this section, less 10 cents.

9. Add the following as § 991.55:

§ 991.55 *Supply-demand adjustment.* On or before the last day of each delivery period the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (1) the amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (2) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(c) Divide the amount obtained in paragraph (b) by the amount obtained in paragraph (a) of this section and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(d) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 6-months' period appearing in the following schedule.

6-months included in supply-demand ratio computation	Percent	Delivery-period subject to adjustment
January through June	62	August.
February through July	62	September.
March through August	64	October.
April through September	67	November.
May through October	71	December.
June through November	76	January.
July through December	81	February.
August through January	79	March.
September through February	76	April.
October through March	72	May.
November through April	68	June.
December through May	64	July.

(e) In making the computations specified in paragraphs (a) and (b) of this section, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for delivery periods prior to the effective date of this section.

10. Delete in § 991.60 the cross reference "991.84" and substitute therefor "991.87".

11. Add the word "and" at the end of § 991.61 (b).

12. Delete the word "and" from § 991.61 (c) and replace the semi-colon (;) with a period (.).

13. Delete § 991.61 (d) in its entirety.

14. Add the following as § 991.62.

§ 991.62 *Pricing and payment for Grade A and non-Grade A producer milk.* Grade A and non-Grade A producer milk shall be classified separately under the procedure established in §§ 991.40 through 991.46, inclusive. The values of such respective types of milk shall be computed separately under the provisions of § 991.70 and separate uniform prices shall be computed pursuant to the procedure described in § 991.71. Separate producer-settlement funds shall be established and operated pursuant to §§ 991.82 through 991.84.

15. Delete §§ 991.70 through 991.72 and substitute therefor the following:

§ 991.70 *Computation of value of producer milk.* The value of producer milk received during each delivery period by each handler shall be computed by the market administrator by multiplying the pounds in each class pursuant to § 991.46, by the applicable class prices, adding together the resulting amounts, and adding the amounts computed as follows: Multiply the pounds subtracted from the various classes pursuant to § 991.46 (a) (6) and § 991.46 (b) by the respective applicable class prices.

§ 991.71 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for producer milk (3.5 percent butterfat content) as follows:

(a) Combine into one total the values computed pursuant to § 991.70 for all handlers who made the reports pursuant to § 991.30 except those in default of payments required pursuant to § 991.83 for the preceding delivery period;

(b) Subtract, if the weighted average butterfat test of producer milk is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which such weighted average butterfat test differs from 3.5 percent by the butterfat differential computed pursuant to § 991.81 and multiplying the resulting amount by the hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund less the amount of unpaid obligations to handlers pursuant to §§ 991.84 and 991.87;

(d) Divide by the hundredweight of producer milk; and

(e) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest cent) from the amount computed under paragraph (d) of this section.

§ 991.72 *Notification to handlers.* On or before the 11th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and value of his milk in each class and the totals thereof; (b) the applicable minimum class prices and uniform price; (c) the amount owed by him to, or the amount due him from, the producer-settlement fund, pursuant to § 991.83 or § 991.84; and (d) the amounts to be paid by him pursuant to §§ 991.80, 991.85, 991.86 and 991.87.

16. Delete §§ 991.80 through 991.84 and substitute therefor the following:

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

(a) On or before the 15th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such delivery period pursuant to § 991.71 adjusted by the producer butterfat differential pursuant to § 991.81, for all milk received from such producer during such delivery period: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 991.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 13th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such delivery period, not less than the value of such milk computed at the uniform

price, adjusted by the producer butterfat differential pursuant to § 991.81.

§ 991.81 *Producer butterfat differential.* In making payments pursuant to § 991.80 there shall be added to, or subtracted from, the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the average of the daily wholesale prices per pound of 92-score butter at Chicago during the delivery period as reported by the Department, by 0.12 and rounding to the nearest tenth of a cent.

§ 991.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to § 991.83 and payments related thereto pursuant to § 991.87 and out of which he shall make all payments to handlers pursuant to § 991.84 and payments related thereto pursuant to § 991.87.

§ 991.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 991.70 is greater than the total of amounts to be paid pursuant to § 991.80.

§ 991.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 991.70 is less than the total of amounts to be paid pursuant to §§ 991.83, 991.85, 991.86 and 991.87: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 991.85 *Expense of administration.* As his prorata share of the expenses incurred pursuant to § 991.22 (d) each handler shall pay the market administrator on or before the 15th day after the end of each delivery period, 4 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, with respect to producer milk (including such handler's own production) and other source milk (excluding that subject to administrative expense under another Federal marketing agreement or order issued pursuant to the act) received during the delivery period.

§ 991.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler for each delivery period shall deduct 5¢ per hundredweight or such lesser amount as may be prescribed by the Secretary from the payments made to each producer pursuant to § 991.80, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section but for whom such cooperative association does not receive payment for milk, each handler shall make in lieu of the deduction specified in paragraph (a) of this section such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 13th day after the end of such delivery period pay every such deduction to the cooperative association rendering such services.

§ 991.87 *Adjustments of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

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

Issued at Washington, D. C., this 27th day of June 1951, to be effective on and after the 1st day of July 1951.

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

[F. R. Doc. 51-7501; Filed, June 29, 1951; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5106]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WISPESE, INC. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.130 *Manufacture or preparation.* Subpart—*Misbranding or mislabeling:* § 3.1255 *Manufacture or preparation.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure;* § 3.1845 *Composition.* Subpart—*Using misleading name—Goods;* § 3.2310 *manufacture or preparation.* I. In connection with the offering for sale, sale, or distribution of wearing apparel in commerce, (a) using the term "full-fashioned" or any other expression of similar import containing the word "fashioned" to designate, describe or refer to girdles which have not been shaped in the knitting by a narrowing process involving the transfer of loops or stitches from one needle to another during the dropping of needles in such knitting operation; or, (b) advertising, offering for sale, or selling garments composed in whole or in part of rayon made to resemble silk, or having the appearance and feel of silk, without clearly disclosing such rayon content or representing in any other manner that garments containing no silk are composed in whole or in part of silk; and, II, in connection with the offering for sale, sale, or distribution of girdles in commerce, representing, directly or by implication, that girdles not shaped in the knitting by a narrowing process involving the transfer of loops or stitches from one needle to another during the dropping of needles in such knitting operation are manufactured or shaped by the same process by which full-fashioned stockings are made; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Wispese, Inc, et al., Docket 5106, April 13, 1951]

In the Matter of Arthur R. Lewis and Ben A. Hensler, Individually and as Copartners Trading as Vawne Foundations. Arthur R. Lewis and Jean Lewis Individually and as Copartners Trading as Vawne Foundations Co. Wispese Inc., a Corporation, Arthur R. Lewis, Jean L. Gross, and Harold B. Gross, Individually and as Officers of Wispese Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the amended and supplemental complaint of the Commission, the answer filed by certain of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner, and briefs filed in support of and in opposition to the amended and supplemental complaint; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

I. *It is ordered,* That respondent Wispese Inc., a corporation, and its officers, agents, representatives, and employees, and respondent Arthur R. Lewis, individually and as an officer of Wispese Inc., and trading as a co-partner under the name Vawne Foundations, or under any other name, and his agents, representatives, and employees, and respondents Jean L. Gross (formerly known as Jean Lewis) and Harold B. Gross, individually and as officers of Wispese Inc., and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of

wearing apparel in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Using the term "full-fashioned" or any other expression of similar import containing the word "fashioned" to designate, describe or refer to girdles which have not been shaped in the knitting by a narrowing process involving the transfer of loops or stitches from one needle to another during the dropping of needles in such knitting operation;

(b) Advertising, offering for sale, or selling garments composed in whole or in part of rayon made to resemble silk, or having the appearance and feel of silk, without clearly disclosing such rayon content or representing in any other manner that garments containing no silk are composed in whole or in part of silk.

II. *It is ordered*, That respondent Arthur R. Lewis, individually and trading as a co-partner under the name of Vawne Foundations or under any other name, and his agents, representatives, and employees, in connection with the offering for sale, sale, or distribution of girdles in commerce, as "commerce" is defined in the Federal Trade Commission Act, do cease and desist from representing, directly or by implication:

That girdles not shaped in the knitting by a narrowing process involving the transfer of loops or stitches from one needle to another during the dropping of needles in such knitting operation are manufactured or shaped by the same process by which full-fashioned stockings are made.

III. *It is further ordered*, That this proceeding be, and the same hereby is, dismissed as to respondent Ben A. Hensler, deceased.

IV. *It is further ordered*, That the charges of this proceeding as they relate to the issue as to whether respondents' products function effectively as girdles be, and the same hereby are, dismissed.

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

Issued: April 13, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary*.

[F. R. Doc. 51-7523; Filed, June 29, 1951; 8:54 a. m.]

[File No. 21-432]

PART 201—SEAM BINDING INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due poceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1941, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 30, 1951.

Statement by the Commission. Trade practice rules for the Seam Binding Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

Members of the industry are the persons, firms, corporations and organizations engaged in manufacturing, distributing or marketing "seam binding" as such term is delineated in the definition preceding the rules.

The rules are directed to the elimination and prevention of unfair trade practices to the end that the industry, the trade and the public may be protected from the harmful effects of such competitive methods, and that the conduct of business throughout the industry may be effectively maintained on a high plane of free and fair competition.

Proceedings leading to the establishment of rules were instituted upon application made on behalf of industry members. A general industry conference was held in New York City at which proposals for rules were submitted for the consideration of the Commission. Thereafter, proposed rules in appropriate form were released and made available and public notice given of hearing thereon, whereby all interested or affected parties were afforded opportunity to present their views, including such pertinent information, suggestions or objections respecting the proposed rules as they desired to offer. Following such hearing, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved the trade practice rules hereinafter appearing.

Such rules become operative thirty (30) days from the date of promulgation.

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
201.0 Definition of "seam binding."

GROUP I

201.1 Misrepresentation and misbranding.
201.2 Identification and disclosure of fiber or material content.
201.3 Disclosure of yardage.
201.4 Deception respecting type of edge.
201.5 Deception as to origin.
201.6 Selling below cost.
201.7 False invoicing.
201.8 Consignment distribution.
201.9 Combination or coercion to fix prices, suppress competition, or restrain trade.
201.10 Prohibited discrimination.
201.11 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 201.0 to 201.11 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 201.0 *Definition of "Seam Binding".* As used in this part, the term "seam binding" shall be understood as embracing any narrow fabric (other than bias binding) having a woven, cut, or other kind of edge, and which is of the type used in the manufacture of wearing apparel to prevent ravelling or fraying at seams and hems.

General statement. The unfair trade practices embraced in the rules in this part are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

GROUP 1

§ 201.1 *Misrepresentation and misbranding.* It is an unfair trade practice for any member of the industry to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, mark, brand, label, designation, or other form of representation, however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the grade, quality, freedom from imperfections, color-fastness, washability, fiber or material content, yardage, size, origin, fabrication, type of edge, manufacture, finishing, or distribution of any seam binding, or which is false, misleading, or deceptive in any other material respect. [Rule 1]

§ 201.2 *Identification and disclosure of fiber or material content.* (a) In the sale, offering for sale, or distribution of seam binding, it is an unfair trade practice to misrepresent or deceptively conceal the fiber or material content of any such product.

(b) Seam binding containing rayon, silk, or linen shall be identified as to its fiber and material content in labels, invoices, and advertisements, in accordance with the requirements of trade practice rules heretofore promulgated by the Commission for the rayon industry, silk industry, and linen industry: *Provided*, That seam binding containing, purporting to contain, or in any way represented as containing wool, reprocessed wool, or reused wool, shall be labeled in accordance with the requirements of the Wool Products Labeling Act of 1939 and the rules and regulations issued thereunder.

NOTE: A copy of the above-mentioned trade practice rules, and of the Wool Products Labeling Act of 1939 and the rules and regulations issued thereunder, may be obtained from the Commission by any industry member making request therefor.

[Rule 2]

§ 201.3 *Disclosure of yardage.* In order that purchasers may not be deceived as to the yardage of seam binding and that misrepresentation and deceptive concealment in respect thereto may

be avoided and prevented, the minimum yardage of the article should be clearly and nondeceptively marked on the product or on the disks, spools, bolts, cards, or other form of immediate packaging of the product; and the sale, offer for sale, or distribution of any seam binding not so marked, with the tendency and capacity or effect of misleading or deceiving purchasers or the consuming public, is an unfair trade practice.

NOTE: In cutting seam binding in the greige or after finishing, adequate allowance should be made for any subsequent shrinkage or contraction of such products, to the end that purchasers may be assured the full yardage represented.

[Rule 3]

§ 201.4 *Deception respecting type of edge.* To the end that misunderstanding, confusion, misrepresentation, and deception respecting the type of edge on seam binding may be avoided and prevented, clear, legible, and nondeceptive disclosure of the type of edge on such binding should be made on each disk, spool, bolt, card, or other form of immediate packaging thereof, by tag, label, stamp, or mark so affixed as to ensure that it will remain thereon until such binding reaches the ultimate user; and it is an unfair trade practice to misrepresent the type of edge on seam binding, or to cause any seam binding to be offered for sale, sold, or distributed, without making adequate, nondeceptive disclosure of the type of edge thereon, where failure to make such disclosure has the capacity and tendency or effect of misleading or deceiving purchasers.

The following are illustrative examples of the type of disclosure provided for in this section:

"CUT EDGE SEAM BINDING"
or
"SEAM BINDING, CUT FUSED EDGE"
or
"WOVEN EDGE SEAM BINDING"

[Rule 4]

§ 201.5 *Deception as to origin.* With respect to any seam binding which has been imported from a foreign country into the United States in the greige or other unfinished state, or in a finished or semi-finished state, it is an unfair trade practice:

(a) To offer for sale, sell, or distribute any such seam binding under marks, stamps, brands, labels, or representations which have the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public into the belief (1) that such seam binding was woven or fabricated in the United States, when such is not the fact; or (2) that it was dyed, finished, redyed, or refinished elsewhere than in the United States, when such is not true; or

(b) To offer for sale, sell, or distribute any such seam binding without the same being marked, stamped, branded, or labeled so as to indicate clearly and nondeceptively (1) the country of origin of the seam binding, or (2) that such seam binding was woven or fabricated in said country and was dyed or finished or redyed or refinished in the United States, as the case may be, where the failure, refusal, or omission to so mark, stamp, brand, or label such seam binding has the capacity and tendency or effect of thereby promoting, abetting, or effectuating the marketing of such products under conditions which are misleading or deceptive to purchasers, prospective purchasers, or the consuming public.

NOTE: Nothing in this section shall be construed as relieving any member of the industry or other party of the necessity of complying with requirements of the customs laws or regulations, or other applicable provisions of law or regulations, relating to the marking of imported articles.

[Rule 5]

§ 201.6 *Selling below cost.* The practice of selling seam binding at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect may be, to injure, suppress, or stifle competition or tend to create a monopoly in the production or sale of such products, is an unfair trade practice. As used in this section, the term "cost" means the total cost to the seller, including the costs of acquisition, processing, preparation for marketing, sale, and delivery.

This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and where the effect may be unreasonably to restrain trade, tend to create a monopoly, or substantially lessen competition.

All elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this section. The costs referred to in the section are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 6]

§ 201.7 *False invoicing.* Withholding from or inserting in invoices or sales slips any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 7]

§ 201.8 *Consignment distribution.* It is an unfair trade practice for any member of the industry to employ the practice of shipping seam binding on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition, or tending to create a monopoly or unreasonably to restrain trade. Nothing in this section shall be construed as restricting or preventing consignment shipping or marketing of seam binding in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution, is not effected; nor shall anything in this section be construed to authorize any agreement, understanding, or common course of action by and between industry members to mutually conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 8]

§ 201.9 *Combination or coercion to fix prices, suppress competition, or restrain trade.* It is an unfair trade practice for a member of the industry:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person unlawfully to fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more members of the industry, or with one or more other persons, unlawfully to fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 9]

§ 201.10 *Prohibited discrimination*—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this part shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing contained in this part shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own cus-

[1] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

tomers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this part shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima-facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein shall prevent a seller rebutting the prima-facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor—(See sec. 2 (b) Clayton Act.)

[Rule 10]

§ 201.11 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part [Rule 11]

Issued: June 27, 1951.

Promulgated by the Federal Trade Commission June 30, 1951.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-7555; Filed, June 29, 1951; 8:59 a. m.]

[1] See footnote on page 6368.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52757]

PART 22—DRAWBACK

MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS

In order to simplify the handling of applications for the exportation of merchandise not conforming to sample or specifications pursuant to the provisions of section 313 (c), Tariff Act of 1930, it has been found desirable that such applications should be accepted from either the importer of record or the actual owner although an owner's declaration may have been timely filed. For this reason the first sentence of § 22.36 (b), Customs Regulations of 1943 (19 CFR 22.36 (b)), as amended by T. D. 52464, 15 F. R. 2515, is hereby further amended to read as follows:

§ 22.36 *Application; samples and specifications.* * * *

(b) All applications for the exportation of merchandise not conforming to sample or specifications shall be executed in the name of the importer of record, unless another person has been named in the entry as the actual owner and the declaration of such owner has been timely filed, in which case the application may be filed in the name of either such owner or the importer of record.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 313, 46 Stat. 693, as amended; 19 U. S. C. 1313)

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: June 21, 1951.

E. H. FOLEY, *Acting Secretary of the Treasury.*

[F. R. Doc. 51-7507; Filed, June 29, 1951; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 384]

[Controlled Rooms in Rooming Houses and other Establishments Rent. Reg., Amdt. 379]

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

CERTAIN STATES

Amendment 384 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 379 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 40a, is amended to read as follows:

(40a) [Revoked and decontrolled.]

This decontrols (1) the City of Oxnard in Ventura County, California, a portion of the Ventura, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remaining incorporated localities in said Defense-Rental Area, if any, on the Housing Expediter's own initiative in accordance with section 204 (c) of said Act.

2. Schedule A, Item 63, is amended to describe the counties in the Defense-Rental Area as follows:

Escambia County, except the City of Pensacola.
Okaloosa County.
Santa Rosa County.

This decontrols the City of Pensacola in Escambia County, Florida, a portion of the Pensacola, Florida, Defense-Rental Area.

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

Cook County, except the Cities of Blue Island, Calumet City, Des Plaines, Park Ridge, and that portion of the City of Elgin located therein, and the Villages of Brookfield, Flossmoor, Kenilworth, La Grange, Lansing, Mt. Prospect, Oak Forest, Palatine, Riverdale, River Forest, Westchester, Wilmette, Winnetka, and those portions of the Villages of Barrington and Steger located therein; Du Page County; Kane County, except that portion of the City of Elgin located therein; and Lake County, except the City of Lake Forest, and that portion of the Village of Barrington located therein.

This decontrols the following portions in the State of Illinois of the Chicago, Illinois, Defense-Rental Area: (1) the City of Elgin in Cook and Kane Counties, (2) the Villages of Brookfield, Flossmoor, La Grange and River Forest in Cook County, (3) the Village of Barrington in Cook and Lake Counties, and (4) that portion of the Village of Steger located in Cook County.

4. Schedule A, Item 86, is amended to describe the counties in the Defense-Rental Area as follows:

Will County, except that portion of the Village of Steger located therein.

This decontrols that portion of the Village of Steger located in Will County, Illinois, a portion of the Joliet, Illinois, Defense-Rental Area.

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

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

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

This decontrols the City of Berkley and the Townships of Pontiac and Troy in Oakland County, Michigan, portions of the Detroit, Michigan, Defense-Rental Area.

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

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

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

7. Schedule A, Item 175f, is amended to read as follows:

(175f) [Revoked and decontrolled.]

This decontrols (1) the City of Helena in Lewis and Clark County, Montana, a portion of the Helena, Montana, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, said City of Helena being the major portion of said Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, consisting of the remaining incorporated portions of Lewis and Clark County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

8. Schedule A, Item 226, is amended to describe the counties in the Defense-Rental Area as follows:

Stark County, except the City of Massillon and the Villages of Canal Fulton, Louisville and North Canton.

Tuscarawas County, except the Townships of Auburn, Bucks, Clay, Fairfield, Jefferson, Perry, Rush, Salem, Warren, Washington, Union and York.

This decontrols the Village of North Canton in Stark County, Ohio, a portion of the Canton, Ohio, Defense-Rental Area.

9. Schedule A, Item 261, is amended to describe the counties in the Defense-Rental Area as follows:

In Erie County, the City of Erie, the Boroughs of Fairview, North Girard, Middleboro, Northeast, Paletea, Wattsburg and Wesleyville, and the Townships of Fairview, Girard, Greene, Greenfield, Harborcreek, Lawrence Park, McKean, Millcreek, Northeast, Summit and Venango.

This decontrols the Borough of Girard in Erie County, Pennsylvania, a portion of the Erie, Pennsylvania, Defense-Rental Area.

10. Schedule A, Item 262, is amended to describe the counties in the Defense-Rental Area as follows:

Cumberland County, except the Borough of Lemoyne; Dauphin County; Lebanon County, except the Borough of Richland; and in Perry County, the Townships of Rye, Penn, and Wheatfield, and the municipalities of Marysville, Perdix and Duncannon.

Franklin County.

This decontrols the Borough of Richland in Lebanon County, Pennsylvania, a portion of the Harrisburg, Pennsylvania, Defense-Rental Area.

All decontrols effected by this amendment, except those in Items 1 and 7 thereof, are based entirely on section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

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

This amendment shall be effective June 30, 1951.

Issued this 27th day of June 1951.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 51-7540; Filed, June 29, 1951; 8:57 a. m.]

TITLE 25—INDIANS

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

PART 130—OPERATION AND MAINTENANCE CHARGES

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

On June 1, 1951 (16 F. R. 5134) there was published a notice of intention to amend § 130.63 (25 CFR Part 130) to increase the annual rate of assessments for the operation and maintenance of the Joint Works part of the San Carlos Indian Irrigation Project, Arizona, (the works serving the Indian and non-Indian lands) from 80¢ per acre to $1.20 per acre, for the 100,000 acres of project lands. Interested persons desiring to participate in formulating the amendment could do so by filing written statements or data with the Area Director of the Bureau of Indian Affairs, with headquarters at Phoenix, Arizona, not later than June 16, 1951. Within the time allowed objections were filed with the Director by the San Carlos Irrigation and Drainage District. The District proposed to eliminate certain items included in the estimated costs for operation, maintenance and equipment purposes amounting to a total of $15,600. After reviewing the figures and eliminating certain items included in the estimates and bearing in mind the substantial increase in costs of operating and maintaining the Joint Works since 1948 when the amount of such costs then estimated at $80,000 annually was fixed, I have concluded that the total amount of the estimated assessment should be $115,000 or $1.15 per acre annually, effective for the fiscal year 1953 and thereafter until further notice.

Accordingly § 130.63 (25 CFR Part 130) is amended to read as follows:

§ 130.63 *Assessments, joint works.* (a) Pursuant to the act of Congress approved June 7, 1924 (43 Stat. 476) and supplementary acts, and the repayment contracts of June 8, 1931, as amended, between the United States and the San Carlos irrigation and drainage district, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§§ 130.69a to 130.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian irrigation project for the fiscal year 1953 is estimated to be $115,000 and the rate of assessment for the said fiscal year and subsequent years until further order, is hereby fixed at $1.15 for each acre of land.

The foregoing changes are to become effective for the fiscal year 1953 and continue thereafter until further notice; the assessment for that part payable by the San Carlos irrigation and drainage district being due in advance of such fiscal year on March 1; for that part payable for the 50,000 acres of Indian land will be as provided in §§ 130.110 to 130.116, inclusive.

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

D. S. MYER,
Commissioner.

JUNE 26, 1951.

[F. R. Doc. 51-7494; Filed, June 29, 1951; 8:47 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

JUNE 26, 1951.

On June 1, 1951 (16 F. R. 5134) there was published a notice of intention to amend § 130.110 (25 CFR Part 130) to increase the annual rate of assessments for the operation and maintenance of the Indians' interest in the Joint Works part of the San Carlos Indian Irrigation Project, Arizona (the works serving the In-

dian and non-Indian lands) from 80¢ per acre to $1.20 per acre, for the 100,000 acres of project lands. Interested persons desiring to participate in formulating the amendment could do so by filing written statements or data with the Area Director of the Bureau of Indian Affairs, with headquarters at Phoenix, Arizona, not later than June 16, 1951. Within the time allowed objections were filed with the Director by the Pima Indian Tribal Council on behalf of the Indian landowners. They proposed the elimination of certain items included in the estimated costs for operation, maintenance and equipment purposes amounting to a total of $20,100. After reviewing the figures and eliminating certain items included in the estimates and bearing in mind the substantial increase in costs of operating and maintaining the Joint Works since 1948 when the amount of such costs then estimated at $80,000 annually was fixed, I have concluded that the total amount of the estimated assessment should be $115,000 or $1.15 per acre annually, effective for the fiscal year 1953 and thereafter until further notice.

Accordingly § 130.110 (25 CFR Part 130) is hereby amended to increase the basic per acre rate for the Indian lands from $3.50 to $3.85 which rate includes the Indians' share of the cost of operation of the Joint Works, to read as follows:

§ 130.110 *Basic charge.* Pursuant to the provisions of section 10 of the act of March 3, 1905 (33 Stat. 1081) as amended and supplemented by the acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, 25 U. S. C. 385), section 5 of the act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, Title 25 U. S. C. 387), and the act of August 9, 1937 (50 Stat. 577), as amended by the act of May 9, 1938 (52 Stat. 291–305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian irrigation project within the boundaries of the Pima Indian Reservation, Arizona, and the basic rate assessed for the calendar year 1953 and the subsequent years unless changed by further order, is hereby fixed at $3.85 per acre. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply.

The foregoing changes are to become effective for the fiscal year 1953 and continue thereafter until further notice; the assessment for the 50,000 acres of Indian land will be payable as provided in §§ 130.111 to 130.116, inclusive.

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

D. S. MYER,
Commissioner.

JUNE 26, 1951.

[F. R. Doc. 51-7495; Filed, June 29, 1951; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1951 Dept. Circ. No. 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING JULY 1, 1951

JULY 1, 1951.

§ 129.14 *Calendar year 1951.* * * *

(c) *Quarter beginning July 1, 1951.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning July 1, 1951, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Canada	Dollar	$1.6931	Redemption of notes into gold suspended. Export of gold prohibited except under license.
Colombia	Peso	.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By Monetary Law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0852	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Ireland	Pound	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of Soviet Socialist Republics.	Ruble	.2500	By decree of Council of Ministers ruble equal to 0.222168 fine gram gold, effective Mar. 1, 1950.
Uruguay	Peso	.6583	Present gold content of 0.585018 grams fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL]

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 51-7508; Filed, June 29, 1951; 8:51 a .m.]

TITLE 29—LABOR

Chapter IV—Child Labor Branch, Department of Labor

[Child Labor Reg. 32]

PART 402—ACCEPTANCE OF STATE CERTIFICATES

DESIGNATION OF STATES

§ 402.1 *Designation of States.* Pursuant to the provisions of Part 401 of this chapter (Child Labor Regulation No. 1), the following States are hereby designated as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060 as amended; 29 U. S. C. 201):

Alabama.
Arizona.
Arkansas.
California.
Colorado.
Connecticut.
Delaware.
District of Columbia.
Florida.
Georgia.
Hawaii.
Illinois.
Indiana.
Iowa.
Kansas.
Kentucky.
Louisiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Missouri.
Montana.
Nebraska.
Nevada.
New Hampshire.
New Jersey.
New Mexico.
New York.
North Carolina.
North Dakota.
Ohio.
Oklahoma.
Oregon.
Pennsylvania.
Puerto Rico.
Rhode Island.
South Dakota.
Tennessee.
Utah.
Vermont.
Virginia.
Washington.
West Virginia.
Wisconsin.
Wyoming.

(Secs. 3 (1), 11 (b), 52 Stat. 1061, 1066 as amended; 29 U. S. C. 203 (1), 211 (b))

This designation shall be effective from July 1, 1951 until June 30, 1952, unless amended or revoked prior to such date.

Signed at Washington, D. C., this 26th day of June 1951.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 51-7464; Filed, June 28, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amendment 8]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this amendment 8 to Ceiling Price Regulation 7 (16 F. R. 1872) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 7 adds various categories of merchandise to the coverage of that regulation. These categories cover toys, Christmas decorations, and also hand knitting yarn and crochet thread, laces and trimmings, and ribbons. The economic considerations leading to the promulgation of the regulation are equally applicable to the regulation with this extended coverage; those considerations are set forth in the statement of considerations accompanying Ceiling Price Regulation 7 issued February 27, 1951.

Not only will many retailers be required to file supplemental charts, but in addition, some retailers who formerly were not covered by the regulation or who had an option to remain under the General Ceiling Price Regulation because their volume of sales was, without the new categories, sufficiently low to permit them to elect General Ceiling Price Regulation coverage, will now be required to file pricing charts under the regulation.

As a list date for Hand Knitting Yarn and Crochet Thread, Laces and Trimmings, and Ribbons, June 23, 1951 has been selected.

Because of the seasonal character of toys and Christmas decorations, it is not possible to use a recent "list date" in the preparation of pricing charts for those articles. Use of a recent list date would not presently be feasible because currently many retail stores do not stock toys, or at least carry an unrepresentative stock. To use a single list date during the peak of the toy season (before Christmas) would also not be feasible, since it would be difficult, if not impossible, for retailers to reconstruct the prices and markups of merchandise offered for sale on any single remote date. A more practical way to enable the retailer to prepare a pricing chart representative of his customary markup practice is to allow him to use invoices received during the period in which toy stocks customarily are built up for Christmas selling and the selling prices based on those invoices. Accordingly, the retailer is permitted to compile his charts for the toy categories by listing all merchandise offered for sale based on invoices received between October 1 and December 10, 1950.

In addition, the accompanying amendment to Ceiling Price Regulation 7 allows a retailer to handle each "classification" in Category 908 and Category 919 as a separate category. It has been brought to the attention of the Office of Price Stabilization that many retailers use markups for some of the classifications in Categories 908 and 919 that differ considerably from the markup of the entire category. Accordingly, the Director of Price Stabilization has allowed retail establishments to use this modified method of chart preparation for these categories.

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is hereby amended in the following respects:

1. Section 3 (a) (2) is amended by substituting for the phrase "Categories 101 through 895" the phrase "Categories 101 through 607; 610 through 620; 701 through 895;"

2. Section 3 (a) (3) is amended by changing the comma at the end thereof to a semicolon and by adding thereto the following: "1050 through 1070,"

3. Section 5 (a) is amended by inserting after the "(a)," following the section heading, the subparagraph designation "(1)" and by adding a new subparagraph (2) to read as follows:

(2) Whenever new categories are added to this regulation after June 30, 1951, you may begin to use the applicable pricing rules after you file your chart, but you must begin to use the applicable pricing rules not later than 3 months after the effective date of the amendment which adds the new categories (unless you are a mail order establishment subject to paragraph (b) of this section).

4. Section 11 is amended by adding new paragraphs (d) and (e) to read as follows:

(d) If you are a seller who has already filed a pricing chart, and by the addition of categories to this regulation you are required to file a chart for the new categories, you must prepare two copies of a supplemental chart for the new categories in accordance with this regulation, numbering the pages as if they followed the last page of the chart already filed. One copy of the supplemental chart must be kept for your use and for inspection by the OPS and the other must be filed with your OPS office[2] within 3 months after the effective date of the amendment which adds the categories.[2a]

(e) If by the addition of categories to this regulation you are for the first time a seller subject to this regulation, you must prepare two copies of a list date pricing chart for all categories in accordance with this regulation. One copy of the chart must be kept for your use and for inspection by the OPS and the other must be filed with your OPS office[2] within 3 months after the effective date of the amendment which adds the categories.[2a]

5. A new footnote 2a is added to read as follows:

[2a] For Categories 1050 through 1070 a special method for preparing charts and determining what articles were offered on the list date is provided in section 7 of Supplementary Regulation 2.

6. Section 12 is amended by inserting the paragraph designation "(a)" after the section heading and adding a new paragraph (b) to read as follows:

(b) If by the addition of new categories after June 30, 1951, you become subject to the regulation as to any categories, you may not offer, sell or deliver any article covered by any categories for which you are required to or elect to file a chart unless you file that chart within 3 months after the effective date of the amendment which adds the categories. On and after 30 days from the last date for filing that chart you may not offer, sell, or deliver any article in the categories covered by that chart unless you have received from the OPS an acknowledgment of the filing of that chart.

7. Section 13 (b) is amended to read as follows:

(b) *Your list date or list dates.* Your list date is February 24, 1951, except:

(1) It is March 31, 1951 for Categories 860 to 895; 901 to 924; and 940 to 985, or for all categories (other than Categories 610 through 620 and 1050 through 1070) if you first became subject to or first elected to become subject to the regulation between April 10, 1951 and June 30, 1951;

(2) It is June 23, 1951 for Categories 610 through 620 or for all categories (except Categories 1050 through 1070) if you first become subject to or first elect to become subject to the regulation on or after June 30, 1951.

(3) It is December 10, 1950 for Categories 1050 through 1070.[2a]

In the event you were not open for business on the appropriate list date, except where your list date is December 10, 1950, your list date is the most recent date in 1951 before that date on which you were open for business and offered for sale any article covered by the regulation.

8. Section 15 is amended by adding the following paragraph at the end thereof:

For the purpose of listing categories, you may list as a separate category or amend your chart to list as a separate category each of the separate descriptive classifications in Categories 908 and 919 (for example, 908-4—Cleaning Supplies; 919-2—Closet Shop Accessories). If you treat any descriptive classification in Category 908 or in Category 919 as a separate category, you must so treat each classification within the category.

9. Section 22 (a) is amended by inserting after the heading "Amendment by seller" the subparagraph designation "(1)" and by adding a new subparagraph (2) to read as follows:

(2) Whenever under a provision of Ceiling Price Regulation 7 added to this regulation after May 30, 1951, you are required or permitted to amend your chart, you must file the amendment to your chart with your OPS office on or before the thirtieth day following the effective date of that provision. You must attach to the amendment a statement which will designate under what provision you are filing.

Example of statement. This amendment is filed pursuant to Amendment 8 to Ceiling Price Regulation 7, effective June 30, 1951. This amendment allows retailers to handle each classification in Category 908 and Category 919 as a separate category.

You must, when you amend your chart, pursuant to this subparagraph, use the amendment to your chart in fixing ceiling prices after the date you file the amendment to your chart. You may not offer, sell, or deliver any article covered by the amendment to your chart after thirty days from the date you file your amendment unless you have received an acknowledgment from your OPS office of receipt of the amendment.

10. Section 39 (c) is amended by substituting for the date "February 24, 1951" the phrase "your list date."

11. Section 51 is amended by adding after the introductory sentence the following new sentence:

If, however, you become subject to the regulation after June 30, 1951, as to particular categories, you may not offer or sell any article in those categories after the last date for filing your chart, unless it is marked or tagged in accordance with this section.

12. Section 52 (a) (2) is amended by substituting for the phrase "not later than May 30" the phrase: "not later than the date you are required to begin using the pricing rules under section 5 (a) of this regulation;"

13. Section 52 (b) (1) is amended by substituting for the phrase "On and after February 27, 1951" the phrase "On and after the effective date of the regulation or any amendment applicable to you."

14. Section 52 (b) (2) is amended by substituting for the phrase "on or after February 27, 1951" the phrase "on or after the effective date of the regulation or any amendment applicable to you."

15. Appendix B is amended as follows:

a. The title to paragraph (B) following the text for Category 410 is amended to read as follows:

(B) *Categories of Household Textile Commodities, Drapery Hardware, Certain Yard Goods, Hand Knitting Yarn and Crochet Thread, Laces and Trimmings, and Ribbons.*

b. A new subparagraph (3) and new Categories 610, 615, and 620 are added to paragraph (B) following the text of Category 607 to read as follows:

(3) Hand Knitting Yarn and Crochet Thread, Laces and Trimmings, and Ribbons.

Category 610—Hand Knitting Yarn and Crochet Thread.

Category 615—Laces and Trimmings.

Examples of articles included are:
- Laces up to 35" wide (See Category 606 for width 35" or over).
- Val lace.
- Venice lace.
- Irish crochet.
- Alencon.
- Frogs, fringes, braids, edgings.
- Plumes and feather trimmings.
- Veils and veiling.
- Fur fabric trimming.

Category 620—Ribbons.

The articles included are ribbons of all materials and all widths.

c. The text of Category 908—General Housewares—is amended to read as follows:

The following 20 classifications of housewares are all covered by this one category. Items not to be included in this category are noted following each classification. Each of the classifications may, at your option, be used as a separate category. If you elect to divide this category, you will list the categories on your chart by adding to the present category number a dash followed by the classification number and designation, for example, 908-4-Cleaning Supplies.

d. The headnote and text of Category 919—General Notions—is amended to read as follows:

The following 14 classifications of notions are covered by this one category. Items not to be included in this category are noted following each classification. Each of the classifications may, at your option, be used as a separate category. If you elect to divide this category, you will list the categories on your chart by adding to the present category number a dash followed by the classification number and designation, for example, 919-2—Closet Shop Accessories.

e. Following the text of Category 1030, add a paragraph (E) and new Categories 1050 through 1070 to read as follows:

(E) *Toys, Games, and Christmas Decorations.*

Category 1050—Dolls.

Examples of articles included are:
- Dolls.
- Doll accessories.
- Stuffed toys.

Category 1051—Toy Miniature Movie Projectors and Toy Cameras.

Examples of articles included are:
- Toy slides.
- Toy movie projectors.
- Films for toy projectors.
- Toy cameras.

Category 1052—Box Goods.

Examples of articles included are:
- Games.
- Kindergarten materials.
- Paint sets.
- Crayons.
- Coloring books.
- Cut outs.
- Clay.
- Blocks.

Category 1053—Toy Phonographs, Toy Musical Instruments, and Musical Toys.

Examples of articles included are:
- Toy phonographs.
- Toy drums.
- Toy horns.
- Musical tops.
- Musical toys.

Category 1054—Electric Trains and Accessories.

Category 1055—Construction Toys and Scientific Toys.

Examples of articles included are:
- Chemical sets.
- Scientific toys.
- Construction toys.

Category 1056—Toy Guns and Related Items.

Examples of articles included are:
- Toy guns.
- Toy pistols.
- Toy holsters.

Category 1057—Masks and Masquerade Outfits.

This category does not include costumes described in Category 113.

Category 1058—Plastic and Rubber Toys.

This category includes plastic and rubber toys and all kinds of infants' novelty toys, other than those you listed under Category 310 on your chart.

Category 1059—Large Juvenile Toys.

Examples of articles included are:
- Pool tables.
- Blackboards.
- Hobby horses.
- Shooflies.

Category 1060—Wheel Toys and Sleds.

This category does not include bicycles which are covered in Category 923.

Examples of articles included are:
- Doll carriages.
- Velocipedes.
- Tricycles.
- Wagons.
- Scooters.
- Autos.
- Hand cars.
- Sleds.

Category 1061—Wood and Hobby Toys.

Examples of articles included are:
- Pre-school toys.
- Pull toys.
- Doll houses.
- Doll house furniture.
- Aeroplane kits.
- Kites.

Category 1062—Small Metal Toys.

Examples of articles included are:
- Mechanical toys.
- Mechanical trains and accessories (non-electric).
- Metal doll houses.
- Service stations.
- Cast iron toys.

Category 1063—Athletic Toys.

Category 1064—Toy Housewares.

Examples of articles included are:
- Toy laundry.
- Toy cleaning equipment.
- Toy cooking and tableware items.

Category 1070—Christmas Home Decorations.

Examples of articles included are:
- Tree ornaments.
- Lights (electric).
- Stands.

15. Appendix E is amended in the following respects:

a. Insert the following between the lines for Categories 607 and 701:

Category you are pricing	*Percentage markup on cost*
610	69
615	69
620	69

b. Add following the lines for Category 1030 the following:

Category you are pricing	*Percentage markup on cost*
1050	69
1051	72
1052	69

Category you are pricing	*Percentage markup on cost*
1053	69
1054	69
1055	72
1056	69
1057	66
1058	69
1059	78
1060	78
1061	78
1062	75
1063	75
1064	69
1070	81

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

Effective date. This amendment shall become effective on the 30th day of June 1951.

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

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7643; Filed, June 29, 1951; 11:21 a. m.]

[Ceiling Price Regulation 7, Amendment 9]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

ACKNOWLEDGMENTS, IN-LINE MARKUPS AND MISCELLANEOUS ADDITIONS TO APPENDICES

Pursuant to the Defense Production Act of 1950 (64 Stat. 812), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 9 to Ceiling Price Regulation 7 (16 F. R. 1872) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment changes from June 30, 1951 to July 31, 1951, the date until which retailers may continue to offer, sell, or deliver any article covered by this regulation without receipt of an acknowledgment from the Office of Price Stabilization for the filing of price charts pursuant to Ceiling Price Regulation 7. The tremendous number of charts filed by retailers pursuant to this regulation at a time when the staff of Office of Price Stabilization is still undermanned has made it necessary to extend the time for this office to acknowledge the filing of these charts.

Section 39 of the regulation provides a method of determining ceiling prices for sellers who cannot price under other sections of the regulation. It has come to the attention of the Office of Price Stabilization that certain classes of retailers which determine ceiling prices pursuant to section 39 normally operate on markups lower than those set forth in Appendix E; hence, in order to permit OPS to require such sellers to continue to operate on markups lower than those set forth in Appendix E, it is necessary to amend section 39 so that the OPS may establish for such sellers markups in line with the markups for sellers of the same class.

Appendices C, D, E, and F have been expanded to include Categories 211A, 510, 1009A, 1010A, and 1011A which were included in Appendix B of the original Ceiling Price Regulation 7. The data for inclusion of these categories in the aforementioned appendices were incomplete at the time of issuance of the original regulation. With the compilation of the necessary data, these categories are now added to the appendices.

This amendment also makes certain corrections and clarifications and minor changes in the text of Ceiling Price Regulation 7.

AMENDATORY PROVISIONS

1. Section 12 is amended by changing the date "June 30, 1951" as it appears in the second sentence thereof, to "July 31, 1951."

2. In section 39 (a) (1) delete the first clause reading as follows: "If you have never priced an article under this section," and change the following word "you" to "You."

3. A new subparagraph (3) is added to section 39 (a) to read as follows:

(3) *Reduction of Appendix E markups.* If you use Appendix E markups, your OPS office may, by order, reduce your markups to bring your markups into line with markups for sellers of the same class.

4. In Appendix C, following Categories 509, 1009, 1010 and 1011, insert Categories 510, 1009A, 1010A, and 1011A, respectively, and their comparable categories. The appropriate comparable categories for the newly inserted categories are listed below:

Categories you are pricing	Comparable categories		
	First	Second	Third
510	509		
1009A	1011		
1010A	1011	1010	1008
1011A	1012	1013	1021

5. Appendix D is amended in the following respects:

a. Insert between the lines for Categories 211 and 212, the following:

211A—36.9, 40.2, 43.4, 46.7, 50.0, 53.3, 56.5, 59.8, 63.1, 66.4, 69.6, 72.9, 76.2, 79.4, 82.7, 86.0, 89.3, 92.5, 95.8, 99.1, 102.4, 105.6, 108.9.

b. Insert between the lines for Categories 1009 and 1010, the following:

1009A—33.8, 37.5, 41.2, 44.9, 48.6, 52.3, 56.0, 59.7, 63.4, 67.1, 70.8, 74.5, 78.2, 81.9, 85.6, 88.7, 92.4, 96.1, 99.8, 103.5, 107.2, 110.9, 114.6, 118.3, 122.0.

c. Insert between the lines for Categories 1010 and 1011, the following:

1010A—31.7, 35.2, 38.7, 42.1, 45.5, 48.9, 52.4, 55.8, 59.2, 62.7, 66.1, 69.5, 73.0, 76.4, 79.8, 83.3, 86.7, 90.1, 93.6, 97.0, 100.4, 103.9, 107.3, 110.8, 114.2.

d. Insert between the lines for Categories 1011 and 1012, the following:

1011A—30.4, 33.8, 37.2, 40.6, 44.0, 47.4, 50.8, 51.2, 54.6, 58.0, 62.4, 65.8, 69.2, 73.6, 78.0, 78.4, 82.8, 86.2, 89.6, 93.0, 96.4, 99.8, 103.2, 106.6, 110.0.

6. Appendix E is amended in the following respects:

a. Insert between the lines for Categories 211 and 212, the following:

"211A—69.5"

b. Insert between the lines for Categories 1009 and 1010 the following:

"1009A—75.0"

c. Insert between the lines for Categories 1010 and 1011, the following:

"1010A—70.2"

7. Appendix F is amended in the following respects:

a. Insert between the lines for Categories 211 and 212, the following:

"211A—1.092"

b. Insert between the lines for Categories 1009 and 1010, the following:

"1009A—1.064"

c. Insert between the lines for Categories 1010 and 1011, the following:

"1010A—1.004"

d. Insert between the lines for Categories 1011 and 1012, the following:

"1011A—.974"

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

Effective date. This amendment shall become effective on the 30th day of June 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7644; Filed, June 29, 1951; 11:21 a. m.]

[Ceiling Price Regulation 7, Amendment 4 to Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES AND MAIL ORDER ESTABLISHMENTS

ALTERNATIVE METHOD OF CHART PREPARATION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this amendment 4 to Supplementary Regulation 1 of Ceiling Price Regulation 7 (16 F. R. 1895) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment modifies the method of chart preparation as to chains of stores which centrally determine uniform prices for articles added to the coverage of Ceiling Price Regulation 7 by an amendment to Ceiling Price Regulation 7 issued simultaneously herewith. This amendment to Supplementary Regulation 1 is required in order to permit certain chain stores to consider as offered for sale on the "list date" these additional articles which they charged to their outlets within specified periods of time.

AMENDATORY PROVISIONS

Supplementary Regulation 1 to Ceiling Price Regulation 7 is amended in the following respects:

The first sentence in paragraph (b) of section 2 is amended to read as follows:

(b) *Alternative method of chart preparation.* A group of outlets of a chain which elects to do so may prepare list date pricing charts for its uniformly priced categories as if its members were offering for sale on the list date each different article, style, model, or lot number covered by Ceiling Price Regulation 7 which it charged to them:

(1) Between December 1, 1950 and February 27, 1951 (where the list date is February 24, 1951);

(2) Between January 1, 1951 and March 31, 1951 (where the list date is March 31, 1951);

(3) Between March 1, 1951 and May 31, 1951 (where the list date is May 31, 1951);

(4) Between October 1, 1950 and December 10, 1950 (where the list date is December 10, 1950).

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

Effective date. This amendment shall become effective June 30, 1951.

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

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7646; Filed, June 29, 1951; 11:21 a. m.]

[Ceiling Price Regulation 7, Amendment 5 to Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES AND MAIL ORDER ESTABLISHMENTS

EXTENSION OF TIME

Pursuant to the Defense Production Act of 1950 (64 Stat. 812), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this amendment 5 to supplementary Regulation 1 of Ceiling Price Regulation 7 (16 F. R. 1895) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes from June 30, 1951 to July 31, 1951 the date after which the purchase offices of chain stores are prohibited from stating on their invoices to retail outlets a net price for any article exceeding "net costs" without first receiving an acknowledgment of the filing of a statement of customary service charges pursuant to section 6 of this supplementary regulation. This amendment reflects a concurrent action in an amendment to Ceiling Price Regulation 7 which changes from June 30, 1950 to July 31, 1950 the date beyond which no seller may offer, sell, or deliver any article covered by the regulation unless he has received an acknowledgment of his pricing chart.

Supplementary Regulation 1 to Ceiling Price Regulation 7 is amended in the following respects:

AMENDATORY PROVISIONS

1. Section 6 (c) (3) is amended by changing the date "June 30, 1951" to "July 31, 1951."

2. Section 6 (d) is amended by changing the date "June 30, 1951" to "July 31, 1951."

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

Effective date. This amendment shall become effective on the 30th day of June 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7647; Filed, June 29, 1951; 11:22 a. m.]

[Ceiling Price Regulation 7, Amendment 2 to Supplementary Regulation 2]

CPR 7—RETAIL CEILING PRICES FOR CONSUMER GOODS

SR 2—ALTERNATIVE AND SPECIAL METHODS FOR PREPARING LIST DATE PRICING CHARTS AND PRICING

TOYS, ATHLETIC TOYS, GAMES AND CHRISTMAS DECORATIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this amendment 2 to Supplementary Regulation 2 of Ceiling Price Regulation 7 (16 F. R. 1897) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment reflects action taken in an amendment to Ceiling Price Regulation 7 issued simultaneously herewith. The grounds for changes in chart preparation required by this amendment for toys, games, and Christmas decorations are stated in the concurrently issued amendment to Ceiling Price Regulation 7.

AMENDATORY PROVISIONS

Supplementary Regulation 2 to Ceiling Price Regulation 7 is amended in the following respects:

1. The caption of Ceiling Price Regulation 7, Supplementary Regulation 2, is amended to read as set forth above (Alternative and Special Methods for Preparing List Date Pricing Charts and Pricing).

2. Following the text of section 6, add the following new section 7.

SEC. 7. *Special method for preparing charts for Categories 1050 through 1070.* If you prepare a chart for Categories 1050 through 1070, and price under Ceiling Price Regulation 7, you must apply all the provisions of Ceiling Price Regulation 7 (other than Sections 16 (a) and 17 (a)), except:

(a) You must prepare your list date pricing chart for Categories 1050 through 1070 as if you were offering for sale on the list date (December 10, 1950) each different article, style, model or lot number covered by these categories for which you received an invoice in the period October 1 through December 10, 1950.

(b) In Column 2 of your chart, you list each different "net cost" shown on the invoice last received in the period October 1 through December 10, 1950 at which you bought any article in that category in that period. In order that markups on your chart may as nearly as possible reflect your normal markups, if your last invoice was received after November 15, 1950 and your offering price after receipt of that invoice was unchanged from the initial offering price based on the next to the last invoice which you had received for that article, you may list the net cost on the next to the last invoice. "Net cost" is defined in section 31 of Ceiling Price Regulation 7.

(c) In Column 3, opposite each cost listed in Column 2, list as offering prices each different price at which you offered any article in that category, having that net cost. You list as the "price at which you offered" an article the initial offering price of the article based on the last invoice you received for the article in the period October 1 through December 10, 1950.

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

Effective date. This amendment shall become effective June 30, 1951.

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

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7645; Filed, June 29, 1951; 11:21 a. m.]

[Ceiling Price Regulation 22, Amendment 13]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

EXEMPTION OF FISH AND RELATED COMMODITIES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 13 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

There has been some confusion in the trade as to when fish is and is not considered a manufactured product for purposes of CPR 22. Consequently, many in the fish industry have not been able to determine definitely whether or not their ceiling prices are to be calculated under CPR 22. To clarify matters, Appendix A is here amended to state specifically what types of fish and related commodities are excluded from coverage. It is now clearly stated that all fish, shellfish, seafood, and all products thereof are excluded from CPR 22, except fish,

shellfish, seafood, or products thereof which have been sterilized in hermetically sealed containers. Canned salmon, however, is excluded at this time from coverage by CPR 22 because a tailored regulation covering this product will be issued in the near future.

AMENDATORY PROVISIONS

Subparagraph (24) is added to paragraph (c) of Appendix A to read as follows:

(24) All salmon and salmon products, in any form; and all other fish, shellfish, seafood, and the products thereof, except when sterilized in hermetically sealed containers.

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

Effective date. This amendment shall become effective June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7650; Filed, June 29, 1951; 4:00 p. m.]

[Ceiling Price Regulation 24, Amendment 3]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to the Allocation of Meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273) this amendment 3 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to CPR 24 makes several substantive changes as well as certain clarifications of a minor nature.

(1) When the ceiling price for imported cured boneless processing beef was originally established in Amendment 2 to CPR 24, the authorization to take the wholesaler's addition was inadvertently omitted. Accordingly, this amendment authorizes wholesalers to add the wholesaler's mark-up on sales of imported cured boneless processing beef.

(2) Historically, packers have not sold substantial quantities of fabricated beef cuts to hotel supply houses or combination distributors. Ordinarily, these hotel and restaurant suppliers purchased sides, quarters, and wholesale cuts of beef and performed the fabrication work themselves. However, the industry advisory group representing this segment of the industry recommended that hotel and restaurant suppliers be authorized to sell fabricated cuts to each other, and for that reason CPR 24 permitted the interchange among all sellers of both wholesale cuts and fabricated cuts.

After CPR 24 became effective, some hotel supply houses found it difficult to purchase the larger, unfabricated cuts since their suppliers found it more profitable to sell them fabricated cuts. This had the effect of raising the price which hotel supply houses and combination distributors had to pay for their beef. To restore normal business practices and to prevent evasions of this regulation, this amendment prohibits the sale of fabricated cuts by a packer or packer branch house to anyone other than purveyors of meals, ship suppliers, and peddler truck operators.

Peddler truck operators have normally bought and resold some fabricated beef cuts to small purveyors of meals. When CPR 24 was originally issued, no provision was made authorizing the sale of fabricated beef cuts to peddlers. This amendment permits the resumption of this customary trade practice, defines the method of determining the ceiling prices for sales to peddlers, and sets up a schedule of ceiling prices for sales of fabricated beef cuts by peddler truck operators. If packers and wholesalers do not have to incur the expense of selling fabricated cuts directly to purveyors of meals, they can effect a substantial saving in their operating expense. Therefore, this amendment provides that the ceiling prices for sales of fabricated cuts to peddlers will be 3 percent below the ceiling prices on sales of fabricated cuts by packers and wholesalers to purveyors of meals. The peddler truck operators will be permitted to sell fabricated cuts at the ceilings fixed for sales by combination distributors, and, consequently, they will have a 6 percent margin on this type of sale. This is in line with the margin normally enjoyed by this segment of the industry.

(3) The Department of Defense has asked that a ceiling price be established for tenderloins meeting military specifications. Accordingly, a new price for tenderloins meeting military specifications is established in Schedule III (sec. 22).

(4) CPR 24 originally allowed an addition of $1.50 per cwt. on kosher forequarters derived from cattle slaughtered in Zone 4a. This allowance was to compensate for the tissue shrink incurred in bringing live cattle to Zone 4a slaughter plants from midwest markets. No addition for kosher boneless processing beef derived from this cattle was permitted because a considerable quantity of the lower grade cattle suitable for the production of processing beef was available in Zone 4a. However, it has been ascertained that a substantial number is also normally brought from the midwest. Therefore, it is necessary to provide an addition on kosher boneless beef to compensate for the transit shrink on that portion of the cattle slaughtered in Zone 4a which are brought in from the midwest. Accordingly, an addition of $1.00 per cwt. is authorized on kosher processing beef derived from cattle slaughtered in Zone 4a.

(5) This amendment corrects a typographical error in the ceiling price for non-kosher brains, and makes changes in the ceiling prices for kosher hanging tenders, kosher lungs, and kosher melts in accordance with the recommendations of industry members.

(6) This amendment sets up three distinct grades of beef tongues in line with the customary practice in the trade. CPR 24 fixed only one price for beef tongues because it was felt that sellers would recognize the normal differential which traditionally existed in the trade and that they would discount the lower grades of tongues. However, since CPR 24 was issued, practically all tongues have sold at the ceiling price for top grade tongues. Consequently, this amendment defines the three different types of beef tongues in accordance with the standards which were in general use in the industry and prescribes the ceiling prices for each of the three types.

(7) Some confusion has arisen concerning the applicability of the zone differential for variety meats in Zones 2 and 2a, since in most instances it is impracticable to determine the grade of cattle from which the particular type of variety meat was obtained. This amendment specifically provides that the zone differential for variety meats will be the same as for prime and choice beef.

(8) The definition of wholesaler in the regulation excluded those affiliated with slaughtering plants. It has come to the attention of the Director of Price Stabilization that this denial of the wholesaler's addition to all slaughterer affiliates has caused considerable hardship and threatens the existence of many customary wholesaler operations. The fact of affiliation alone does not necessarily produce economies and differences in methods of operation sufficient to justify the denial of a wholesaler's margin. A more significant basis for determining the need for a wholesaler's mark-up is the source of supply from which the affiliated operator obtains his beef. For example, if a person sells only non-kosher products purchased from others, it seems reasonable that he should be classified as a wholesaler even though he is affiliated with a slaughterer handling only kosher products. Although in this and other cases, an affiliated wholesaler may have customarily procured a substantial part of his meat from sources other than the slaughtering affiliate, CPR 24 as originally issued prevented him from securing any portion of the wholesaler's addition.

After careful consideration of the problem, the Director finds that those persons who customarily purchased a substantial percentage of their total supplies for resale from independent non-affiliated sources should be entitled to receive the wholesaler's addition on the supplies customarily and currently received from independent sources. This amendment therefore grants to those businesses, which could not qualify as wholesalers solely because of affiliation with slaughtering plants, an addition on their purchases of beef for resale from independent sources.

In order to prevent circumvention by means of cross sales between two or more unaffiliated slaughterers, the regulation precludes the use of the wholesaler's mark-up where the seller makes any sales of carcasses or wholesale cuts to a slaughterer or a person affiliated with a slaughterer. Those sellers who

obtain part of their supply from affiliated sources and part from unaffiliated sources will be entitled to add the regular mark-up on that portion of their supply derived from unaffiliated sources so long as the beef items are readily distinguishable from those products derived from affiliated sources. To preserve historic patterns, provision is made that this addition cannot be taken on a greater volume than the volume purchased for resale in the last quarter of 1950 from independent sources. As an added measure of precaution, these sellers will be required to submit quarterly reports to the Regional Office showing the total quantity of beef purchased from unaffiliated sources as well as the total quantity of such beef products on which the wholesaler's mark-up was charged.

Whenever a wholesaler who has slaughtering affiliations sells beef procured from unaffiliated sources, he must indicate separately on each invoice of sale the name of the unaffiliated supplier from whom the meat was obtained.

Also, this amendment corrects the wholesaler's addition with respect to sales of variety meats to purveyors of meals. It was not intended that the addition apply on these sales since the variety meat schedule already contains a special price to purveyors of meals for all sellers including adequate compensation for wholesalers. CPR 24 is corrected, therefore, to eliminate the addition on these sales.

(9) The allowance of 35 cents per cwt. for wrapping beef carcasses and wholesale cuts was intended to cover the cost of wrapping beef in a combination krinkle kraft paper and stockinette covering. Many sellers have added the 35 cents per cwt. wrapping charge even though they merely covered the meat with a piece of plain wrapping paper which costs only a few cents. In order to effectuate the intention of the regulation, this amendment specifically defines the type of wrapping for which the addition may be charged.

(10) Since the issuance of CPR 24, many complaints have been received about the shipping container allowances in section 45. Historically, very few wholesale cuts were actually shipped in returnable containers or sacks. Immediately after the issuance of the regulation, wholesalers and others were unable to buy wholesale cuts, etc. without paying for the returnable containers or sacks. This amendment therefore eliminates the additions for returnable containers and sacks and thereby restores normal industry practices.

(11) A combination distributor was originally defined in CPR 24 as a seller who during 1950 sold at least 25 percent of its volume to purveyors of meals. No distinction was made between affiliated and unaffiliated combination distributors. It was reported that some packer branch houses could qualify as combination distributors and thereby derive an extra $2.00 per cwt. on all sales of primal cuts to retailers as well as to purveyors of meals. This would have given the packers who had this type of branch house a decided advantage over packers who did not operate in this manner. In order to eliminate this unfair advantage, the regulation was amended to provide that sellers who were affiliated with packers could qualify as combination distributors only if they had sold at least 70 percent of their 1950 volume to purveyors of meals.

Under the amended regulation, some of the packer-owned selling establishments qualified as combination distributors. These distributors continued their sales to retailers and obtained the $2.00 mark-up. Prior to CPR 24, these sellers had customarily purchased ribs and loins for sale to the hotel and restaurant trade, but under the regulation these sellers began to purchase quarters and sides of beef for sale to the retail trade and to take over part of the functions of the packer branch houses in order to obtain the higher mark-up. If this practice were to continue, it would be possible for the packers who owned these establishments to channel a substantial portion of their beef through these affiliates and thereby derive an extra $2.00 per cwt. on their sales to retailers. Moreover, while the amended regulation eliminated certain packer branch houses from the category of combination distributors, it had the effect of disqualifying certain selling establishments which were customarily combination distributors.

Accordingly, the term "combination distributor" is redefined as a selling establishment which during 1950 sold at least 25 percent of its volume to purveyors of meals, and no distinction is made as between affiliated and unaffiliated establishments. However, the combination distributors are separated into two classes for pricing purposes. The unaffiliated combination distributor is permitted to add the $2.00 per cwt. to the prices in sections 20 and 22 on sales to all buyers of primal cuts and boneless cuts, while the affiliated combination distributor is permitted to add the $2.00 only when the cuts priced in sections 20 and 22 are sold to purveyors of meals.

(12) This amendment redefines "wholesaler" to permit a person who has made a substantial investment in a plant or in equipment prior to February 9, 1951, but who had not commenced operations prior to that date, to apply for classification as a wholesaler.

(13) The definition of Zone 1 is amended to exclude the municipality of St. Louis and the County of St. Louis. This puts the City of St. Louis in Zone 4 as was originally intended.

CONCLUSION

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives as far as practicable and has given full consideration to their recommendations. In his judgment, the provisions of this amendment are generally fair and equitable and necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability. To the extent that this amendment compels changes in business practices, such changes are necessary to prevent circumvention or evasion of this regulation.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 4 (b) (2), as amended, is amended by eliminating the period at the end thereof and adding the following: "except the wholesaler's addition in section 42 of this regulation."

2. Section 21 is amended as follows:

a. Section 21 (b) is amended by deleting the first sentence thereof and substituting therefor the following:

(b) For sales of fabricated beef cuts by a peddler truck seller or a combination distributor to purveyors of meals. * * *

b. Section 21 (c) is amended by deleting the first sentence thereof and substituting therefor the following:

(c) For sales of fabricated beef cuts by packing or slaughtering plants, packer branch houses and wholesalers to purveyors of meals and to ship suppliers, and for sales of fabricated beef cuts by wholesalers to hotel supply houses and combination distributors. * * *

c. A new paragraph (d) is added to section 21 to read as follows:

(d) Your ceiling price for sales of fabricated beef cuts to peddler truck sellers shall be 97 percent of the prices listed in paragraph (c) of this section rounded to the nearest ten cents, plus any of the applicable additions and adjustments permitted by paragraph (c).

d. Section 8 (b) (3) is deleted and the following substituted therefor:

(3) Selling or invoicing fabricated beef cuts to buyers other than purveyors of meals, hotel supply houses, combination distributors, ship suppliers or peddler truck sellers.

3. a. Section 22, as amended, is amended by adding within the table captioned "Schedule III" immediately below the line beginning "17. Shank meat" a new line and prices for columns (2) through (8), consecutively, reading as follows:

18. Tenderloins (military specifications) 103.50, 104.20, 104.90, 105.60, 106.30, 107.00, 107.70.

b. Appendix 3 (a), as amended, is amended by adding, immediately following Appendix 3 (a) (17) the following:

(18) *Tenderloins (military specifications)* means tenderloins trimmed according to military specifications, weighing not less than 4 pounds, packaged in 50 pound V 3 S boxes or in 50 to 100 pound wirebound or solid fibre boxes. They shall be packaged in the presence of an official inspector designated by the U. S. Army or Navy or other U. S. Government Agency.

4. Section 23 is amended by adding at the end of footnote 1 to Schedule IV the following sentence:

To the prices designated in columns 2 and 4, you may add $1.00 per cwt. where the beef is derived from cattle slaughtered in Zone 4a.

5. Section 26 is amended as follows:

a. In the line beginning "1. Brains," delete "$7.00" and substitute in lieu thereof "$17.00"; delete "$9.00" and substitute in lieu thereof "$19.00."

b. In the line beginning "3. Hanging tender," delete "62.00" and substitute in lieu thereof "55.00."

c. In the lines beginning "10. Lungs" and "11. Melts," delete "18.00" and substitute in lieu thereof "13.00."

6. a. Section 26 is amended by deleting item "15. Tongues" and the prices provided therefor and substituting the following:

Item	Non-kosher	Kosher	Sales to purveyors of meals
15 (a). Tongues (type No. 1)	37.00	50.00	45.00
15 (b). Tongues (type No. 2)	33.00	45.00	40.00
15 (c). Tongues (type No. 3)	30.00	35.00	33.00

b. Appendix 6 (a) 15 is amended by adding at the end thereof the following paragraphs:

Tongues are divided into the following classifications:

(i) Type No. 1 tongue means a tongue weighing not less than three pounds, of firm consistency without yellow fat or black skin, having no surface bruise or blood clot and no hair sore cut larger than one inch, or, if if has such hair sore cut, has no side knife cuts.

(ii) Type No. 2 tongue means a tongue weighing not less than three pounds, of firm consistency without yellow fat, having no surface bruise or blood clot, but not otherwise meeting the definition of Tongue (Type No. 1).

(iii) Type No. 3 tongue means any beef tongue not qualifying as a Type No. 1 or a Type No. 2 tongue.

7. Section 40 (b) and (c) are amended by inserting in each after the phrase "For beef graded prime or choice" the words "and for the beef variety meats and by-products listed in section 26 of this regulation."

8. Section 42 is deleted and the following substituted therefor:

SEC. 42. *Addition 3. Wholesaler's addition.* On the sale of any beef product (not obtained through custom slaughtering):

(a) (1) To retailers, you may add $2.25 per cwt. to the prices specified in Schedules I, III, VII, and section 4 (b) (2) of this regulation, or

(2) To purveyors of meals, you may add $2.25 per cwt. to the prices specified in Schedule I, III, and section 4 (b) (2), or

(3) To another wholesaler, you may add $0.75 per cwt. to the prices specified in Schedules I, III, VII, and section 4 (b) (2), or

(4) To other buyers, you may add $1.25 per cwt. to the prices specified in Schedules I, III, VII, and section 4 (b) (2).

You may not add this wholesaler's selling addition unless you are a wholesaler as defined in section 50, and unless you have filed with the appropriate Regional Office of the Office of Price Stabilization a signed statement containing the following:

(i) Your name.

(ii) The address of your selling establishment.

(iii) The date that you began doing business as a wholesaler.

(iv) The type or types of customers to whom you regularly and customarily sell your product.

(b) *Addition for certain affiliated wholesalers.* (1) If you do not qualify as a wholesaler, only by reason of the fact that you do not meet the requirements of section 50 (u) (2) of this regulation, you may add the appropriate wholesaler's addition on sales of those beef products you buy for resale from unaffiliated sources, *Provided:*

(i) The product is readily distinguishable as having been purchased for resale (i. e., it bears the registration number required by section 3 (f) or 4 (f) of Distribution Regulation 1 or any wrapping or packaging bearing the name or identification of the non-affiliated slaughterer from whom you bought);

(ii) The name of the person from whom you bought for resale is stated on your invoice. (If the item is a wrapped or packaged item, the name of the person whose identification appears on the package or wrapper must be shown.)

(iii) After July 1, 1951, you do not sell any beef carcasses or wholesale cuts to any slaughterer, packer, packer's branch house, or any person affiliated therewith;

(iv) You do not, during any calendar quarter beginning on or after July 1, 1951, take the addition on a greater volume, by weight, of beef than you obtained from unaffiliated sources and resold during the last quarter of 1950;

(v) You file with your Regional Office, on or before August 1, 1951, a statement showing the volume by weight of beef you obtained from unaffiliated sources and resold during the last quarter of 1950;

(vi) You file with your Regional Office, on or before October 15, 1951, and on or before the 15th day following the end of each calendar quarter ending on or after December 31, 1951, a statement showing, for the calendar quarter ended prior to the reporting date:

(*a*) The total volume by weight of beef obtained for resale from unaffiliated sources, and

(*b*) The total volume by weight of beef sold on which the wholesaler's addition was charged.

9. Section 44 is deleted and the following is substituted therefor:

SEC. 44. *Addition 5. Wrapping.* If you completely wrap any beef carcass or wholesale cut both in krinkle kraft paper and in a stockinette, you may add to the price specified in Schedule I an amount equal to the cost of such wrapping, but such addition shall not be in excess of 35¢ per cwt.

10. Section 45 is amended by:

a. Deleting the line "All returnable containers $0.50" and the line "Sacks—0.50".

b. Inserting "$" before the numbers "1.80" on the line beginning "5/15 Lbs. Wood."

11. a. Section 50 (g) (2), as amended, is amended by deleting "70 percent" where it appears therein and substituting therefor "25 percent."

b. Section 20 (a) and (b) are amended by deleting (4) under "Special Adjustments" and substituting therefor the following:

(4) If you are a combination distributor not affiliated with a slaughterer you may add $2.00 per cwt. to the prices listed above, and if you are a combination distributor affiliated with a slaughterer you may add $2.00 per cwt. to the prices listed above on sales to purveyors of meals only.

c. Section 22 is amended by deleting (2) under "Special Additions" and substituting therefor the following:

(2) If you are a combination distributor not affiliated with a slaughterer you may add $2.00 per cwt. to the prices listed above, and if you are a combination distributor affiliated with a slaughterer you may add $2.00 per cwt. to the prices listed above on sales to purveyors of meals only.

12. Section 50 (u) (4) is amended by adding at the end thereof the following: "If, however, you have not operated in this manner at any time between January 1, 1950, and April 30, 1951, but you have made a substantial investment in plant or equipment prior to February 9, 1951, you may file an application with the Director of Price Stabilization, Washington, D. C., requesting that you be qualified as a wholesaler. Your application shall state the nature and extent of your investment in plant or equipment and when such investment was made. If the Director finds that you have made such an investment prior to February 9, 1951, he may, by order, qualify you as a wholesaler under the appropriate provision of this section.

13. Appendix 1 (a) is amended by deleting the words "The entire State of Missouri, except St. Louis County"; and substituting therefor the following: "The entire State of Missouri, except the City of St. Louis and St. Louis County."

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

Effective date. This amendment shall become effective July 5, 1951.

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

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7652; Filed, June 29, 1951; 4:14 p. m.]

[Ceiling Price Regulation 50]

CPR 50—CEILING PRICES FOR PETROLEUM PRODUCTS SOLD IN THE VIRGIN ISLANDS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 50 is hereby issued.

STATEMENT OF CONSIDERATIONS

Article II of this regulation establishes specific ceiling prices at retail for kero-

sene imported in steel drums and sold in the Virgin Islands of The United States.

Kerosene is an important cost-of-living commodity in the Virgin Islands, where it constitutes one of the principal fuels used. It is entirely imported and is shipped in steel drums of 53–54 gallon capacity. The absense of natural gas in these islands has necessitated the use of kerosene for fueling cooking stoves and illuminating lamps in the rural areas. Its importance as a fuel is established by the fact that during the calendar year 1950, over 500,000 gallons were imported.

At the time of issuance of Ceiling Price Regulation 13, which is a cost-plus method of pricing petroleum products, and is applicable to the territories and possessions, it was recognized that it was of a temporary nature, pending the issuance of tailored type regulations to fit the specific needs of the territories. Kerosene is the first petroleum product to be removed from under CPR–13 for the establishment of uniform ceilings at retail.

An analysis of costs and selling prices of this commodity disclosed that the establishment of uniform dollars-and-cents ceiling prices at retail is feasible. Kerosene prices have not increased significantly as a result of the Korean hostilities.

A retail ceiling of 29 cents per gallon has been established for sales of kerosene imported in steel drums and sold in the island of St. Croix, and of 30 cents per gallon in St. Thomas to reflect additional transportation costs and a sales tax. Retailers in St. John have been allowed the customary differential of $0.01 per gallon above the St. Thomas retail level to cover further costs of transportation. The ceiling price represents the same average dollars-and-cents markup over direct cost as that in effect before the Korean hostilites.

Article II of the regulation standardizes the treatment of sellers in the different zones in the Virgin Islands, gives guidance to the consuming public, and provides a simple, more enforceable pricing method than is embodied in Ceiling Price Regulation No. 13.

In the formulation of this regulation special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives; however, the provisions of this regulation incorporate the recommendations of persons representing substantial segments of the trade.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950.

As far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prevailing prices during the period from May 24, 1950 to June 24, 1950, inclusive, and to relevant factors of applicability.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

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

ARTICLE II—KEROSENE

11. Ceiling prices for sales of kerosene at retail.
12. Records.
13. Posting.
14. Definitions.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Public Law 774, 81st Congress. Interpret or apply Title IV, Public Law 774, 81st Congress; E. O. 10161, September 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation establishes retail ceiling prices for kerosene sold at retail in the Virgin Islands of the United States.

SEC. 2. *Applicability.* The provisions of this regulation are applicable to the Virgin Islands of the United States.

SEC. 3. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross-sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements and trade undertakings.

ARTICLE II—KEROSENE

SEC. 11. *Ceiling prices for kerosene imported in steel drums.* Ceiling prices of kerosene sold at retail in the Virgin Islands of the United States shall be

Commodity	Quantity	St. Croix	St. Thomas	St. John
Kerosene	Gallon	$0.29	$0.30	$0.31
	Quart	.08	.08	.08
	⅘ quart	.07	.07	.07
	Two ⅘ quarts	.13	.13	.13

SEC. 12. *Records.* Every person selling kerosene at retail shall preserve and keep available for inspection by the Office of Price Stabilization, for a period two years, accurate records of each purchase of kerosene in steel drums made by the seller, the date thereof, the name and address of the wholesaler, the price paid at wholesale, and the quantity purchased.

SEC. 13. *Posting requirements.* On and after the date the sale of kerosene becomes subject to this regulation, every person offering to sell such kerosene at retail shall mark the ceiling price of such commodity in a manner plainly visible to and understandable by the purchasing public. The ceiling prices shall be posted at the place in the establishment where such kerosene is offered for sale. The ceiling prices shall be indicated in the form:

Ceiling prices:
$____ per gallon.
$____ per quart.
$____ per ⅘ quart.
$____ per two ⅘ quarts.

SEC. 14. *Definitions.* When used in this article the terms:

"Kerosene" means a mixture of hydrocarbons obtained from petroleum and boiling between arbitrary limits of temperature.

"Seller at retail" means any person who sells kerosene to an ultimate consumer.

"One gallon" is equivalent to 128 fluid ounces.

"One quart" is equivalent to 32 fluid ounces.

"One ⅘ quart" is equivalent to 25.6 fluid ounces.

Effective date: This regulation shall become effective July 5, 1951.

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

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7648; Filed, June 29, 1951; 11:22 a. m.]

[Ceiling Price Regulation 51]

CPR 51—FOOD PRODUCTS SOLD IN PUERTO RICO

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 51 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for food products sold in Puerto Rico. Article 2 of this regulation establishes ceiling prices for fish sold in Puerto Rico. Section 2.1 of this regulation establishes ceiling prices for sales of salted codfish at all levels of distribution.

Salted codfish is the most important source of protein in the diet of the low-income class of Puerto Rico. In recent years the island's average annual importation of codfish has approximated 33,297,200 pounds. Most of the island's supply of codfish comes from the province of Newfoundland in Canada. Puerto Rico is the most important single market for the codfish of the province of Newfoundland. The island purchases are about 20 percent of the total production of Newfoundland. Importations from Newfoundland represent about 95 percent of total importations of codfish. Other sources of supply have been Norway, St. Pierre de Miquelon and Faeroes Islands.

Codfish has been under price control since 1942 when the first regulation of the OPA was issued. At the expiration of Federal Price Control after World War II, the General Supplies Administration of Puerto Rico continued price control of codfish. The General Ceiling Price Regulation established the prices of codfish under the Office of Price Stabilization. On March 7, 1951, this regulation was superseded by CPR–9. The pricing technique of CPR–9

eliminated the uniform dollars-and-cents ceiling prices of codfish established under the previous Federal and Insular price regulations. In the codfish trade there are bound to be large numbers of sellers with varying dollars-and-cents markups. Enforcement becomes difficult because the purchaser does not know whether he is being overcharged unless an investigation is made of the markups of the seller. This regulation returns a commodity highly demanded by the low-income class of the island to specific ceiling prices.

Two basic types of salted codfish are customarily imported into Puerto Rico, namely: "Shore" and "Labrador". There has been a price differential in these types. Importers' selling price differential has ranged from a pre-Korean (February to June, 1950) average of 89 cents per hundredweight to $1.90 in April, 1951. Regardless of the price differential at the importers' level, both types of salted codfish have been sold generally at one price at the retail level. It has been a practice in the trade at the import and wholesale level, in sales to one purchaser of both types of codfish, to sell at one averaged price. Following this practice, the regulation fixes one price for both types of codfish at the different levels of distribution. Different ceilings for each type would create difficulties in enforcing the regulation.

The prices in this regulation are designed to maintain a generally fair and equitable margin for all sellers of salted codfish in relation to the margin existing before the Korean conflict. An analysis of historical prices and markups relationship indicates that the ceilings fixed are generally in line with the pre-Korean prices and markups.

A special provision is established in the regulation requiring all sellers of codfish, except at retail level, to supply the purchaser with a statement of the ceiling prices fixed by this regulation at time of each delivery. The regulation also requires that retailers post the ceiling price of salted codfish in a manner plainly visible to the purchasing public. These requirements will aid in the enforcement of the regulation.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In formulating this section of the regulation, the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950. The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of the 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.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

ARTICLE 1—GENERAL PROVISIONS

Sec.
1.1 What this regulation does.
1.2 Applicability
1.3 Compliance required.
1.4 Evasion.
1.5 Posting and notification to retailers.
1.6 Sales slips and receipts.
1.7 Records.
1.8 Enforcement.
1.9 Petitions for amendment.
1.10 More or less than unit specified.
1.11 Definitions.

ARTICLE 2—FISH

2.1 Salted codfish.

AUTHORITY: Sections 1.1 to 2.1 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 C. F. R., 1950 Supp.

ARTICLE 1—GENERAL PROVISIONS

SECTION 1.1 *What this regulation does.* This regulation establishes ceiling prices for certain articles of food at various levels of distribution. These new ceiling prices, after the effective date of this regulation, will supersede the ceiling prices established under any other price regulations or orders heretofore issued by the Office of Price Stabilization.

SEC. 1.2 *Applicability.* The provisions of this regulation shall apply only to the Territory of Puerto Rico.

SEC. 1.3 *Compliance with this regulation required*—(a) *Prohibition against selling or delivery of commodities listed at prices above the ceiling.* On and after the effective date of this regulation, regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business any commodity covered by this regulation at prices higher than the ceiling prices fixed by this regulation, and no person shall agree, offer, solicit, or attempt to do anything prohibited in this section.

(b) *Less than ceiling prices.* Prices lower than the ceiling prices may be charged, demanded, paid or offered.

SEC. 1.4 *Evasion.* The ceiling prices established by this regulation shall not be evaded either by direct or indirect methods in connection with the purchase, sale, delivery or transfer of included commodities alone or in conjunction with any other commodity, or by way of any commission, service, transportation or any other charge, or discount, premium or other privileges or by tie-in agreement or other trade understanding, or by a change in the quality of the product or otherwise, except when such change in quality takes place in compliance with a regulation issued by an agency of the United States or the Government of Puerto Rico.

SEC. 1.5 (a) *Notification to retailers.* On and after the effective date of this regulation every person selling the commodities listed herein, except at retail, shall with each delivery supply the purchaser with a statement of the ceiling prices of the commodities at time of delivery as follows: "The Office of Price Stabilization has established fixed ceiling prices for this commodity at $____ on sales to wholesalers; at $____ on sales at wholesale; and at $____ on sales at retail".

(b) *Posting.* On and after the effective date of this regulation every person offering to sell the listed commodities at retail shall mark the ceiling prices of such commodity in a manner plainly visible to and understandable by the purchasing public. The ceiling price may be marked on the commodity itself or may be posted at the place in the establishment where the commodity is offered for sale. The ceiling price and selling price shall be indicated in the form of "Ceiling price $____", or "Our ceiling $____", and "Our selling price $____".

SEC. 1.6 *Sales slips and receipts.* Every seller at retail of the commodities listed herein, who has customarily given purchasers sales slips or receipts, shall continue to do so. Upon request from a purchaser, every seller of such commodity, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the quantity and description of the commodity, and the price received for it.

SEC. 1.7 *Records.* If you purchase or sell listed commodities at the wholesale level, in the course of trade or business, you must preserve and keep available for inspection by the Director of Price Stabilization for a period of two years, complete and accurate records for each purchase and sale. These records must include: (1) The date of the sale or purchase; (2) the name and address of the seller or purchaser; (3) the price paid or received; (4) a description of the commodities sold or purchased; (5) the quantity sold or purchased.

SEC. 1.8 *Enforcement.* Any person who violates any provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for damage provided by the Defense Production Act of 1950.

SEC. 1.9 *Petitions for amendment.* If you wish to have this regulation amended you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1.

SEC. 1.10 *Price for more or less than unit specified.* The ceiling price for a quantity of a commodity which constitutes a fraction or multiple of the unit in terms of which a commodity is priced in this regulation, shall be proportionately computed unless otherwise provided hereafter.

SEC. 1.11 *Definitions and explanations.* (a) "Person". This term includes any individual, corporation, partnership,

association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or its political subdivisions or agencies.

(b) "Records". This term means books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(c) "Sales at retail", and "Retailer". Sale at retail means a sale to an ultimate consumer. A seller who in the regular course of trade or business makes sales at retail is a retailer.

(d) "Sale at wholesale", and "wholesaler". Sale at wholesale means a sale by a person who buys a commodity and resells it to any person other than an ultimate consumer and includes any sale to the United States, or any government, or any of its political subdivisions, any religious, educational or charitable institution for the sick, deaf, blind, disabled, aged, or insane, or any school, hospital, library, commercial or industrial user, or any agent of the foregoing. A seller who in the regular course of trade or business makes sales at wholesale is a wholesaler.

(e) "Sales to wholesalers". This term means a sale by the first distributor or importer of a commodity to a wholesaler.

(f) "You". The program "you", as used in this regulation, indicates the person subject to the regulation.

(g) "Listed commodity". This term means any commodity the ceiling price of which is fixed by this regulation.

ARTICLE 2—FISH

SEC. 2.1 *Salted codfish*—(a) *Definition.* "Salted codfish". This term refers to the varieties of codfish, whether dried or semi-dried, known as: "Shore", commonly called "amarillo"; "Labrador", commonly called "blanco"; and "Pollock", commonly called "pesca".

(b) *Ceiling prices.* Ceiling prices for salted codfish are established as follows:

Salted codfish:

Sales to wholesaler	$16.30 (Per 100 lbs.)
Sales at wholesale	$17.20 (Per 100 lbs.)
Sales at retail	$0.20 (Per lb.)

Effective date: This regulation shall become effective July 5, 1951.

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

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7649; Filed, June 29, 1951; 11:22 a. m.]

[General Ceiling Price Regulation, Amendment 2 to Supplementary Regulation 13]

GCPR, SR 13—COKE, COAL CHEMICALS AND COKE OVEN GAS

EXTENSION OF EXPIRATION DATE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 2 to Supplementary Regulation 13 (16 F. R. 809) to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 13 to the General Ceiling Price Regulation would expire, by its own terms, at midnight June 30, 1951. In setting this expiration date it was expected that a permanent regulation would have been prepared and issued on or before that date to replace the present temporary regulation. It was also deemed necessary to conduct surveys of the various segments of the industry covered by the regulation prior to the preparation of a permanent regulation. Although a survey of part of the industry has been completed, the survey of the entire industry is not yet completed. Until this is done, a permanent regulation will not be prepared or issued.

It is deemed necessary therefore that the present regulation be extended for a period of three months to provide adequate time for completion of the industry surveys and the preparation of a permanent regulation, which will undoubtedly involve meetings of the industry advisory committees representing the various segments of the Coke, Coal Chemicals and Coke Oven Gas industry. The amendment extends the expiration date to midnight, September 30, 1951. It also amends section 3 (c) to provide that the producers shall not exceed their 1950 gross margin during the period from February 1, 1951, to September 30, 1951, inclusive.

AMENDATORY PROVISIONS

Supplementary Regulation 13 to the General Ceiling Price Regulation as amended, is further amended in the following respects:

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

(c) Nothing in this supplementary regulation shall authorize or permit a producer to increase his operating margin per ton of raw material carbonized for the period February 1, 1951, to midnight, September 30, 1951, inclusive, above his operating margin during the base period January 1 to December 31, 1950, inclusive.

2. The last paragraph of the regulation is amended to read:

Expiration date. This supplementary regulation and its amendments to the General Ceiling Price Regulation shall expire at midnight, September 30, 1951.

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

Effective date. This amendment 2 to Supplementary Regulation 13 to the General Ceiling Price Regulation shall become effective June 30, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7651; Filed, June 29, 1951; 4:00 p. m.]

[Ceiling Price Regulation 53]

CPR 53—LEAD SCRAP MATERIALS, SECONDARY LEAD, AND ANTIMONIAL LEAD

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), E. O. 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 53 is issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollars-and-cents ceiling prices for battery lead scrap and other lead scrap materials, secondary lead, and primary and secondary antimonial lead. It also establishes ceiling prices which any person may charge for brokerage services rendered in connection with the sale of scrap battery lead plates.

With the exception of primary antimonial lead, the commodities covered by this regulation constitute the raw materials and products of the secondary lead industry. Primary antimonial lead is a by-product of the smelting of primary lead and has been included in this regulation because it is marketed in the same channels as lead scrap and secondary lead.

The operation by which lead scrap is restored to a form in which the metal can be used is relatively simple, consisting principally of melting and casting in customary shapes. Battery lead scrap, obtained mainly from obsolescent storage batteries, contains both lead and antimony and is processed to produce secondary antimonial lead which is used principally in the manufacture of new storage batteries. Currently, about 80% of the total antimonial lead produced in the United States is secondary material. Other lead scrap materials, comprised of waste generated in industrial operations and of obsolescent products containing lead, are processed into secondary lead of various grades. In all, about half of the total tonnage of lead produced in the United States comes from secondary services.

Under ordinary circumstances, secondary lead (other than antimonial lead) containing not less than 99.85% lead sells at about the same price as primary lead (poorer grades sell at differentials based upon their lower lead content) while the lead scrap materials from which such secondary lead is produced sell at somewhat lower prices with the differentials varying in response to changes in demand. The prices for both primary and secondary antimonial lead ordinarily reflect the value of their lead and antimony content, measured in terms of the prevailing prices for new metal and scrap battery lead plates sell at a price which reflects the current price for secondary antimonial lead less a charge to cover the cost of smelting. Although there was some fluctuation in the price level and price relationships of those commodities in the pre-Korea period, the changes were slight and the pattern described above generally prevailed.

The outbreak of hostilities in Korea and the inauguration of our defens program, however, resulted in price move-

ments which completely upset the normal price relationships of the secondary lead industry. The prices of all secondary lead and lead scrap rose disproportionately to the price of primary metal and during the base period of the General Ceiling Price Regulation (December 19, 1950 to January 25, 1951) some sellers were obtaining 21 cents or more a pound for secondary lead while primary lead was selling generally for 17 cents a pound. The same chaotic conditions existed in the case of antimonial lead with substantial quantities being sold at a price well above the new metal value of the lead and antimony content. The lead scrap market also reflected this confusion with some scrap being sold at prices as high as, or even higher than, the prices for primary lead.

These abnormal price relationships, now reflected in the ceiling prices established by the General Ceiling Price Regulation, have resulted in serious distortion in the normal flow of scrap, in resort to various evasive practices on the part of both buyers and sellers, and in serious hardship to some consumers. These conditions constitute a serious threat to the stabilization program and to the continued output of needed civilian items and materials and equipment essential to our defense program.

The ceiling prices established by this regulation are designed to correct this situation by rolling back the prices for the commodities covered to levels which in general will restore the relationships, on the basis of current ceiling prices for primary metals, which prevailed during periods of active but not abnormal demand. Thus the new ceiling price for secondary lead containing not less than 99.85 percent lead is 17 cents per pound while the ceiling prices for poorer grades reflect their lower value in terms of lead content. The new ceiling prices of 15.25 cents per pound for lead scrap, other than battery lead scrap is considered high enough to encourage collection of such material and yet leave a sufficient margin (1.75 cents per pound) to cover the costs of smelting.

The ceiling prices for antimonial lead have been established on the basis of 17 cents a pound for lead content and 51 cents per pound for antimonial content. The value of 51 cents per pound for antimony is within the range of ceiling prices for this metal under the General Ceiling Price Regulation. The new ceiling price for scrap battery lead plates, the most important grade of battery lead scrap, is 17 cents per pound of combined lead and antimony content less a smelting charge of 2 cents per pound of scrap. This charge was established after consultation with representatives of the industry and in the opinion of the Director it provides an adequate margin for the smelting operations involved. The ceiling price for used storage batteries sold as scrap has been established at a level which will permit profitable operations by persons who buy such batteries and recover the scrap battery lead plates contained therein.

In accordance with industry practice, this regulation establishes ceiling prices for deliveries of secondary lead and antimonial lead, in specified base quantities with additions for deliveries in lesser quantities designed to cover the extra costs involved in handling such smaller lots. Since some consumers ordinarily purchase scrap battery lead plates through brokers, the regulation permits such brokers to charge, under specified conditions, the average commission per pound which they received during the period May 24 to June 24, 1950. Brokers who were not in business during that period are required to apply to the Office of Price Stabilization for the establishment of a commission.

This regulation also permits, for 14 days, deliveries of lead scrap at a price in excess of ceiling prices in order to carry out contracts entered into before issuance of the regulation. Such deliveries may be made, however, only if the material so delivered was acquired by the seller at prices in excess of the ceiling and if before the issuance date it had been received by or was in transit to the seller. Similarly, the regulation permits, for 28 days and subject to certain conditions, deliveries by smelters of secondary lead and secondary antimonial lead at prices in excess of the ceiling in order to allow such persons to work out their high cost scrap inventories. The periods allowed for contract completion were determined upon after consideration of the relevant factors affecting the movement and marketing of lead scrap and the secondary commodities processed therefrom, and in the opinion of the Director they are adequate to prevent undue loss to sellers because of the ceiling price rollbacks accomplished by this regulation.

It is believed that the ceiling prices established in this regulation will restore the normal price relationships which prevailed in the industry, will remove the factors which have distorted the movement of commodities covered and will alleviate the hardship which some buyers have suffered. In the judgment of the Director of Price Stabilization, the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this ceiling price regulation, the Director consulted with industry representatives, including trade association representatives, to the extent practicable under existing circumstances, and has given full consideration to their recommendations.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been 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 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.

REGULATORY PROVISIONS

Sec.
1. Coverage of this regulation.
2. Prohibitions.
3. Permission to carry out certain contracts.
4. General pricing provisions.
5. Ceiling prices, f. o. b. point of shipment, for battery lead scrap.
6. Ceiling prices, f. o. b. point of shipment, for other lead scrap materials.
7. Ceiling prices, f. o. b. point of shipment, for secondary lead and antimonial lead.
8. Ceiling delivered prices.
9. Definitions.
10. Excise, sales, and similar taxes.
11. Record-keeping requirements.
12. Penalties.
13. Petitions for Amendment.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Coverage of this regulation*—(a) *Commodities and services covered.* This regulation establishes ceiling prices for battery lead scrap, other lead scrap materials, secondary lead, and primary and secondary antimonial lead. It also covers brokerage services rendered in connection with the sale of scrap battery lead plates.

(b) *Persons covered.* This regulation applies to the following persons: (1) Any person who sells battery lead scrap or other lead scrap materials;

(2) Any smelter who sells secondary lead or primary and secondary antimonial lead;

(3) Any person who acts as a broker in connection with the sale of scrap battery lead plates to a smelter;

(4) Any importer or exporter of the commodities covered by this regulation; and

(5) Any person, who in the regular course of trade or business, buys any of the commodities or services covered by this regulation.

(c) *Geographical applicability.* This regulation applies in the 48 States of the United States, its Territories and Possessions, and the District of Columbia.

SEC. 2. *Prohibitions*—(a) *Against transactions above ceiling prices.* Regardless of any contract or other obligation (except as provided in section 3) on and after the effective date of this regulation no person covered by this regulation shall sell or deliver, or buy or receive in the regular course of trade or business, any of the commodities and services covered by this regulation at a price in excess of the applicable ceiling price. No person shall offer, solicit, attempt, or agree to do any of the foregoing.

Lower prices than those set forth in the regulation may be charged, demanded, paid or offered.

(b) *Against tie-in transactions.* No person covered by this regulation shall sell any of the commodities covered by this regulation on condition (1) that the buyer purchase from any person any product or service, or (2) that the buyer sell to any person any product or service,

No person who buys any commodity covered by this regulation in the regular course of trade or business shall participate in any such tie-in transaction.

(c) *Against evasion.* No person shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery, or transfer of the commodities covered by this regulation, either alone or in conjunction with any other commodity, or by way of any commission, service, transportation charge, discount, premium, or privilege, or by up-grading, trade understanding or otherwise.

SEC. 3. *Permission to carry out certain contracts.* (a) Regardless of any other provisions of this regulation, until July 13, 1951, any person other than a smelter may deliver battery lead scrap and other lead scrap materials at a price in excess of the ceiling price established herein in order to carry out any contract entered into before June 29, 1951, if the material so delivered was purchased at a price in excess of the ceiling price established herein and if before June 29, 1951, it was received by, or was in transit to, the person making delivery.

(b) Regardless of any other provision of this regulation, until July 27, 1951, any smelter may deliver secondary lead or secondary antimonial lead at a price in excess of the ceiling price established herein in order to carry out any contract entered into before June 29, 1951; *Provided,* That:

(1) Before June 29, 1951, the smelter bought or contracted to buy, lead scrap materials at prices in excess of the ceiling prices established herein and such scrap materials were received by, or were in transit to, the smelter before July 13, 1951; and

(2) The quantity of secondary lead or secondary antimonial lead delivered by the smelter after June 28, 1951, pursuant to the provisions of this paragraph (b) does not exceed the recoverable metallic content of the lead scrap materials which were secured by, or were in transit to the smelter, before July 13, 1951, and for which the smelter paid prices in excess of the ceiling prices established in this regulation.

SEC. 4. *General pricing provisions*—(a) *Pricing basis.* Sections 5, 6, and 7 set forth ceiling prices for the commodities covered by this regulation. These ceiling prices apply f. o. b. point of shipment, but the delivered price (price f. o. b. point of shipment plus transportation costs paid by the buyer) may not exceed the ceiling delivered prices set forth in section 8.

(b) *Sales on a "where is" basis.* When any commodity covered by this regulation is sold on a "where is" basis, the applicable ceiling price in sections 5, 6, or 7 must be reduced by an amount no less than the cost to the buyer of loading such commodity on the conveyance in which it is transported to the buyer's receiving point.

(c) *Mixed shipments.* When two or more of the commodities covered by this regulation having different ceiling prices are shipped in one vehicle, the ceiling price for the entire shipment is the lowest ceiling price applicable to any commodity contained therein unless each commodity is invoiced separately and is so loaded in the vehicle that it can be readily distinguished and separately weighed.

(d) *Determination of ceiling price on the basis of quantity.* Sections 5 and 7 set forth different ceiling prices for different quantities of material. The ceiling price applicable to a particular sale shall be determined on the basis of the total quantity of the commodity delivered by the seller within a period of three calendar days (excluding Saturdays, Sundays, and holidays) from one or more points of shipment to (1) a public carrier for transportation to the buyer's receiving point, (2) to the buyer at his receiving point in a conveyance owned controlled by the buyer. The amount of material delivered during any calendar day may be counted only once in determining the applicable ceiling price.

In determining the ceiling price applicable to a delivery or series of deliveries only the weight of the commodity involved shall be counted, and the weight of containers, dunnage, and other tare shall be disregarded.

SEC. 5. *Ceiling price, f. o. b. point of shipment, for battery lead scrap.* (a) The ceiling price, f. o. b. point of shipment, for battery lead scrap is the applicable price set forth in Table A below. Special provisions for the payment of brokerage commissions in connection with certain transactions are set forth in paragraph (b) of this section.

Payment shall be made on the basis of weight of material determined at the buyer's plant. Determination of the applicable price for storage batteries shall be made on the basis of weight after the boxes have been drained.

Unless otherwise specified in Table A, payment for battery lead plates shall be computed on the basis of combined antimony and lead content determined by sample assay made by the buyer at his plant. Such assay must satisfy the following requirements: A chemical assay shall be made of the metal and dross derived from the sample; the sample shall be selected from the shipment in a manner consistent with the established practice of the trade and shall be of a size not smaller than is consistent with such practice; the assay in every other respect shall be performed in a manner consistent with the purpose of determining accurately the lead and antimony content of the shipment of battery lead plates; and a part of the sample shall be retained by the buyer in an air-tight sealed container for sixty days after sampling.

TABLE A

Commodity	Price	
	15,000 pounds or more	Less than 15,000 pounds
Battery lead plates	17 cents per pound of lead and antimony content less a smelting charge of 2 cents per pound of material.	17 cents per pound of lead and antimony content less a smelting charge of 2.25 cents per pound of material.
Used storage batteries (in boxes) drained of liquid.	6.60 cents per pound	6.40 cents per pound.

(b) *Brokerage commissions.* (1) In addition to the ceiling prices set forth in paragraph (a) of this section, any person who acts as a broker in connection with the purchase of scrap battery lead plates for a smelter may charge a commission determined in accordance with subparagraph (2) of this paragraph if all of the following conditions are complied with: the broker contracts in writing with a smelter to have delivered to the smelter not less than 300 tons of battery lead plates within a 30 day period; complete delivery under the contract is made within a period of 30 days; the material is delivered directly to the smelter from a source other than the broker's warehouse, plant, or yard; the material delivered is not owned by the broker or by any seller in which broker has a substantial financial interest, either directly or indirectly; the seller does not hold such interest in the broker; the commission is shown as a separate item in billing or invoicing; the broker does not divide or split the commission with any other person; the broker supplies the seller, or sellers, with a copy of the smelter's weight and assay report; and the contract is fully performed before the commission or any portion thereof is paid.

(2) The commission shall not exceed the average commission per ton of battery lead plates received by the broker during the period May 24, to June 24, 1950. If the broker did not receive any commission during such period, the commission shall be the amount established by the Office of Price Stabilization upon application by the broker.

Any such application shall be filed with the Office of Price Stabilization, Washington 25, D. C. and shall contain the following information: the broker's name and address; the name and address of the smelter with whom he has a contract; and a copy of such contract. Any commission established by the Office of Price Stabilization pursuant to such application will be in line with the commission otherwise established in this sub-paragraph and shall apply to all subsequent similar transactions by the broker.

SEC. 6. *Ceiling prices, f. o. b. point of shipment, for other lead scrap materials.* The ceiling price, f. o. b. point of shipment, for any quantity of soft lead scrap, hard lead scrap, battery lugs, cable lead scrap, or the lead content of lead covered cable scrap is 15.25 cents per pound.

SEC. 7. *Ceiling prices, f. o. b. point of shipment, for secondary lead and antimonial lead.* The ceiling price, f. o. b. point of shipment, for secondary lead and

antimonial lead is the applicable price set forth in paragraph (a) of this section. Certain premiums for special shapes and packing may be charged in accordance with paragraph (b) of this section.

(a) The ceiling price for quantities of 40,000 pounds or more is the applicable price in Table B. When deliveries in lesser quantities are made, the following amounts may be charged in addition to the applicable price in Table B:

(1) For deliveries of from 2,000 pounds to 39,999 pounds, an amount per pound determined by subtracting the quantity delivered from 40,000, dividing the result by 1,000, rounding this figure to the next highest unit, and multiplying by 0.02 cent.

Example. Assume a delivery of 28,600 pounds. 28,600 subtracted from 40,000 equals 11,400. 11,400 divided by 1,000 equals 11.4. Rounding to the next highest unit gives a figure of 12. 12 times 0.02 cent equal 0.24 cent, the amount which may be added to the applicable price in Table D.

(2) For deliveries of less than 2,000 pounds, 0.76 cent per pound plus an amount determined by subtracting the quality delivered from 2,000, dividing the result by 100, rounding this figure to the next highest unit, and multiplying by 0.05 cent.

Example. Assume a delivery of 1,520 pounds. 1,520 subtracted from 2,000 equals 480. 480 divided by 100 equals 4.8. Rounding to the next highest unit gives a figure of 5. 5 times 0.05 cent equals 0.25 cent. 0.25 cent added to 0.76 cent equal 1.01 cents, the amount which may be added to the applicable price in Table B.

TABLE B

Description	*Prices*
Secondary pig lead:	
Containing not less than 99.85 percent lead.	17 cents per pound of material.
Containing 98.0 to 99.849 percent lead	16¾ cents per pound of material.
Containing less than 98.0 percent lead	15¼ cents per pound of material.
Antimonial lead prepared to buyer's specifications.	51 cents per pound of antimony content plus 17 cents per pound of lead content.
Crude antimonial lead	51 cents per pound of antimony content plus 17 cents per pound of lead content minus ¾ cent per pound of material.

(b) *Premiums for special shapes and packing.* In addition to the applicable ceiling price set forth in paragraph (a), of this section, premiums for special shapes and special packing may be charged in accordance with the provisions of this paragraph.

(1) The premium for special shapes or special packing listed in Table C is the applicable amount set forth in that table.

TABLE C

Description	*Premiums*
Small, sectional or linked ingots weighing 10 pounds or less.	1.25 cents per pound of material.
Bagging	20 cents per 100 pounds.
Boxing	50 cents per 100 pounds.
Strapping	50 cents per ton.
Strapping and palletizing.	85 cents per ton.

(2) The premium for sales by a smelter of secondary lead or antimonial lead in special shapes other than those listed in Table C shall be the premium established by the Office of Price Stabilization upon application by the smelter. Any such application shall be filed with the Office of Price Stabilization, Washington 25, D. C. and shall contain the following information: the name and address of the smelter; a description of the shape for which a premium is requested; a description of the special purpose for which the shape is used; a statement of the costs involved in making such shape; if such shape was made before the date of issuance of this regulation, a statement of the premium received on the last sale prior to such date; and the premium requested.

Any premium established by the Office of Price Stabilization pursuant to any such application will be in line with the premium for special shapes established in subparagraph (1) of this paragraph.

Any smelter who files an application pursuant to this sub-paragraph may charge the premium requested provided that he furnishes the buyer with a copy of his application and agrees with the buyer that he will refund the amount, if any, by which the premium charged exceeds the premium established by the Office of Price Stabilization.

SEC. 8. *Ceiling delivered prices.* When any of the commodities covered by this regulation is sold on a delivered basis, the ceiling price shall be the applicable price, f. o. b. point of shipment, determined in accordance with sections 5, 6, or 7 plus whichever of the following charges is applicable:

(a) When delivery is made to the buyer's receiving point by way of a public (common or contract) carrier, an amount not in excess of the actual charge (including transportation taxes) made by such carrier;

(b) When delivery is made to the buyer's receiving point by a vehicle owned or controlled by the seller, an amount not in excess of the lowest published and applicable common carrier charge (not including transportation taxes) for transporting the commodity being priced from the point or points of shipment to the buyer's receiving point.

SEC. 9. *Definitions.* When used in this regulation, the term:

(a) "Antomonial lead" includes both primary and secondary antimonial lead, and means any lead-antimony alloy containing not less than 98% antimony and lead combined, not less than ¼% antimony, and not more than ½% tin.

(b) "Antimonial lead prepared to buyer's specifications" means antimonial lead having an antimony content equivalent to that specified by the buyer and which may be used by the buyer without further alloying or refining.

(c) "Battery lead scrap" means scrap battery lead plates and used storage batteries in boxes. It does not include used storage batteries sold for re-use.

(d) "Crude antimonial lead" means antimonial lead having an antimony content which does not permit its use by the buyer without further alloying or refining.

(e) "Exporter" means a person who last sells any commodity covered by this regulation which is transported, after such sale, from a point in the United States, its Territories, or Possessions to a point outside thereof.

(f) "Importer" means a person who first sells any commodity covered by this regulation which is transported, either before or after such sale, from a point outside of the United States, its Territories, or Possessions to a point inside thereof.

(g) "Other lead scrap materials" means scrap materials the principal metallic content of which is lead and which contain other metals only as impurities.

(h) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representation 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 the foregoing.

(i) "Point of shipment" means the point from which the material is loaded on a conveyance for shipment to the buyer's receiving point. In the case of any commodity covered by this regulation sold by an importer and delivered into the continental United States, its Territories, or Possessions by water, the point of shipment shall be deemed to be the place within the continental United States, its Territories, or Possessions where the material is loaded on a conveyance for transportation directly to the buyer. In the case of any commodity covered by this regulation sold by an importer and transported directly to the buyer overland from Mexico or Canada, the point of shipment shall be deemed to be the freight station in the United States at or nearest the point on the boundary between the United States and Mexico or Canada, as the case may be, at which the shipment first enters the United States.

(j) "Scrap" or "scrap materials" includes all materials which are the waste or by-product of any kind of metal working, as well as materials which have been discarded on account of obsolescence, failure, or any other reason.

(k) "Secondary lead" means lead more than 50% of the lead content of which is obtained from scrap material.

(l) "Smelter" means any person, including a battery manufacturer, who melts or smelts battery lead scrap or other lead scrap materials. It also includes any person who makes pigs, ingots, linked ingots, sectional ingots, or billets of lead or antimonial lead.

SEC. 10. *Excise, sales, and similar taxes.* Any person may collect, in addi-

tion to the ceiling price established by this regulation, any excise, sales, or similar tax imposed upon him by reason of his sale of the commodities covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

SEC. 11. *Record-keeping requirements.* (a) Every person selling or purchasing any commodity covered by this regulation shall keep for inspection by the Office of Price Stabilization, for a period of two years, complete and accurate records of each such sale or purchase showing: The date thereof; the name and address of the seller and the buyer; the quantity of each grade of the commodity sold or purchased; the price charged or paid, f. o. b. point of shipment for each such grade; the premiums, if any, charged or paid; the point or points of shipment and the buyer's receiving point; and the disposition of transportation charges;

(b) Every person rendering a brokerage service covered by this regulation shall keep for inspection by the Office of Price Stabilization, for a period of two years, complete and accurate records of each transaction for which such service is rendered, showing: the date thereof; the name and address of the person for whom such service is rendered; the terms of the contract under which the brokerage service is rendered; the name and address of the seller or sellers of the scrap battery lead plates; and the price charged and quantity delivered by each seller.

SEC. 12. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for damages provided by the Defense Production Act of 1950.

SEC. 13. *Petitions for amendment.* Any person seeking an amendment of any provisions of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1.

Effective date. This regulation shall become effective on June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7667; Filed, June 29, 1951; 12:12 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-34 as amended June 28, 1951]

M-34—SOLE LEATHER

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of the order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. In the formulation of this order as amended June 28, 1951, however, consultation with industry representatives was rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M-34 (as amended March 8, 1951) by amending paragraph (c) of section 4, by adding a new paragraph designated "(e)" in section 4, and by amending section 5.

NPA Order M-34 as amended reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on tanning of sole leather.
4. Restrictions on cutting hides and on cutting and sale of sole leather.
5. Restrictions on sales, deliveries, and use of cut stock.
6. Limitation for acceptance of rated orders.
7. NPA assistance in placing rated orders and disposing of inventories of midsoles and innersoles.
8. Applications for adjustment or exception.
9. Records.
10. Audit and inspection.
11. Reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to tanners, cutters, and any person who owns or possesses sole leather whole stock, midsoles of military weight and quality, or innersoles of military weight and quality. It does not apply to any person whose use of sole leather is confined exclusively to the repairing of shoes for the general public. The purpose of this order is to insure the production of military grade midsoles and innersoles in quantities necessary to meet military requirements. This order prescribes how sole leather must be processed and cut; prohibits the cutting of sole leather unless so cut as to produce the quantities of military grade midsoles and innersoles set forth in Schedule A at the end of this order, which schedule is hereby made a part of this order; and restricts the sale, delivery, processing, or other use of all such soles cut after the effective date of this order, to the filling of orders for military shoes. This order further provides for equitable distribution of rated orders among all sole cutters in order to make possible maximum production of such soles and to reduce to a minimum disruption of normal distribution. In addition, it calls for monthly reports by every sole cutter on the quantities of sole leather cut. This order supplements NPA Reg. 2, but only those provisions of Reg. 2 which are inconsistent with this order are superseded, and all other provisions of Reg. 2 continue to apply to the sole leather industry.

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

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

(b) "Sole leather" means vegetable tanned sole leather commercially known as "manufacturers'" type.

(c) "Midsoles of military weight and quality" means men's cut soles of 7 to 8 iron, inclusive, of fine, semifine, imperfect fine, and No. 1 scratch grade or as otherwise required by the applicable specifications for military shoes.

(d) "Innersoles of military weight and quality" means men's soles of 5½ to 7½ iron, inclusive, first quality, full grain leather with strong fiber, of quality adapted to innersole use.

(e) "Whole stock" means sole leather sides, backs, bends, crops, strips, shoulders, bellies, and belly centers.

(f) "Sole cutter" means any person who produces outer soles, midsoles, innersoles, blocks, squares, strips, or taps from sole leather, including an independent cutter, a tanner cutter, a packer-tanner cutter, a shoe manufacturer cutter, and a tanner-shoe manufacturer cutter. Such term does not include a person whose use of sole leather is confined exclusively to the repairing of shoes for the general public.

(g) "Military shoes" means shoes required to fill orders for the United States Department of Defense and the United States Coast Guard.

(h) "Put into process" with respect to midsoles and innersoles means the first step taken in the preparation of such cut stock for shoe making or for attachments to shoes or shoe uppers.

(i) "NPA" means National Production Authority.

(j) All trade terms shall have their usual trade significance unless otherwise specified in this order.

SEC. 3. *Restrictions on tanning of sole leather.* No person shall process sole leather except in accordance with the requirements of Federal Specification KK-L-261C, including any emergency alternate specifications, or amendments thereof.

SEC. 4. *Restrictions on cutting hides and on cutting and sale of sole leather.* (a) No person shall cut bellies from cattle hides processed for sole leather (excluding stags and bulls) except in accordance with standard practice, but bellies weighing 3 pounds or more when finished shall not be cut to measure less than 6 inches across the navel when finished.

(b) No persons shall cut shoulders from cattle hides processed for sole leather (excluding stags and bulls) except in a line running perpendicularly to line of backbone at a point within the limits of the break in the foreflank.

(c) Except as provided in paragraph (e) of this section, no sole cutter shall cut any whole stock unless such cutting will produce at least the quantities of midsoles of military weight and quality and innersoles of military weight and quality set forth in Schedule A at the end of this order. Counters meeting military specifications may be cut in substitution for innersoles but only to the extent necessary to meet orders for military shoes and in the ratio set forth in said Schedule A. All such midsoles and innersoles shall be cut on Army size dies

or commercial patterns fitting the Munson last currently used for the Department of the Army, in sizes and widths to fit the sizes of shoes bought on U. S. Army tariffs as issued, or shall be cut in accordance with the shoe order schedules of the Department of the Navy or the United States Marine Corps. In the absence of such tariffs or schedules, the cut stock to which this order applies shall be of sizes meeting normal commercial cut stock casing practices.

(d) No person shall sell or deliver whole stock to any person other than a sole cutter or a person engaged in the business of selling and delivering whole stock to sole cutters exclusively.

(e) Commencing June 28, 1951, the provisions of paragraph (c) of this section shall not apply to any sole cutter who cut, during each of the months of March and April 1951, less than the designated number of each of the whole stock parts, as follows:

2,500 bends.
2,500 backs and crops, collectively.
5,000 bellies and belly centers, collectively.
5,000 single shoulders.

For the purpose of this paragraph, backs and crops collectively shall be deemed to be a whole stock part, and bellies and belly centers collectively shall be deemed to be a whole stock part.

SEC. 5. *Restrictions on sales, deliveries, and use of cut stock.* No sole cutter shall, after the effective date of this order, sell, deliver, put into process, or otherwise use any midsoles of military weight and quality or innersoles of military weight and quality which are cut pursuant to section 4 of this order, except to fill DO rated orders for military shoes: *Provided, however,* That commencing June 28, 1951, this section shall not apply to any sole cutter described in paragraph (e) of section 4 who is not a manufacturer of military shoes.

SEC. 6. *Limitation for acceptance of rated orders.* Unless otherwise specifically directed by NPA, no sole cutter shall be required to accept DO rated orders for midsoles of military weight and quality or innersoles of military weight and quality for shipment in any one month in excess of his scheduled production of such midsoles or innersoles in that month, in accordance with the provisions of this order.

SEC. 7. *NPA assistance in placing rated orders and disposing of inventories of midsoles and innersoles.* Any person who is unable to place a rated order for midsoles of military weight and quality or innersoles of military weight and quality due to a limitation imposed by section 6 of this order should apply to NPA, Ref.: Order M-34, specifying the sole cutters who refused to accept the order. NPA will arrange to assist him in locating sources of supply. A sole cutter may at any time apply to NPA for assistance in disposing of his inventories of midsoles and innersoles which may be accumulated as a result of this order. Provision is made for such requests in the form referred to in section 11 of this order.

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

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

SEC. 10. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 11. *Reports.* (a) Every sole cutter shall, on or before the tenth day of each month, commencing March 10, 1951, file with NPA a report on Form NPAF-28, setting forth the number of pieces of sole leather cut and all other information required by such form. The first of such reports shall cover the period from the effective date of this order to and including February 28, 1951. Thereafter each such report shall cover the calendar month immediately preceding the month in which such report is required to be filed.

(b) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139f).

SEC. 12. *Communications.* All communications and reports concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref.: M-34.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This order as amended shall take effect on June 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

Schedule A

From each day's cutting of whole stock (1) the total number of pairs of midsoles of military weight and quality shall be at least equal to the total number of pieces of the respective whole stock part (listed in Column A) cut that day, multiplied by the number of pairs, if any, in Column B set opposite the name of such respective whole stock part, and (2) the total number of pairs of innersoles of military weight and quality shall be at least equal to the total number of pieces of such respective whole stock part cut that day, multiplied by the number of pairs, if any, in Column C, or, in the case of belly and belly center parts, multiplied by the maximum possible number of pairs, as follows:

Column A	*Column B*	*Column C*
Whole stock part	*Pairs of midsoles per piece cut*	*Pairs of innersoles per piece cut* [1]
Bend, any weight [2]	1½	1 (5½ to 7½ iron, inclusive).
Crop, any weight	1½	3 (6 to 7½ iron, inclusive).
Back, any weight	1½	3 (6 to 7½ iron, inclusive).
Belly	0	Maximum possible (5½ to 7½ iron, inclusive).
Belly center	0	Maximum possible (5½ to 7½ iron, inclusive).
Single shoulder	0	2 (6 to 7½ iron, inclusive).

[1] Subject to the provisions of section 4 of Order M-34 (of which this schedule is a part), counters may be cut in substitution for innersoles to the extent required by military orders in the ratio of two pairs of counters to one pair of innersoles.

[2] Includes bend strips, blocks, or squares on the basis of ten pounds equals one bend.

[F. R. Doc. 51-7607; Filed, June 28, 1951; 4:39 p. m.]

[NPA Order M-55A, Direction 1]

M-55A—Farm Equipment, Third Quarter 1951

DIR. 1—EFFECT OF CMP REGULATIONS

This direction to NPA Order M-55A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, there has not been consultation with industry representatives due to the necessity for immediate action.

Sec.
1. What this direction does.
2. Effect of CMP regulations.

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

Section 1. *What this direction does.* This direction explains the effect on producers of farm equipment of the receipt by such producers of authorized production schedules and allotments under CMP.

Sec. 2. *Effect of CMP regulations.* When any person, subject to the provisions of NPA Order M-55A, receives an authorized production schedule and related allotment of controlled materials for the production of an item or items shown in Schedule I of NPA Order M-55A, the quantity of such item or items which he may produce in the third quarter of 1951 shall be limited by the related authorized production schedule pursuant to section 3 (c) of CMP Regulation No. 1 and shall not be subject to any limitations set out in NPA Order M-55A. From the time of receipt of such authorized production schedule and allotment of controlled materials, NPA Order M-55A shall be superseded in all respects by the applicable CMP regulations: *Provided, however,* That no person is relieved of any obligations or liabilities incurred during the period of time while NPA Order M-55A is in effect nor deprived of any rights received or accrued during such period of time.

This direction shall take effect on June 28, 1951.

National Production Authority,
Manly Fleischmann,
Administrator.

[F. R. Doc. 51-7608; Filed, June 28, 1951; 4:39 p. m.]

[NPA Order M-60, Direction 1]

M-60—Manufacture of Certain Components and Related Products

DIR. 1—EFFECT OF CMP REGULATIONS

This direction to NPA Order M-60 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, there has not been consultation with industry representatives due to the necessity for immediate action.

Sec.
1. What this direction does.
2. Effect of CMP regulations.

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

Section 1. *What this direction does.* This direction explains the effect on producers of certain components and related products of the receipt by such producers of authorized production schedules and allotments under CMP.

Sec. 2. *Effect of CMP regulations.* When any person, subject to the provisions of NPA Order M-60, receives an authorized production schedule and related allotment of controlled materials for the production of an item or items shown in List A of NPA Order M-60, the quantity of such item or items which he may produce in the third quarter of 1951 shall be limited by the related authorized production schedule pursuant to section 3 (c) of CMP Regulation No. 1 and shall not be subject to any limitations set out in NPA Order M-60. From the time of receipt of such authorized production schedule and allotment of controlled materials, NPA Order M-60 shall be superseded in all respects by the applicable CMP regulations: *Provided, however,* That no person is relieved of any obligations or liabilities incurred during the period of time while NPA Order M-60 is in effect nor deprived of any rights received or accrued during such period of time.

This direction shall take effect on June 28, 1951.

National Production Authority,
Manly Fleischmann,
Administrator.

[F. R. Doc. 51-7609; Filed, June 28, 1951; 4:39 p. m.]

[NPA Order M-61, Direction 1]

M-61—Manufacture of Machine Tools and Certain Related Equipment

DIR. 1—EFFECT OF CMP REGULATIONS

This direction to NPA Order M-61 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, there has not been consultation with industry representatives due to the necessity for immediate action.

Sec.
1. What this direction does.
2. Effect of CMP regulations.

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

Section 1. *What this direction does.* This direction explains the effect on producers of machine tools and related equipment of the receipt by such producers of authorized production schedules and allotments under CMP.

Sec. 2. *Effect of CMP regulations.* When any person, subject to the provisions of NPA Order M-61, receives an authorized production schedule and related allotment of controlled materials for the production of an item or items shown in List A of NPA Order M-61, the quantity of such item or items which he may produce in the third quarter of 1951 shall be limited by the related authorized production schedule pursuant to section 3 (c) of CMP Regulation No. 1 and shall not be subject to any limitations set out in NPA Order M-61. From the time of receipt of such authorized production schedule and allotment of controlled materials, NPA Order M-61 shall be superseded in all respects by the applicable CMP regulations: *Provided, however,* That no person is relieved of any obligations or liabilities incurred during the period of time while NPA Order M-61 is in effect nor deprived of any rights received or accrued during such period of time.

This direction shall take effect on June 28, 1951.

National Production Authority,
Manly Fleischmann,
Administrator.

[F. R. Doc. 51-7610; Filed, June 28, 1951; 4:39 p. m.]

[NPA Order M-68 as amended July 1, 1951]

M-68—Passenger Cars

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. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the formulation of this order as amended, however, consultation with industry representatives was found impracticable due to the necessity for immediate action.

NPA Order M-68 is hereby amended by substituting the following new sections and paragraphs for the corresponding sections and paragraphs as contained in the original order: Section 1; paragraphs (a) and (h) of section 2; paragraphs (a) and (b) of section 3; paragraphs (a) and (b) of section 4; section 5; and section 8. This amendment adds aluminum castings and aluminum forgings to the materials controlled in passenger car manufacture. As so amended, NPA Order M-68 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Authorized use of controlled materials, aluminum castings, and aluminum forgings.
4. Adjustment of average car usage.
5. Continued conservation of materials.
6. Use of secondary aluminum.
7. Rated orders.
8. Other orders or regulations.
9. Applications for adjustment or exception.
10. Records and reports.

Sec.
11. Communications.
12. Violations.

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

SECTION 1. *What this order does.* The purpose of this order is to conserve materials required for the national defense. It limits the use of controlled materials, aluminum castings, and aluminum forgings, in the manufacture of passenger cars, but it does not limit by number the units of passenger cars which may be manufactured.

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

(a) "Manufacture" means to put into process, machine, fabricate, or otherwise alter controlled materials (as defined in paragraph (e) of this section), aluminum castings, and aluminum forgings, by physical or chemical means.

(b) "Component parts" means parts which have been processed and which have lost their identity as controlled materials.

(c) "Person" means any individual, corporation, partnership, association, or any other organized group of persons.

(d) "Passenger car" means any passenger vehicle (including a station wagon or a taxicab) manufactured in the United States having a seating capacity of less than 11 persons which is propelled by an internal combustion engine.

(e) "Controlled materials" means steel, copper, and aluminum in the forms and shapes indicated in schedule I of CMP Regulation No. 1.

(f) "Percentage of industry" means the percentage set forth in schedule A of this order for each person engaged in the manufacture of passenger cars.

(g) "Industry volume" means 1,200,000 passenger cars.

(h) "Average car usage" means the weight of each controlled material, aluminum castings, and aluminum forgings, used by a person in the manufacture of passenger cars during the month of January 1950, divided by the number of passenger cars manufactured by him during that month, and adjusted as provided in section 4 of this order.

(i) "NPA" means National Production Authority.

SEC. 3. *Authorized use of controlled materials, aluminum castings, and aluminum forgings.* (a) No person shall use in the manufacture of passenger cars during the third calendar quarter of 1951 a quantity by weight of each controlled material, aluminum castings, and aluminum forgings, in excess of the authorized quantity of each such material, aluminum castings, and forgings, which he shall determine as follows: He shall multiply the industry volume by his percentage of industry, and multiply the result thus obtained by his average car usage of each controlled material, aluminum castings, and aluminum forgings.

(b) The monthly use of any controlled material, aluminum castings, or aluminum forgings shall not exceed 40 percent of his authorized use thereof for purposes of the third calendar quarter of 1951.

SEC. 4. *Adjustment of average car usage.* A person engaged in the manufacture of passenger cars who changes his method of manufacture during the third calendar quarter of 1951 by purchasing a greater or lesser proportion of component parts per passenger car than he purchased during the month of January 1950, shall make one of the following adjustments in order to compute his average car usage:

(a) If he purchases a greater proportion of component parts, he shall deduct from his average car usage of each controlled material, aluminum castings, and aluminum forgings, the quantity by weight of each controlled material, aluminum castings, and aluminum forgings, which was used in the manufacture of the additional components so purchased per passenger car; or

(b) If he purchases a lesser proportion of component parts, he shall add to his average car usage of each controlled material, aluminum castings, and aluminum forgings, the quantity by weight of each controlled material, aluminum castings, and aluminum forgings, which he uses in the manufacture of component parts per passenger car which he no longer purchases.

SEC. 5. *Continued conservation of materials.* No person engaged in the manufacture of passenger cars who, after January 1950, made changes in the specifications thereof pursuant to or as a result of orders and regulations of NPA in order to conserve materials required for the national defense, shall, during the third calendar quarter of 1951, use a greater proportion of materials so conserved than he used on June 1, 1951. The quantity by weight of each controlled material, aluminum castings, or aluminum forgings, conserved by him as a result of changes made in specifications since January 1, 1950, shall be deducted from his average car usage of the controlled material, aluminum castings, or aluminum forgings subject to such conservation, and the quantity by weight of the substituted controlled material, aluminum castings, or aluminum forgings, if any, shall be added to such average car usage.

SEC. 6. *Use of secondary aluminum.* No person engaged in the manufacture of passenger cars shall use aluminum in the manufacture of passenger car engine pistons for passenger cars unless the aluminum therefor is produced from remelted aluminum scrap, and no person engaged in the manufacture of passenger cars shall purchase from another person passenger car engine pistons made of aluminum not produced from remelted aluminum scrap.

SEC. 7. *Rated orders.* The manufacture of passenger cars to fill orders that are rated under NPA Reg. 2, as amended, shall be subject to the limitations of this order: *Provided, however,* That where such limitations will delay or prevent the filling of such rated orders, applications may be made for adjustment or exception pursuant to section 9 of this order.

SEC. 8. *Other orders or regulations.* The provisions of this order do not authorize the use of any materials where such use in the manufacture of any product is prohibited by any other order or regulation of NPA, but any person may use controlled materials, aluminum castings, and aluminum forgings to the extent provided in this order in the manufacture of passenger cars, regardless of the limitations on the rate of use of such materials, castings, and forgings as stated in any other order or regulation of NPA. Orders or regulations which limit the rate of use of materials other than controlled materials, aluminum castings, and aluminum forgings, remain applicable and in full force and effect. The provisions of this order are subject to the provisions of other orders of NPA which limit the specifications of a product as to material content or which control the distribution of any material, part, or product by allocation.

SEC. 9. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided the system assures an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

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

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

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the Motor Vehicle Di-

vision, National Production Authority, Washington 25, D. C., Ref: M-68.

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

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

This order as amended shall take effect on July 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE A

The percentage of industry for each person engaged in the manufacture of passenger cars is as follows:

	Percent
Checker Cab Manufacturing Corp	0.10
Chrysler Corp	21.65
Crosley Motors, Inc	.35
Ford Motor Co	21.35
General Motors Corp	41.35
Hudson Motor Car Co	2.95
Kaiser-Frazer Corp	1.55
Nash-Kelvinator Corp	3.30
Packard Motor Car Co	2.15
Studebaker Corp	4.25
Willys-Overland Motors, Inc	1.00
Total	100.00

[F. R. Doc. 51-7611; Filed, June 28, 1951; 4:40 p. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order No. 3]

DFO-3—AGRICULTURAL IMPORTS

RESTRICTIONS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and this order is, therefore, made effective pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and delegations of authority thereunder. Consultation with industry representatives in the formulation of this order has been rendered impracticable. All of the items subject to this import order are presently included among the items subject to similar controls under the Agriculture-Import Order (14 F. R. 3701, 4660; 16 F. R. 1113). The Agriculture-Import Order is being terminated at the close of June 30, 1951, with the expiration of the statutory authority pursuant to which it was issued. It is essential that import controls over the items covered by this Defense Food Order be continued effective July 1, 1951, with no gap intervening between the effective date of this order and the termination date of the Agriculture-Import Order. Accordingly, consultation with industry repesentatives has been omitted.

This order imposes import controls over flaxseed, flaxseed screenings, linseed oil, rice and rice products. Flaxseed, flaxseed screenings and linseed oil are important industrial commodities and rice and rice products are basic food commodities. It is necessary to restrict importations of these commodities into the United States in the interests of the national defense in order to prevent the diversion to the United States of the supplies of these commodities needed by other countries associated with this country in the present international emergency and the consequent disruption of the economies of those countries, particularly since such importations are not needed by this country. The order is also necessary to assure that shipping, storage, and other facilities required for national defense purposes will not be employed uselessly in handling imports of these commodities into the United States and consequent increased exports. Importation of the commodities listed, moreover, would discourage domestic production thereof and could result in dependence of the United States on foreign sources of supply in times of emergency. It is essential therefore to control imports of the specified commodities to promote the national defense.

Sec.
1. Definitions.
2. Restrictions on imports.
3. Applications for authorizations.
4. Restrictions on financing.
5. Exceptions.
6. Restrictions after importation.
7. Changes of commodities listed in Appendix A.
8. Standards and guides.
9. Records and reports.
10. Audits and inspections.
11. Communications.
12. Revocations.
13. Petitions for relief from hardship.
14. Delegation of authority.
15. Violations.
16. Effect on liability of removal of food from order.
17. Effective date.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply E. O. 10161 (15 F. R. 6105), E. O. 10200 (16 F. R. 61).

SECTION 1. *Definitions.* (a) "Consignee" means the person to whom a food is consigned at the time of importation.

(b) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of the United States Department of Agriculture authorized to act in his stead.

(c) "Director" means the Director of the Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of the United States Department of Agriculture authorized to act in his stead.

(d) "Food" means an item or commodity listed from time to time in Appendix A.

(e) "Appendix A" means Appendix A to this order as from time to time amended.

(f) "Governing date" means the date as shown in Appendix A when such food becomes subject to this order.

(g) "Import" means to transport in any manner into the continental United States, Puerto Rico, the Virgin Islands, or any territory or possession of the United States from any foreign country. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States, Puerto Rico, or the Virgin Islands and shipments in bond into the continental United States, Puerto Rico, or the Virgin Islands for transshipment into Canada, Mexico, or any other foreign country.

(h) "In transit" means that food (1) is afloat, (2) has had an on-board ocean bill of lading actually issued with respect to it, or (3) has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States, Puerto Rico, or the Virgin Islands, or any territory or possession of the United States.

(i) "Owner" means any person who has any property interest in food except a person whose interest is held solely as a security for the payment of money.

(j) "Person" includes any individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of the foregoing. It also 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.

SEC. 2. *Restrictions on imports.* No person, except as authorized in writing by the Director, shall import, purchase for import, receive or offer to receive on consignment for import, or make any contract or other arrangement for the importing of any food listed in Appendix A after the governing date. The foregoing restrictions shall apply to the importation of any food listed in Appendix A regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such food. In the issuance of authorizations, the Director shall act in accordance with the standards and guides set forth in section 8.

SEC. 3. *Applications for authorizations.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the food to be imported, or agent of any of them, may make application therefor by letter or telegram or on Form WFO-63-2, Form PMA-551, or such other form as may be issued for this purpose by the Director, addressed to the Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: Defense Food Order No. 3 (Agricultural Imports). Unless otherwise expressly permitted, such authorization shall

apply only to the particular food and shipment mentioned therein and to the persons and their agents concerned with such shipment. Such authorizations shall not be assignable or transferable either in whole or in part, except as authorized in writing by the Director.

SEC. 4. *Restrictions on financing.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after the governing date of any food subject to this order, unless such bank or person either has received a copy of the authorization by the Director under the provisions of section 3 or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in section 5.

SEC. 5. *Exceptions.* Unless otherwise directed by the Director the restrictions set forth in this order shall not apply:

(a) To any United States Governmental department, agency, or corporation, or any agent acting for any such department, agency, or corporation; or

(b) To food of which any United States Governmental department, agency, or corporation is the owner at the time of importation; or

(c) To food which on the governing date was covered by an authorization issued under the Agriculture-Import Order (14 F. R. 3701, 4660; 16 F. R. 1113) provided such food is imported in strict compliance with such authorization; or

(d) To food added to Appendix A by the Administrator after the effective date of this order, which on the governing date was in transit; or

(e) To food consigned or imported as a sample where the value of each consignment or shipment is less than $25.00; or

(f) To food consigned as a gift or imported for personal use where the value of each consignment or shipment is less than $100.00; or

(g) To food shipped into the United States in transit from one point in Mexico to another point in Mexico, or from one point in Canada to another point in Canada; or

(h) To inter-island shipments of food between Puerto Rico and the Virgin Islands; or

(i) To imports of food from the continental United States into Puerto Rico, the Virgin Islands or any territory or possession of the United States.

This order shall not affect any other regulations now or hereafter issued by any governmental authority covering shipments of food from the continental United States to Puerto Rico and the Virgin Islands, or to any territory or possession of the United States.

SEC. 6. *Restrictions after importation.* Unless otherwise provided by the terms of the authorization (or amendments thereof) issued pursuant to section 3, any food which is imported in accordance with the provisions of this order after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this order; but all such transactions shall be subject to all applicable provisions of the regulations, orders, and directions of the United States Department of Agriculture which now or hereafter may be in effect with respect to such food.

SEC. 7. *Changes of commodities listed in Appendix A.* The Administrator may from time to time add commodities to or remove commodities from Appendix A.

SEC. 8. *Standards and guides.* In the issuance of authorizations, and in the addition of commodities to and the removal of commodities from Appendix A, the following standards and guides will be applied:

(a) In the addition of commodities to and the removal of commodities from Appendix A, the Administrator will be satisfied that the exercise of import controls with respect to the commodities listed in Appendix A is necessary or approprite to promote the national defense.

(b) In the issuance of authorizations, the Director shall allocate the authorizations granted by him on a fair and equitable basis among different groups of applicants and among applicants within the same group.

SEC. 9. *Records and reports.* (a) No food which is imported after the governing date, including food imported by or for the account of any United States Governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file in duplicate with the entry Form WFO-63-1, Form PMA-550, or such other form as may be issued for this purpose by the Director. The filing of such form a second time shall not be required upon any subsequent entry of such food in the same importation through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any food from bonded custody of the United States Bureau of Customs, regardless of the date when such food was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Director, Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: Defense Food Order No. 3 (Agricultural Imports).

(b) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in the Director's discretion, in the enforcement or administration of the provisions of this order.

SEC. 10. *Audits and inspections.* The Director shall be entitled to make such audit and inspection of the books, records, and other writings, premises, and stocks of imported foods of any person, and to make such investigations as may be necessary or appropriate, in the Director's discretion, in the enforcement or administration of the provisions of this order.

SEC. 11. *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: Defense Food Order No. 3 (Agricultural Imports).

SEC. 12. *Revocations.* Any import authorization issued hereunder may be revoked at any time by the Director. Such revocation shall not affect food in transit at the time of revocation.

SEC. 13. *Petitions for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Director. Petitions shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor. The Director may take such action with reference to the petition as he deems appropriate. If the petitioner is dissatisfied with the action taken by the Director on the petition, he may obtain, by requesting the Director therefor, a review of such action by the Administrator. After said review, the Administrator may take such action as he deems appropriate, which action shall be final.

SEC. 14. *Delegation of authority.* The administration of this order and the powers vested in the Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate any or all of the authority vested in him by this order to any officer or employee of the United States Department of Agriculture.

SEC. 15. *Violations.* Any person who wilfully violates any provision of this order is guilty of a crime, and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order or requirement pursuant hereto. The Director may direct the disposition and use of any food which is imported without authorization as required by this order.

SEC. 16. *Effects on liability of removal of food from order.* The removal of any food from Appendix A shall not be construed to affect in any way any liability for violations of this order which accrued or were incurred prior to the date of removal.

SEC. 17. *Effective date.* This order shall be effective July 1, 1951.

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

Issued this 29th day of June 1951.

[SEAL] HAROLD K. HILL,
Acting Administrator, Production and Marketing Administration.

APPENDIX A—ITEMS SUBJECT TO DEFENSE FOOD ORDER NO. 3

[The numbers listed after the following foods are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of August 1, 1950). Foods are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control]

Food	Commerce Import Class No.	Governing date
Flaxseed (linseed)	2233.000	July 1, 1951
Flaxseed screenings	2945.000	Do.
Linseed oil, and combinations and mixtures, in chief value of such oil	2254.000	Do.
Rice:		
Paddy	1051.000	Do.
Uncleaned or brown rice	1051.100	Do.
Cleaned or milled rice	1053.000	Do.
Patna rice, cleaned, for use in canned soups	1054.000	Do.
Rice meal, flour, polish and bran	1059.100	Do.
Rice starch	2815.100	Do.
Broken	1059.200	Do.

[F. R. Doc. 51-7640; Filed, June 29, 1951; 10:38 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

Subchapter E—Fellowships, Internships, Training

PART 61—FELLOWSHIPS

PART 63—NATIONAL HEART INSTITUTE TRAINEESHIPS

TERMINATION OF FELLOWSHIPS AND TRAINEESHIP

1. Section 61.13 is hereby amended to read as follows:

§ 61.13 *Termination of fellowships.* Upon the recommendation of a Fellowship Board, the Surgeon General may terminate an appointment before its expiration date on the request of the fellow, or because of unsatisfactory performance, unfitness, or inability to carry out the purposes of the fellowship. The Surgeon General may also terminate an appointment upon the recommendation of the Federal Security Agency Board of Inquiry on Employee Loyalty and upon its finding, made in accordance with the Agency's procedures adopted pursuant to Executive Order 9835, as amended by Executive Order 10241, that, on all the evidence, there is a reasonable doubt, where the fellow is a citizen of the United States, as to his loyalty to the Government of the United States or, where not such a citizen, that he has furnished a false statement or has failed to comply with any required assurances regarding his non-advocacy of, or his non-membership in any organization and advocates, the overthrow of such Government by force or violence. Such procedures shall include those for summary suspension pending a hearing and, with respect to regular fellows, a right of appeal to the Surgeon General in lieu of the appeal to the Federal Security Administrator but not the right of appeal to the Loyalty Review Board.

2. Section 63.7 is hereby amended to read as follows:

§ 63.7 *Termination of traineeship.* The Surgeon General may terminate any traineeship prior to the date it would otherwise expire either on request of the trainee or because of unsatisfactory performance, unfitness or inability to carry out the purposes of the traineeship. The Surgeon General may also terminate a traineeship upon the recommendation of the Federal Security Agency Board of Inquiry on Employee Loyalty and upon its finding, made in accordance with the Agency's procedures adopted pursuant to Executive Order 9835 as amended by Executive Order 10241, that, on all the evidence, there is reasonable doubt, where the trainee is a citizen of the United States, as to his loyalty to the Government of the United States, or where not such a citizen, that he has furnished a false statement or has failed to comply with any required assurances regarding his non-advocacy of, or his non-membership in any organization that advocates, the overthrow of such Government by force or violence. Such procedures shall include those for summary suspension pending a hearing and a right of appeal to the Surgeon General in lieu of the appeal to the Federal Security Administrator but shall not include the right of appeal to the Loyalty Review Board.

Effective date. The foregoing amendments shall be effective upon date of publication in the FEDERAL REGISTER.

(Secs. 208, 301, 402, 58 Stat. 686, as amended, 692, 707, sec. 3, 62 Stat. 464, sec. 3, 62 Stat. 598; 42 U. S. C. 209, 241, 282, 287a)

[SEAL] LEONARD A. SCHEELE, *Surgeon General.*

Approved: June 26, 1951.

JOHN L. THURSTON, *Acting Federal Security Administrator.*

[F. R. Doc. 51-7521; Filed, June 29, 1951; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 730]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR TOWN-SITE PURPOSES

By virtue of the authority vested in the President by section 2380 of the Revised Statutes (43 U. S. C. 711), 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 California are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for town-site purposes, to be hereafter disposed of under applicable town-site laws:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 1 W.,
Sec. 6, SE¼SE¼;
Sec. 7, N½NE¼.
T. 9 N., R 2 W.,
Sec. 12, NE¼NE¼, E½NW¼NE¼.

The areas described aggregate 180 acres.

OSCAR L. CHAPMAN, *Secretary of the Interior.*

JUNE 25, 1951.

[F. R. Doc. 51-7487; Filed, June 29, 1951; 8:45 a. m.]

[Public Land Order 731]

ALASKA

WITHDRAWING 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:

Beginning at a point in the valley of the Tatalina River, from which the intersection of the centerline of the Kuskokwim Landing-Takotna Highway Bridge and center of the Tatalina River, approximate latitude 62°53'30'' N., longitude 155°56'30'' W., bears North, 1,000 feet, thence by metes and bounds:

West, 2.5 miles;
North, 4.0 miles;
East, 1.5 miles;
South, 2.0 miles;
East, 2.0 miles
South, 2.0 miles;
West, 1.0 mile to point of beginning.

The tract described contains 6,400 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.*

JUNE 25, 1951.

[F. R. Doc. 51-7489, Filed, June 29, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 435]

MARKET AGENCIES AT DENVER UNION STOCK YARDS

NOTICE OF PETITION REGARDING SCHEDULED RATES AND CHARGES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on June 12, 1950 (9 A. D. 703) prescribing respondents' rates for the period beginning July 1, 1950 and ending September 30, 1951.

By petition filed on June 13, 1951, respondents have requested permission to file and establish the schedule of rates and charges attached to and made a part of the petition (Tariff No. 14). The rates set out in the proposed tariff are as follows:

ARTICLE 2—SELLING, RESELLING AND BUYING CHARGES

SECTION A

Cattle:	Per head
Consignments of 1 head and 1 head only	$1.30
Consignments of more than 1 head:	
First 5 head in each consignment	1.10
Next 10 head in each consignment	1.05
Each head over 15 in each consignment	1.00

NOTE: Maximum charges on a consignment of cattle arriving by rail shall not exceed an amount equal to $33 multiplied by the number of cars in which the consignment arrives at the market.

SECTION B

Calves:	Per head
Consignments of 1 head and 1 head only	$0.75
Consignments of more than 1 head:	
First 5 head in each consignment	.65
Next 10 head in each consignment	.60
Each head over 15 in each consignment	.50

NOTE: Maximum charges on a consignment of calves arriving by rail shall not exceed an amount equal to $33 multiplied by the number of single-deck cars in which the consignment arrives plus $44 multiplied by the number of double-deck cars in which the consignment arrives at the market.

SECTION C

Bulls:	Per head
Sold for slaughter or as feeders, irrespective of the mode of arrival or departure	$1.75

SECTION D

Hogs: (irrespective of the mode of arrival or departure):	Per head
Consignments of 1 head and 1 head only	$0.55
Consignments of more than 1 head:	
First 10 head in each consignment	.45
Next 15 head in each consignment	.40
Each head over 25 in each consignment	.30

ARTICLE 2—SELLING, RESELLING AND BUYING CHARGES—Continued

SECTION E

Sheep:	Per head
Consignments of 1 head and 1 head only	$0.55
Consignments of more than 1 head:	
First 10 head in each 250 head in each consignment	.40
Next 50 head in each 250 head in each consignment	.21
Next 60 head in each 250 head in each consignment	.12
Next 130 head in each 250 head in each consignment	.08

NOTE: Maximum charges on any consignment of sheep arriving by rail shall not exceed an amount equal to $22 multiplied by the number of single-deck cars plus $33 multiplied by the number of double-deck cars in which the consignment arrives at the market.

SECTION F

Dairy and breeding animals:	Per head
Purebred or registered bulls	$8.00
Purebred or registered cows or heifers	6.00
Milk cows with or without calf at side	1.75
Rams for breeding purposes	1.25
Ewes for breeding purposes (1 year and over)	1.00

SECTION G

On all carloads of livestock that are put through the auction sales ring during Stock Show Week, one and only one regular selling commission shall be charged by the market agency, provided the carload is of the same ownership and same identity.

SECTION H

Any sale of livestock made at the auction sales ring during stock show week shall be contingent and not final until the buyer of said livestock has made satisfactory settlement or arrangements with the market agency handling the said livestock. But in the event that the market agency has issued release or releases to the buyer of the livestock then all liability for payment of said livestock to the owner or owners must be assumed and made by the market agency.

ARTICLE 3—EXTRA SERVICE CHARGES

The following extra service charges are applicable to all species:

SECTION A

When a buyer who has purchased livestock from a commission firm requests any service and/or assistance, and/or elects to have the firm place billing order or orders and service is actually rendered, one-fourth of the regular buying commission shall be charged for such service. This service charge shall not be assessed to purchasers of registered or purebred cattle bought for breeding purposes during the week of the stock show, or when regular buying commission is charged.

SECTION B

When livestock bought from other firms by the purchaser himself is paid for and/or picked up and/or billed out or any other assistance is rendered in the purchase of the stock, one-half the regular buying commission shall be charged to the buyer.

SECTION C

For each additional weight draft over 3, on account of sales classification (not to exceed $3 on any one owner): $0.25.

No extra draft charges shall be made on a purchase order.

For each additional check, each additional account of sales, each proceeds deposited or bank credit, over 2: $0.05.

SECTION D

When buys are made to complete a purchase order from more than two agencies and/or dealers, a charge of 50 cents shall be made for each additional agency and/or dealer in excess of two.

SECTION E

On all livestock passing through the sales ring of the Denver Union Stockyards at the feeder auction sales there shall be collected in addition to the regular selling commission the following auctioneer's fee:

Cattle or calves: $0.50 for each head.

Cattle or calves: $5 for each carload.

(Lots of 10 head or more to be assessed at the carload rate.)

Any number of head of cattle in excess of 35 head arriving other than by rail an additional auctioneer's fee of 15 cents per head shall be charged.

Any number of head of calves in excess of 60 head arriving other than by rail an additional auctioneer's fee of 10 cents per head shall be charged.

For the purpose of the auctioneer's fee a maximum of 35 head of cattle shall be considered a carload.

For the purpose of the auctioneer's fee a maximum of 60 head of calves shall be considered a carload.

The definition of cattle and calves as set forth under Article 1 shall be applicable at these feeder auction sales.

The rate of auctioneer's fees set forth above shall be applicable only to auction sales of feeder cattle or calves held other than during Stock Show Week.

If authorized, the modifications will produce additional revenues for the respondents and increase the cost of marketing to the shippers. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 26th day of June 1951.

[SEAL] KATHERINE L. MASON, *Hearing Clerk.*

[F. R. Doc. 51-7559; Filed, June 29, 1951; 9:00 a. m.]

[7 CFR, Part 52]

PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS[1]

NOTICE OF PROPOSED RULE MAKING

Consideration is being given to the adoption of the proposed regulations set

[1] Among such other processed food products are the following: Honey; molasses, except for stock feed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; marine food products, except oil.

forth below in lieu of the existing regulations and requirements for Plants Operating under Continuous Inspection on a Contract Basis (7 CFR Part 52), pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759; 81st Cong., approved September 6, 1950) and the Agricultural Marketing Agreement Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed changes concern the increasing of fees for inspection services due to increased costs incurred by the Administration in the performance of the services provided in the aforesaid Regulations. A proposed revision is made in the sampling rates for officially drawn samples to accord with more efficient inspection and other minor changes.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision of the regulations, shall file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 10 days after the publication of this notice in the FEDERAL REGISTER. The relevant data, views, and arguments so presented will be considered in the final formulation and adoption of the revised regulations.

§ 52.1 *Administration of regulations.* The Administrator, Production and Marketing Administration, United States Department of Agriculture, is charged with the administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the Production and Marketing Administration of the Department, in his discretion.

DEFINITIONS

§ 52.2 *Meaning of words.* Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

§ 52.3 *Terms defined.* For the purpose of the regulations in this part unless the context otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the following provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and of the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759; 81st Cong., approved September 6, 1950), or any other act of Congress conferring similar authority:

AGRICULTURAL MARKETING ACT OF 1946

* * * To inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce, under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality product which they desire, except that no person shall be required to use the service authorized by this subsection. * * *

DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1950

Market inspection of farm products. For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the services rendered. * * *

Marketing farm products. For acquiring and diffusing among the people of the United States useful information relative to the needed supplies, standardization, classification, grading, preparation for market, handling, transportation, storage, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world * * *

(b) "Administrator" means the Administrator of the Production and Marketing Administration of the Department.

(c) "Applicant" means any interested party who requests inspection service under the regulations in this part.

(d) "Case" means the number of containers (cased or uncased) which, by the particular industry are ordinarily packed in a shipping container.

(e) "Certificate of loading" means a statement, either written or printed, pursuant to the regulations in this part, relative to checkloading of a processed product subsequent to inspection thereof.

(f) "Certificate of sampling" means a statement, either written or printed, issued pursuant to the regulations in this part, identifying officially drawn samples and may include a description of condition of containers and the condition under which the processed product is stored.

(g) "Class" means a grade or rank of quality.

(h) "Condition" means the degree of soundness of the product which may affect its merchantability and includes, but is not limited to those factors which are subject to change as a result of age, improper preparation and processing, improper storage or improper handling.

(i) "Department" means the United States Department of Agriculture.

(j) "Inspection certificate" means a statement, either written or printed, issued pursuant to the regulations in this part, setting forth in addition to appropriate descriptive information relative to a processed product, and the container thereof, the quality and condition, or any part thereof, of the product and may include a description of the conditions under which the product is stored.

(k) "Inspection service" means:

(1) The sampling pursuant to the regulations in this part;

(2) The determination pursuant to the regulations in this part of;

(i) Essential characteristics such as style, type, size, sirup density or identity of any processed product which differentiates between major groups of the same kind;

(ii) The class, quality and condition of any processed product, including the condition of the container thereof by the examination of appropriate samples;

(3) The issuance of any certificate of sampling, inspection certificates, or certificates of loading of a processed product, or any report relative to any of the foregoing; or

(4) Performance by an inspector of any related services such as assigning an inspector in a processing plant to observe the preparation of the product from its raw state through each step in the entire process, or observe conditions under which the product is being prepared, processed, and packed, or observe plant sanitation as a prerequisite to the inspection of the processed product, either on a continuous or periodic basis, or checkload the inspected processed product in connection with the marketing of the processed product.

(l) "Inspector" means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary to investigate, sample, inspect, and certify in accordance with the regulations in this part to any interested party the class, quality and condition of processed products covered in this part and to perform related duties in connection with the inspection service.

(m) "Interested party" means any person who has a financial interest in the commodity involved.

(n) "Licensed sampler" means any person who is authorized by the Secretary to draw samples of processed products for inspection service, to inspect for condition of containers in a lot, and may, when authorized by the Administrator, perform related services under the act and the regulations in this part.

(o) "Lot" for the purpose of the regulations in this part means any number of containers of the same size and type containing a processed product of the same type or style offered for inspection by an interested party, except containers bearing an identification mark different from other containers and containing a lower grade quality than the containers bearing the other marks, may be considered as a separate lot.

(p) "Officially drawn sample" means any sample that has been selected from a particular lot by an inspector, licensed sampler, or by any other person authorized by the Administrator pursuant to the regulations in this part.

(q) "Person" means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

(r) "Processed product" means any fruit, vegetable, or other food product covered under these regulations which has been preserved by any recognized commercial process, including, but not limited to, canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

(s) "Quality" means the inherent properties of any processed product which determine the relative degree of excellence of such product, and includes the effects of preparation and processing, and may or may not include the effects of packing media, or added ingredients.

(t) "Sample" means a single container, a single portion of a container, any number of containers, or a composite mixture of a single type, style or size of a single commodity, packed in a single size of container, to be used for inspection.

(u) "Shipping container" means an individual container designed for shipping a number of packages or cans ordinarily packed in a container for shipping or designed for packing unpackaged fruit for shipping.

(v) "Sampling" means the act of selecting samples of processed products for the purpose of inspection under the regulations in this part.

(w) "Secretary" means the Secretary of the Department or any other officer or employee of the Department authorized to exercise the powers and to perform the duties of the Secretary in respect to the matters covered by the regulations in this part.

(x "Unofficially drawn sample" means any sample that has been selected by any person other than an inspector or licensed sampler, or any other person not authorized by the Administrator pursuant to the regulations in this part.

(y) "Plant" means the premises, buildings, structures, and equipment (including, but not being limited to, machines, utensils, and fixtures) employed or used with respect to the manufacture or production of processed products.

INSPECTION SERVICE

§ 52.4 *Where inspection service is offered.* Inspection service may be furnished wherever any inspector or licensed sampler is available and the facilities and conditions are satisfactory for the conduct of such service.

§ 52.5 *Who may obtain inspection service.* An application for inspection service may be made by any interested party, including, but not limited, to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 52.6 *How to make application.* An application for inspection service may be made to the office of inspection or to any inspector, at or nearest the place where the service is desired; and an up-to-date list of the Standardization and Inspection Field Offices of the Department may be obtained upon request to the Administrator. Satisfactory proof that the applicant is an interested party, and satisfactory proof of the authority of any person applying for inspection service, shall be furnished.

§ 52.7 *Information required in connection with application.* Application for inspection service shall be made in the English language and may be made orally (in person or by telephone), in writing, or by telegraph. If an application for inspection service is made orally, such application shall be confirmed promptly in writing. In connection with each application for inspection service, there shall be furnished such information as may be necessary to perform an inspection on the processed product for which application for inspection is made, including but not limited to, the name of the product, name and address of the packer or plant where such product was packed, the location of the product, its lot or car number, codes or other identification marks, the number of containers, the type and size of the containers, the interest of the applicant in the product, whether the lot has been inspected previously to the application by any Federal agency and the purpose for which inspection is desired.

§ 52.8 *Filing of application.* An application for inspection service shall be regarded as filed only when made in accordance with the regulations in this part.

§ 52.9 *Record of filing time.* A record showing the date and hour when each application for inspection or for an appeal inspection is received shall be maintained.

§ 52.10 *When application may be rejected.* An application for inspection service may be rejected by the Administrator (a) for non-compliance by the applicant with the regulations in this part, or (b) when it appears that to perform the inspection service would not be to the best interests of the Government. Such applicant shall be promptly notified of the reason for such rejection.

§ 52.11 *When application may be withdrawn.* An application for inspection service may be withdrawn by the applicant at any time before the inspection is performed: *Provided,* That, the applicant shall pay any travel expenses, telephone, telegraph or other expenses which have been incurred by the inspection service in connection with such application.

§ 52.12 *Disposition of inspected sample.* Any processed product sample that has been used for inspection may be returned to the applicant, at his request and expense; otherwise it shall be destroyed, or disposed of to a charitable institution.

§ 52.13 *Basis of inspection.* Inspection service shall be performed on the basis of the appropriate U. S. Standards for grades of processed products, Federal or Quartermaster Corps specifications, written buyer and seller contract specifications or any written specification by an applicant which is approved by the Administrator.

§ 52.14 *Order of inspection service.* Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal inspection.

§ 52.15 *Postponing inspection service.* If the inspector determines that it is not possible accurately to ascertain the quality or condition of a processed product immediately after processing because the product has not reached equilibrium in color, sirup density, or drained weight, or for any other substantial reason, he may postpone inspection service for such period as may be necessary.

§ 52.16 *Financial interest of inspector.* No inspector shall inspect any processed product in which he is directly or indirectly financially interested.

§ 52.17 *Forms of certificates.* Inspection certificates, certificates of sampling or loading, and other memoranda concerning inspection service shall be issued on forms approved by the Administrator.

§ 52.18 *Issuance of certificates.* (a) An inspection certificate may be issued only by an inspector: *Provided,* That, another employee of the inspection service may sign any such certificate covering any processed product inspected by an inspector when given power of attorney by such inspector and authorized by the Administrator, to affix the inspector's signature to an inspection certificate which has been prepared in accordance with the facts set forth in the notes, made by the inspector, in connection with the inspection.

(b) A certificate of loading shall be issued and signed by the inspector or licensed sampler authorized to check the loading of a specific lot of processed products: *Provided,* That, another employee of the inspection service may sign such certificate of loading covering any processed product check loaded by an inspector or licensed sampler when given power of attorney by such inspector or licensed sampler and authorized by the Administrator to affix the inspector's or licensed sampler's signature to a certificate of loading which has been prepared in accordance with the facts set forth in the notes made by the inspector or licensed sampler in connection with the checkloading of a specific lot of processed products.

§ 52.19 *Issuance of corrected certificates.* A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, code marks, grade statements, lot or car numbers, container sizes, net or drained weights, quantities, or errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supersede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 52.20 *Issuance of an inspection report in lieu of an inspection certificate.* A letter report in lieu of an inspection certificate may be issued by an inspector when such action appears to be more suitable than an inspection certificate: *Provided,* That, the issuance of such report is approved by the Administrator.

§ 52.21 *Disposition of inspection certificates.* The original of any inspection certificate, issued under the regulations in this part, and not to exceed four copies thereof, if requested prior to issuance, shall be delivered or mailed promptly to the applicant, or person designated by the applicant. All other copies shall be filed in such manner as the Administrator may designate. Additional copies of any such certificates may be supplied to any interested party as provided in § 52.50.

§ 52.22 *Report of inspection results prior to issuance of formal report.* Upon request of any interested party, the results of an inspection may be telegraphed or telephoned to him, or to any other person designated by him, at his expense.

APPEAL INSPECTION

§ 52.23 *When appeal inspection may be requested.* An application for an appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot of processed products can be positively identified by the inspection service as the lot from which officially drawn samples were previously inspected. Such application shall be made within thirty (30) days following the day on which the previous inspection was performed, except upon approval by the Administrator the time within which an application for appeal inspection may be made may be extended.

§ 52.24 *Where to file for an appeal inspection and information required.* (a) Application for an appeal inspection may be filed with:

(1) The inspector who issued the inspection certificate on which the appeal covering the processed product is requested; or

(2) The inspector in charge of the office of inspection at or nearest the place where the processed product is located.

(b) The application for appeal inspection shall state the location of the lot of processed products and the reasons for the appeal; and date and serial number of the certificate covering inspection of the processed product on which the appeal is requested, and such application may be accompanied by a copy of the previous inspection certificate and any other information that may facilitate inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

§ 52.25 *When an application for an appeal inspection may be withdrawn.* An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided,* That, the applicant shall pay any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 52.26 *When appeal inspection may be refused.* An application for an appeal inspection may be refused if:

(a) The reasons for the appeal inspection are frivolous or not substantial;

(b) The quality or condition of the processed product has undergone a material change since the inspection covering the processed product on which the appeal inspection is requested;

(c) The lot in question is not, or cannot be made accessible for the selection of officially drawn samples;

(d) The lot relative to which appeal inspection is requested cannot be positively identified by the inspector as the lot from which officially drawn samples were previously inspected; or

(e) There is noncompliance with the regulations in this part. Such applicant shall be notified promptly of the reason for such refusal.

§ 52.27 *Who shall perform appeal inspection.* An appeal inspection shall be performed by an inspector or inspectors (other than the one from whose inspection the appeal is requested) authorized for this purpose by the Administrator and, whenever practical, such appeal inspection shall be conducted jointly by two such inspectors: *Provided,* That, the inspector who made the inspection on which the appeal is requested may be authorized to draw the samples when another inspector or licensed sampler is not available in the area where the product is located.

§ 52.28 *Appeal inspection certificate.* After an appeal inspection has been completed, an appeal inspection certificate shall be issued showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the processed product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality or condition of the processed product described therein. The inspector or inspectors issuing an appeal inspection certificate shall forward notice of such issuance to such persons as he considers necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificates have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms of certificates, issuance of certificates, and disposition of certificates shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who received copies of the superseded certificate.

LICENSING OF SAMPLERS AND INSPECTORS

§ 52.29 *Who may become licensed sampler.* Any person possessing qualifications as determined by an examination for competency, given by the Administrator, may be licensed as a licensed sampler to draw samples for the purpose of inspection under the regulations in this part. Such a license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. Licensed samplers shall have no authority to inspect processed products under the regulations in this part except as to condition of the containers in a lot. A licensed sampler shall perform his duties pursuant to these regulations as directed by the Administrator.

§ 52.30 *Application to become a licensed sampler.* Application to become a licensed sampler shall be made to the Administrator on forms furnished for that purpose. Each such application shall be executed and signed by the applicant in his own handwriting, and the information contained therein shall be verified by him under oath or affirmation administered by a notary public, and the application shall contain or be accompanied by:

(a) Satisfactory evidence that he has passed his twenty-first birthday;

(b) A statement showing his present and previous occupations, together with names of all employers for whom he has worked with periods of service during the last ten years previous to the date of his application;

(c) A statement that, in his capacity as a licensed sampler, he will not draw samples from any lot of processed products with respect to which he or his employer is an interested party;

(d) A statement by the applicant that he agrees to comply with all terms and conditions of the regulations in this part relating to duties of licensed samplers; and

(e) Such other information as may be required by the aforesaid Administrator.

§ 52.31 *Inspectors.* Inspections will ordinarily be performed by employees under the Administrator who are employed as Federal Government employees for that purpose. However, any person employed under any joint Federal-State inspection service arrangement may be licensed, if otherwise qualified, by the Secretary to make inspections in accordance with this part on such processed products as may be specified in his license. Such license shall be issued only in a case where the Administrator is satisfied that the particular person is qualified to perform adequately the inspection service for which such person is to be licensed. Each such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. An inspector shall perform his duties pursuant to the regulations in this part as directed by the Administrator.

§ 52.32 *Suspension or revocation of license of licensed sampler or licensed inspector.* Pending final action by the

Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed sampler, or licensed inspector, issued pursuant to the regulations in this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid seven days period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

§ 52.33 *Surrender of license.* Upon termination of his services as a licensed sampler or licensed inspector, or suspension or revocation of his license, such licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in a case of an expired license.

SAMPLING

§ 52.34 *How samples are drawn by inspectors or licensed samplers.* An inspector or a licensed sampler shall select samples, upon request, from designated lots of processed products which are so placed as to permit thorough and proper sampling in accordance with the regulations in this part. Such person shall, unless otherwise directed by the Administrator, select samples of such products at random, and from various locations in each lot in such manner and number, not inconsistent with the regulations in this part, as to secure representative samples of the lot. Samples drawn for inspection shall be furnished by the applicant at no cost to the Department.

§ 52.35 *Accessibility for sampling.* Each applicant shall cause the processed products for which inspection is requested to be made accessible for proper sampling. Failure to make any lot accessible for proper sampling shall be sufficient cause for postponing inspection service until such time as such lot is made accessible for proper sampling.

§ 52.36 *How officially drawn samples are to be identified.* Officially drawn samples shall be marked by the inspector or licensed sampler so such samples can be properly identified for inspection.

§ 52.37 *How samples are to be shipped.* Unless otherwise directed by the Administrator, samples which are to be shipped to any office of inspection shall be forwarded to the office of inspection serving the area in which the processed products from which the samples were drawn is located. Such samples shall be shipped in a manner to avoid, if possible, any material change in the quality or condition of the sample of the processed product. All transportation charges in connection with such shipments of samples shall be at the expense of the applicant and wherever practicable, such charges shall be prepaid by him.

§ 52.38 *Sampling rates for officially drawn samples.* Unless otherwise directed by the Administrator, each inspector and each licensed sampler shall select from each lot not less than the number of samples indicated in the following applicable tables except as may be required otherwise by the provisions in § 52.34.

TABLE I.—CANNED FRUITS AND VEGETABLES AND CANNED FRUIT AND VEGETABLE PRODUCTS, INCLUDING TOMATO PRODUCTS, AND SUCH PRODUCTS AS PEANUT BUTTER, PICKLES, RELISHES, MARMALADES, HONEY, MAPLE SYRUP, FRUIT PULPS AND JAMS, EXCEPT SINGLE-STRENGTH AND CONCENTRATED CITRUS JUICES AND GRAPE JUICES AND FRUIT JELLIES AND VINEGAR

Size and type of container	Rate of Sampling [1]		
	From lots containing 1 to 2,000 cases	From lots containing 2,001 to 5,000 cases	From lots exceeding 5,000 cases
Any type of container of less volume than a No. 300 size can (300 x 407).	1 container for each 4,000 containers or fraction thereof.	1 container for each 4,800 containers or fraction thereof.	1 container for each 6,000 containers or fraction thereof.
Any type of container of a volume equal to that of a No. 300 size can (300 x 407) or greater but not exceeding that of a No. 3 cylinder size can (404 x 700).	1 container for each 2,000 containers or fraction thereof.	1 container for each 2,400 containers or fraction thereof.	1 container for each 4,000 containers or fraction thereof.
Any type of container of a volume exceeding that of a No. 3 cylinder size can (404 x 700) but not exceeding that of a No. 12 size can (603 x 812).	1 container for each 1,000 containers or fraction thereof.	1 container for each 1,200 containers or fraction thereof.	1 container for each 1,500 containers or fraction thereof.
	From lots containing 200 containers or less	From lots containing 201 to 500 containers	From lots exceeding 500 containers
Any type of container of a volume exceeding that of a No. 12 size can (603 x 812) but not containing more than 60 pounds of the product.	1 approximate 8-ounce sample from each 4 percent of the containers.	1 approximate 8-ounce sample from each of 3 percent of the containers.	1 approximate 8-ounce sample from each 2 percent of the containers.
	From lots containing 100 containers or less	From lots containing 101 to 200 containers	From lots exceeding 200 containers
Any type of container containing more than 60 pounds of the product.	1 approximate 32-ounce sample from each 10 percent of the containers.	1 approximate 32-ounce sample from each 7 percent of the containers.	1 approximate 32-ounce sample from each 5 percent of the containers.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE II.—CANNED AND FROZEN, SINGLE-STRENGTH CITRUS JUICES AND GRAPE JUICES; AND FRUIT JELLIES AND VINEGAR

Size and type of container	Rate of sampling [1]		
	From lots containing 1 to 2,000 cases	From lots containing 2,001 to 5,000 cases	From lots exceeding 5,000 cases
Any type of container containing 10 fluid ounces or less of the product.	1 container for each 4,800 containers or fraction thereof.	1 container for each 6,000 containers or fraction thereof.	1 container for each 8,000 containers or fraction thereof.
Any type of container containing more than 10 fluid ounces but not more than 50 fluid ounces of the product.	1 container for each 2,400 containers or fraction thereof.	1 container for each 3,000 containers or fraction thereof.	1 container for each 4,000 containers or fraction thereof.
Any type of container containing more than 50 fluid ounces of the product.	1 container for each 1,200 containers or fraction thereof.	1 container for each 1,500 containers or fraction thereof.	1 container for each 2,000 containers or fraction thereof.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE III—FROZEN FRUITS AND VEGETABLES AND FROZEN FRUIT AND VEGETABLE PRODUCTS, EXCEPT FROZEN SINGLE-STRENGTH AND CONCENTRATED CITRUS JUICES AND GRAPE JUICES

Size and Type of Container	Rate of Sampling [1]
Any type of container of 1 pound or less net weight.	1 container for each 2,400 containers or fraction thereof.
Any type of container over 1 pound but less than 4 pounds, net weight.	1 container for each 1,600 containers or fraction thereof.
Any type of container of 4 pounds or more, but less than 10 pounds, net weight.	1 container for each 1,200 containers or fraction thereof.
Frozen vegetables only: Any type of container of 10 pounds or more, net weight.	One 2-pound sample (approximate weight) for each 3,000 pounds of the first 18,000 pounds, plus 1 additional 2-pound sample for each additional 5,000 pounds, or fraction thereof in excess of 18,000 pounds.
Frozen fruits and berries only: Any type of container of 10 pounds or more net weight.	One 3-pound sample (approximate weight) for each 3,000 pounds of the first 18,000 pounds, plus 1 additional 3-pound sample for each additional 5,000 pounds or fraction thereof, in excess of 18,000 pounds. When determined by the inspector that 3-pound sub-samples do not reflect the quality of the product in the container one or more entire containers may be substituted for any one or more sub-samples.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE IV—FROZEN, AND CANNED CONCENTRATED CITRUS JUICES AND GRAPE JUICES

Size and type of container	Rate of sampling [1]		
	From lots containing 1 to 2,000 cases	From lots containing 2,001 to 5,000 cases	From lots exceeding 5,000 cases
Any type of container containing 10 fluid ounces or less of the product when thawed.	1 container for each 6,000 containers or fraction thereof.	1 container for each 8,000 containers or fraction thereof.	1 container for each 12,000 containers or fraction thereof.
Any type of container containing more than 10 fluid ounces but not more than 50 fluid ounces of the product when thawed.	1 container for each 3,000 containers or fraction thereof.	1 container for each 4,000 containers or fraction thereof.	1 container for each 6,000 containers or fraction thereof.
Any type of container containing more than 50 fluid ounces of the product when thawed.	1 container for each 1,500 containers or fraction thereof.	1 container for each 2,000 containers or fraction thereof.	1 container for each 3,000 containers or fraction thereof.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from 1 lot.

TABLE V—DRIED FRUIT

Number of pounds in lot	Shipping container sizes		
	Less than 20 pounds net weight	20 pounds to and including 30 pounds net weight	Exceeding 30 pounds but not exceeding 50 pounds net weight
	Rate of sampling [1]		
	Approximately 8 ounce samples	Approximately 16 ounce samples	Approximately 16 ounce samples
500 pounds or less	(2)	(2)	(2)
501 to 2,000 pounds	8	4	4
2,001 to 4,000 pounds	9	5	4
4,001 to 6,000 pounds	10	6	5
		Approximately 8 ounce samples	
6,001 to 8,000 pounds	11	7	5
8,001 to 10,000 pounds	12	8	6
10,001 to 12,000 pounds	14	9	6
12,001 to 14,000 pounds	16	10	7
Over 14,000 pounds	Each additional 1,500 pounds or fraction thereof. 1 approximately 8 ounce sample.	Each additional 2,000 pounds or fraction thereof. 1 approximately 8 ounce sample.	Each additional 3,000 pounds or fraction thereof. 1 approximately 16 ounce sample.

[1] In no case, shall the total of all the samples drawn yield less than 25 ounces of dates; 100 figs or 200 fig slices; or 56 ounces of other dried fruit.

[2] When lot consists of 500 pounds or less, draw 4 approximately equal samples, except that when the lot consists of less than 4 shipping containers, a sample shall be drawn from each shipping container.

TABLE VI—DEHYDRATED FRUITS AND VEGETABLES

Size and type of container	Rate of sampling [1]
Any type of container of 5 pounds or less net weight.	1 container for each 2,400 containers or fraction thereof.
Any type of container in excess of 5 pounds, net weight.	One 20-ounce (approximate weight) sample for each 4,000 pounds or fraction thereof.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE VII—PROCESSED PRODUCTS NOT SPECIFICALLY LISTED IN ANY TABLE CONTAINED IN THIS SECTION

Size and type of container	Rate of sampling [1]
Any type of container irrespective of its size or volume capacity.	At a rate that will represent the lot as may be determined by the inspector.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

§ 52.39 *Issuance of certificate of sampling.* Each inspector and each licensed sampler shall prepare and sign a certificate of sampling to cover the samples drawn by the respective person, except that an inspector who inspects the samples which he has drawn need not prepare a sampling certificate. One copy of each certificate of sampling prepared shall be retained by the inspector or licensed sampler (as the case may be) and the original and all other copies thereof shall be disposed of in accordance with the instructions of the Administrator.

§ 52.40 *Identification of lots sampled.* Each lot from which officially drawn samples are selected shall be marked in such manner as may be prescribed by the Administrator, if such lots do not otherwise possess suitable identification.

FEES AND CHARGES

§ 52.41 *Payment of fees and charges.* Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, such fees and charges shall be paid in advance. All fees and charges for any inspection service performed pursuant to the regulations in this part shall be paid by check, draft, or money order payable to the Treasurer of the United States and remitted to the office of inspection serving the area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Administrator, in which latter event the contract provisions shall apply.

§ 52.42 *Schedule of fees.* (a) Unless otherwise provided for in a written agreement between the applicant and the Administrator, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of three (3) dollars and sixty (60) cents per hour.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section as follows: [1]

(1) *Canned fruits and vegetables and canned fruit and vegetable products and other canned processed products, such as peanut butter, pickles, relishes, jams, jellies, marmalades, honey, maple syrup and concentrates packed 6 or more cans per case but not exceeding 48 cans per case.*

OFFICIALLY DRAWN SAMPLES

Each lot other than canned pineapple and canned pineapple juice inspected in Puerto Rico: [1]

Minimum fee for 600 cases or less	$6.00
For each additional 200 cases, or fraction thereof, in excess of 600 cases	1.60

Each lot of canned pineapple and canned pineapple juice inspected in Puerto Rico:

The fee for each case of 24 containers or less	$0.015
The fee for each case of more than 24 containers	.020
Minimum fee for any lot	6.000

[1] Inspection of large quantities other than of canned pineapple and canned pineapple juice inspected in Puerto Rico: When application is made for inspection of 20,000 cases or more of a single commodity of canned fruits and vegetables and canned fruit and vegetable products in containers of any type of a volume capacity not exceeding that of a No. 12 size (603 x 812) the fee shall be at the rate of $1.40 for each 200 cases or fraction thereof: *Provided*, That, the commodity is available for inspection at any one place at any one time.

[1] The fees specified herein are exclusive of charges for such micro, chemical and certain other special analyses, other than salt, acid, catalase, peroxidase, soluble solids (by refrac.) or total solids (by refrac.), which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

UNOFFICIALLY DRAWN SAMPLES

Minimum fee	$3.60
For more than 4 containers of any type of a volume not in excess of that of a No. 3 size can (404 x 414), per container	.75
For more than 2 containers of any type of a volume exceeding that of a No. 3 size can (404 x 414), but not exceeding that of a No. 12 size can (603 x 812), per container	1.50

(2) *Frozen fruits and vegetables and frozen fruit and vegetable products.*

OFFICIALLY DRAWN SAMPLES

Each lot other than when inspected in Puerto Rico:	
Minimum fee for 10,000 pounds or less	$6.00
For each additional 5,000 pounds, or fraction thereof, in excess of 10,000 pounds	2.00
Each lot inspected in Puerto Rico:	
Minimum fee for 10,000 pounds or less	$7.20
For each additional 5,000 pounds, or fraction thereof, in excess of 10,000 pounds	2.40

UNOFFICIALLY DRAWN SAMPLES

Minimum fee	$3.60
For more than 2 samples of any type or weight, per sample	1.50

(3) *Dried fruits other than Figs and Dates.*

OFFICIALLY DRAWN SAMPLES

Each lot:	
Minimum fee for 12,000 pounds or less	$6.00
For each additional 2,000 pounds, or fraction thereof, in excess of 12,000 pounds	.50

UNOFFICIALLY DRAWN SAMPLES

Each sample	$3.60

(4) *Dried figs and dates.*

OFFICIALLY DRAWN SAMPLES

Each lot:	
Minimum fee for 8,000 pounds or less	$6.00
For each additional 2,000 pounds, or fraction thereof, in excess of 8,000 pounds	1.50

UNOFFICIALLY DRAWN SAMPLES

Each sample	$3.60

(5) *Other processed products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraphs (1), (2), (3) and (4) of this paragraph shall be at the rate of $3.60 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided, however,* That fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

§ 52.43 *Fees to be charged and collected for sampling when performed by a licensed sampler.* Such sampling fees as are specifically prescribed by the Administrator in connection with the licensing of the particular sampler (which fees are to be prescribed in the light of the sampling work to be performed by such sampler and other pertinent factors) may be assessed and collected by such licensed sampler directly from the applicant: *Provided,* That, if such licensed sampler is an employee of a State, the appropriate authority of that State may make the collection, or they may be assessed and collected by the office of inspection serving the area where the services are performed.

§ 52.44 *Inspection fees when charges for sampling have been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee provided in this part applicable to the respective processed product: *Provided,* That, if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of three (3) dollars and sixty (60) cents per hour prescribed in this part.

§ 52.45 *Inspection fees when charges for sampling have not been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Administrator: *Provided,* That, if the fee charged is based on the hourly rate, the fee shall be at the rate of three (3) dollars and sixty (60) cents per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Administrator.

§ 52.46 *Fee for appeal inspection.* The fee to be charged for an appeal inspection shall be at the rates prescribed in this part for other inspection services: *Provided,* That, if the result of any appeal inspection made for any applicant, other than the United States or any agency or instrumentality thereof, discloses that a material error was made in the inspection on which the appeal is made, no inspection fee shall be assessed.

§ 52.47 *Charges for micro, chemical and certain other special analyses.* (a) The following charges shall be made for micro, chemical and certain other special analyses which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product: [1]

Type of analysis	For first analysis	For each additional analysis
Micro, chemical, and certain other special analyses		
Mold count	$1.50	$1.50
Worm larvae and insect fragment count	3.00	3.00
Fly egg and maggot count	3.00	3.00
Alcohol insoluable solids	3.00	2.00
Alcohol	2.00	2.00
Ascorbic acid (vitamin C)	6.00	2.00

[1] When any of these analyses are made at the request of an appplicant and are not in connection with an inspection to determine the quality or condition of the product, the listed fees shall be increased by 20%.

Type of analysis	For first analysis	For each additional analysis
Micro, chemical, and certain other special analyses—Continued		
Ash	$2.00	$2.00
Ash, salt free	4.00	4.00
Ash, acid insoluble	4.00	4.00
Ash, water insoluble	4.00	4.00
Crude fiber	10.00	5.00
Ether extract (crude fat)	5.00	5.00
Fiber, green and wax bean	3.00	2.00
Iodine number	8.00	8.00
Moisture (air oven method)	2.00	2.00
Moisture (vacuum oven method)	2.00	2.00
Nitrogen	3.00	2.00
Non-volatile ether extract	6.00	6.00
Oil of lemon and orange extract (precipitation method)	3.00	3.00
Oil of lemon extract with oil base (distillation method)	4.00	4.00
Phosphorus pentoxide (P_2O_5)	8.00	8.00
Phosphorus pentoxide (P_2O_5) and aluminum trioxide (Al_2O_3)	15.00	15.00
Recoverable oil	2.00	2.00
Reducing sugars	6.00	6.00
Starch or carbohydrates (direct hydrolysis)	12.00	10.00
Carbohydrates (by difference)	12.00	10.00
Sulphur dioxide (direct titration)	3.00	1.00
Total solids (by drying)	3.00	2.00
Vanillin and coumarin	10.00	10.00
Volatile and non-volatile ether extract	8.00	8.00
Water extract	4.00	4.00
Water insoluble, inorganic residue examination for adulteration, and particle count	8.50	6.00

(b) The following charges shall be made for analyses which are requested by an applicant and are not in connection with an inspection to determine the quality or condition of the product: [1]

Type of analysis	For first analysis	For each additional analysis
Catalase	$2.40	$1.20
Peroxidase	2.40	1.20
Titrations: citric, lactic, acetic, or fatty acids, sodium chloride	1.20	1.20
Soluble solids (by refrac.)	2.40	1.20
Total solids (by refrac.)	2.40	1.20

§ 52.48 *When charges are to be based on hourly rate not otherwise provided for in this part.* When inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of three (3) dollars and sixty (60) cents per hour.

§ 52.49 *Fees for score sheets.* If the applicant for inspection service requests score sheets showing in detail the inspection of each container or sample inspected and listed thereon, such score sheets may be furnished by the inspector in charge of the office of inspection serving the area where the inspection was performed; and such applicant shall be charged at the rate of fifty cents for each twelve samples, or fraction thereof, inspected and listed on such score sheets.

[1] When these analyses are made in connection with an inspection to determine the quality or condition of the product no fee shall be charged for the analyses.

§ 52.50. *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 52.21, may be supplied to any interested party upon payment of a fee of $1.50 for each set of three (3) or fewer copies.

§ 52.51 *Travel and other expenses.* Charges may be made to cover cost of travel and other expenses incurred by the inspection service in connection with the performance of any inspection service, including travel and other expenses incurred in connection with any appeal inspection.

§ 52.52 *Charges for inspection service on a contract basis.* Irrespective of fees and charges prescribed in foregoing sections, the Administrator may enter into contracts with applicants to perform inspection service pursuant to the regulations in this part and other requirements as prescribed by the Administrator in such contract, and the charges for such inspection service provided in such contracts shall be on such basis as will reimburse the Production and Marketing Administration of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Administrator.

MISCELLANEOUS

§ 52.53 *Fraud or misrepresentation.* Any wilful misrepresentation or any deceptive or fradulent practice found to be made or committed by any person in connection with:

(a) The making or filing of an application for any inspection service;

(b) The submission of samples for inspection;

(c) The use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part;

(d) The use of the words "Packed under continuous inspection of the U. S. Department of Agriculture," any legend signifying that the product has been officially inspected, any statement of grade or words of similar import in the labeling or advertising of any processed product;

(e) The use of a facsimile form which simulates in whole or in part any official U. S. certificate for the purpose of purporting to evidence the U. S. grade of any processed product; or

(f) Any wilful violation of the regulations in this part or supplementary rules or instructions issued by the Administrator, may be deemed sufficient cause for debarring such person from any or all benefits of the act.

§ 52.54 *Political activity.* All inspectors and licensed samplers are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, are prohibited. This applies to all appointees or licensees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 52.55 *Interfering with an inspector or licensed sampler.* Any further benefits of the act may be denied any applicant or other interested party who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector or licensed sampler in the performance of his duties.

§ 52.56 *Compliance with other laws.* None of the requirements in the regulations in this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to the operation of food processing establishments and to processed food products.

52.57 *Identification.* Each inspector and licensed sampler shall have in his possession at all times and present upon request, while on duty, the means of identification furnished by the Department to such person.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS [1]

§ 52.81 *Plant survey.* (a) Prior to the inauguration of continuous inspection service on a contract basis, the Administrator will make, or cause to be made, a survey and inspection of the plant where such service is to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such service in accordance with:

(1) These regulations, including, but not limited to, the requirements contained in §§ 52.81 through 52.87; and

(2) The terms and provisions of the contract pursuant to which the service is to be performed.

§ 52.82 *Premises.* The premises of the plant shall be free from conditions objectionable to food processing operations; and such conditions include, but are not limited to, the following:

(a) Strong offensive odors;

(b) Litter, waste, and refuse (e. g., garbage, viner refuse, and damaged containers) within the immediate vicinity of the plant buildings or structures;

(c) Excessively dusty roads, yards, or parking lots; and

(d) Poorly drained areas.

§ 52.83 *Buildings and structures.* The plant buildings and structures shall be properly constructed and maintained in a sanitary condition, including, but not being limited to, the following requirements:

(a) There shall be sufficient light (1) consistent with the use to which the particular portion of the building is devoted and (2) to permit efficient cleaning. Belts and tables on which picking, sorting, or trimming operations are carried on shall be provided with sufficient nonglaring light to insure adequacy of the respective operation.

(b) If practicable, there shall be sufficient ventilation in each room and compartment thereof to prevent excessive condensation of moisture and to insure sanitary and suitable processing and operating conditions. If such ventilation does not prevent excessive condensation, the Administrator may require that suitable facilities be provided to prevent the condensate from coming in contact with equipment used in processing operations and with any ingredient used in the manufacture or production of a processed product.

(c) There shall be an efficient waste disposal and plumbing system. All drains and gutters shall be properly installed with approved traps and vents, and shall be maintained in good repair and in proper working order.

(d) There shall be an ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (1) distribution throughout the plant, and (2) protection against contamination and pollution.

(e) Roofs shall be weather-tight. The walls, ceilings, partitions, posts, doors, and other parts of all buildings and structures shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(f) Each room and each compartment in which any processed products are handled, processed, or stored (1) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character; (2) shall be free from objectionable odors and vapors; and (3) shall be maintained in a clean and sanitary condition.

(g) Every practical precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the rooms in which processed products are being prepared or handled and from any rooms in which ingredients (including, but not being limited to, salt, sugar, spices, flour, syrup, and raw fruits and vegetables) are handled or stored. Screens, or other devices, adequate to prevent the passage of insects shall, where practical, be provided for all outside doors and openings. The use of poisonous cleansing agents, insecticides, bactericides, or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product.

§ 52.84 *Facilities.* Each plant shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample

[1] Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such plants and operations.

in size, and conveniently located. Such rooms shall not open directly into rooms or compartments in which processed products are being manufactured or produced, or handled. Toilet rooms shall be adequately screened and equipped with self-closing doors and shall have independent outside ventilation.

(b) Lavatory accommodations (including, but not being limited to, running water, single service towels, and soap) shall be placed at such locations in or near toilet rooms and in the manufacturing or processing rooms or compartments as may be necessary to assure the cleanliness of each person handling ingredients used in the manufacture or production of processed products.

(c) Containers intended for use as containers for processed products shall not be used for any other purpose.

(d) No product or material which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any processed product is manufactured, processed, or handled.

(e) Suitable facilities for cleaning (e. g., brooms, brushes, mops, clean cloths, hose, nozzles, soaps, detergent, sprayers, and steam pressure hose and guns) shall be provided at convenient locations throughout the plant.

§ 52.85 *Equipment.* All equipment used for receiving, washing, segregating, picking, processing, packaging, or storing any processed products or any ingredients used in the manufacture or production thereof, shall be of such design, material, and construction as will:

(a) Enable the examination, segregation, preparation, packaging and other processing operations applicable to processed products, in an efficient, clean, and sanitary manner, and

(b) Permit easy access to all parts to insure thorough cleaning and effective bactericidal treatment. Insofar as is practicable, all such equipment shall be made of corrosion-resistant material that will not adversely affect the processed product by chemical action or physical contact. Such equipment shall be kept in good repair and sanitary condition.

§ 52.86 *Operations and operating procedures.* (a) All operations in the receiving, transporting, holding, segregating, preparing, processing, packaging and storing of processed products and ingredients, used as aforesaid, shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable and at temperatures that will not tend to cause (1) any material increase in bacterial or other micro-organic content, or (2) any deterioration or contamination of such processed products or ingredients thereof. Mechanical adjustments or practices which may cause contamination of foods by oil, dust, paint, scale, fumes, grinding materials, decomposed food, filth, chemicals, or other foreign materials shall not be conducted during any manufacturing or processing operation.

(b) All processed products and ingredients thereof shall be subjected to continuous inspection throughout each manufacturing or processing operation. All processed products which are not manufactured or prepared in accordance with the requirements contained in §§ 52.80 through 52.87 or are not fit for human food shall be removed and segregated prior to any further processing operation.

(c) All ingredients used in the manufacture or processing of any processed product shall be clean and fit for human food.

(d) The methods and procedures employed in the receiving, segregating, handling, transporting, and processing of ingredients in the plant shall be adequate to result in a satisfactory processed product. Such methods and procedures include, but are not limited to the following requirements:

(1) Containers, utensils, pans, and buckets used for the storage or transporting of partially processed food ingredients shall not be nested unless rewashed before each use;

(2) Containers which are used for holding partially processed food ingredients shall not be stacked in such manner as to permit contamination of the partially processed food ingredients;

(3) Packages or containers for processed products shall be clean when being filled with such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such products. If, to assure a satisfactory finished product, changes in methods and procedures are required by the Administrator, such changes shall be effectuated as soon as practicable.

§ 52.87 *Personnel, health.* In addition to such other requirements as may be prescribed by the Administrator with respect to persons in any room or compartment where exposed ingredients are prepared, processed, or otherwise handled, the following shall be compiled with:

(a) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted;

(b) Infections or cuts shall be covered with rubber gloves or other suitable covering;

(c) Clean, suitable clothing shall be worn;

(d) Hands shall be washed immediately prior to starting work and each resumption of work after each absence from the work station;

(e) Spitting, and the use of tobacco are prohibited; and

(f) All necessary precautions shall be taken to prevent the contamination of processed products and ingredients thereof with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medicaments).

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 27th day of June 1951.

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

[F. R. Doc. 51-7500; Filed, June 29, 1951; 8:49 a. m.]

[7 CFR Part 160]

Regulations and Fee Schedule Concerning Naval Stores and Related Commodities

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that there is under consideration in the Department of Agriculture a proposal to amend the regulations for the enforcement of the Naval Stores Act (7 CFR 160.1–160.100) and the schedule of fees for inspection of naval stores and related commodities (7 CFR 160.201–160.204), and to adopt regulations for the inspection of such related commodities upon request pursuant to section 4 of the Naval Stores Act (7 U. S. C. 94) and sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624), as follows:

1. Section 160.1 (e) would be amended to read:

(e) "Licensed inspector": A person licensed by the Secretary upon recommendation of an accredited processor to act as an official inspector with respect to naval stores produced at an eligible processing plant of such processor.

2. Section 160.1 (f) would be amended to read:

(f) "Eligible processing plant": A plant which on examination by the Secretary has been found to be designed, operated, and staffed so as to permit proper samplings and inspections of the naval stores produced thereat, and where a substantial proportion of the output comes from oleoresin obtained from trees growing on land not owned or leased by the processor himself, or from oleoresin contained within felled trees or stumps removed from such land.

3. Section 160.1 (j) defining "Regulations" would be deleted and a new § 160.1 (j) would be inserted in lieu thereof to read:

(j) "Cooperative agreement": A written agreement between the Department and any person specifying the conditions under which special inspection personnel may be designated and procedures established, not otherwise available under existing inspection programs, in order to make possible a continuous, day-by-day inspection of naval stores for such person, or to provide facilities for carrying out experimental studies on authentic naval stores related to the inspection and marketing thereof.

4. Section 160.1 would be further amended by adding thereto a new paragraph (r) to read:

(r) "Person": Any individual, partnership, association, corporation, firm, company, joint stock company, society, or agency.

5. Section 160.3 would be amended to read:

§ 160.3 *Rosin defined.* Except as provided in § 160.6, rosin is the vitreous, well-strained, transparent, solid resin which (a) remains after the volatile terpene oils are distilled from (1) the oleoresin collected from living trees or (2) the oleoresin extracted from wood; or (b) remains after distillation of the fatty acids from tall oil recovered from wood

in the course of its chemical disintegration to produce cellulose. In addition to the free resin acids, rosin may contain relatively small proportions of fatty acids, resin esters and other esters, unsaponifiable resenes, and non-resinous foreign matter.

6. Section 160.4 would be amended to read:

§ 160.4 *Kinds of rosin.* (a) Rosin within the meaning of the act and the regulations in this part shall be designated as "gum rosin", "wood rosin", or "tall oil rosin", as the case may be.

(b) The designation "gum rosin" shall refer to the kind of rosin remaining after the distillation of gum spirits of turpentine from the oleoresin (gum) obtained from living pine trees.

(c) The designation of "wood rosin" shall refer to the kind of rosin recovered after the distillation of the volatile oil from the oleoresin within or extracted from pine wood by any suitable chemical or physical process, followed by any necessary further refinement.

(d) The designation "tall oil rosin" shall refer to the kind of rosin remaining after the removal of the fatty acids from tall oil by fractional distillation, and having the characteristic form and appearance and other physical and chemical properties normal for other kinds of rosin.

7. The center heading "Administration" preceding § 160.6, and § 160.6 itself, would be deleted, § 160.15 would be redesignated as § 160.6, and the center heading "Standards For Spirits of Turpentine" preceding § 160.7 would be deleted.

8. Section 160.7 would be amended to read:

§ 160.7 *Kinds of turpentine.* Spirits of turpentine within the meaning of the act and the regulations in this part shall be designated as "gum spirits of turpentine", "steam distilled wood turpentine", "destructively distilled wood turpentine", or "sulphate wood turpentine", as the case may be.

9. A center heading "General" would be inserted preceding § 160.12 and the center heading "Standards And Grades For Rosin" preceding § 160.13 would be deleted.

10. Section 160.13 would be amended to read:

§ 160.13 *Standards for rosin.* The Official Naval Stores Standards of the United States for rosin consist of the standards for grades exemplified by the rosin types authorized by the act, and such other standards of identity and grade as are provided in the act or by the Secretary thereunder.

11. A center heading "administration" would be inserted following § 160.14 and a new § 160.15 would be inserted to read:

§ 160.15 *Authority.* The Secretary has delegated to the Administrator of the Production and Marketing Administration of the Department authority to take all actions necessary or appropriate in the administration of the act and the provisions in this part, subject to limitations contained therein and under the general supervision of the Secretary. This authority has been redelegated by the Administrator to the Director of the Tobacco Branch of the Administration, and by him to the Chief of the Naval Stores Division of the Branch.

12. Section 160.30 would be amended to read:

§ 160.30 *Containers to remain intact.* The results of any analysis, classification, or grading of naval stores will be certifiable only if the containers of the naval stores remain intact as sampled until the analysis, classification, or grading has been completed and the results reported, except when the container is a tank car subject to demurrage.

13. Section 160.31 would be amended to read:

§ 160.31 *Contents of containers to be declared.* Prior to inspection at the request of the producer, containers of naval stores, other than tank cars, shall have marked thereon a declaration by such producer of the kind or identity of the product in accordance with the standard of identity provided therefor by or under the act.

14. Sections 160.32 and 160.33 would be deleted and a new § 160.32 would be inserted to read:

§ 160.32 *Time and manner of sampling.* Except when batch sampling is authorized at an eligible processing plant using licensed inspectors, samples of naval stores to be used for official inspection and certification shall be taken direct from the commercial containers of such naval stores by or under the immediate supervision of the inspector at the time of inspection.

15. Sections 160.34–160.38 would be redesignated, respectively, as §§ 160.33–160.37.

16. Section 160.39 would be redesignated as § 160.38 and amended to read:

§ 160.38 *Prior marks to be removed.* Any mark, appearing on a container to be used for naval stores, relating to the kind, classification, grade, certification, or method of inspection of naval stores shall be removed by the user whenever the marking does not in all respects describe the kind, classification, grade, certification, and method of inspection of the naval stores to be placed therein.

17. Sections 160.40–160.44 would be redesignated, respectively, as §§ 160.39–160.43.

18. Section 160.45 would be redesignated as § 160.44 and amended to read:

§ 160.44 *Licensed inspector to be disinterested.* In so far as possible, no person who determines or controls sales policies or methods of distribution or the selling prices of the naval stores processed at an eligible processing plant shall be licensed as an inspector at such plant.

19. Section 160.46 would be redesignated as § 160.45.

20. Section 160.47 would be redesignated as §160.46 and amended to read:

§ 160.46 *Conditions governing licensed inspection.* The work of official inspectors performed by licensed inspectors shall be supervised and reviewed by authorized representatives of the Secretary, who shall issue to such licensed inspectors recommendations and instructions for taking samples; marking and maintaining the identity of containers; preparing, issuing, and disposing of certificates; the keeping of adequate records of inspection; and such other inspection and certification procedures as may be necessary in carrying out the licensed inspection. The handling, sampling, grading, marking and certification of naval stores at an eligible processing plant by a licensed inspector shall be conducted in accordance with such instructions and the regulations and standards in this part.

21. A new § 160.47 would be added to read:

§ 160.47 *Identification of containers.* Containers of naval stores inspected, classified, graded, and certified by a licensed inspector at an eligible processing plant shall be marked to show the name and location or other acceptable identification of the plant, and the legend "U. S. Graded" or "U. S. Inspected", and in the case of rosin, the batch number indicating the date of production.

22. The first sentence in § 160.62 would be amended to read: "A certificate as provided for by section 4 of the act shall be issued in duplicate to the interested person on naval stores examined at his request, and upon request additional copies may be obtained from the inspector."

23. The first sentence in § 160.64 would be amended to read: "A certificate shall not be issued for naval stores of which the samples were not taken by or under the direction of an official inspector direct from the containers in which the naval stores are placed for shipment, or which have not been packed, sampled, marked, and identified as required by the regulations in this part, or for any material which does not conform with the standard provided therefor by the act or by the Secretary thereunder."

24. Section 160.67 would be amended by inserting the word "classification" after the word "sampling".

25. Sections 160.71 and 160.72 would be deleted, and corresponding provisions would be added to the schedule of fees in §§ 160.205 and 160.206.

26. Sections 160.73–160.84 would be redesignated, respectively, as §§ 160.71–160.82.

27. Section 160.85 would be redesignated as § 160.83 and the proviso therein would be amended by deleting the phrase "may be" and substituting therefor the word "is".

28. Sections 160.86–160.100 would be redesignated, respectively, as §§ 160.84–160.98.

29. References made in present §§ 160.43, 160.57, 160.77, 160.78, 160.79 and 160.99 to other sections redesignated by the proposed amendment would be changed to conform with such redesignations.

30. After § 160.100 a new heading would be added to read "Related Naval Stores Commodities," and a new

§ 160.150 would be added thereunder, as follows:

§ 160.150 *Request inspection of related naval stores commodities.* Inspection and certification of the class, quality, quantity and condition of pinene, dipentene, pine oil, other terpene oils, pine tar, pine pitch, tarene, tall oil, B wood resin, and other miscellaneous resins, shipped or received in interstate commerce, may be obtained upon request of any interested person and the payment of fees prescribed in §§ 160.201–160.206, inclusive. Such inspection and certification will be conducted in accordance with such provisions in this part as the Secretary determines are applicable.

31. Section 160.201 would be amended to read:

§ 160.201 *Fees payable to the United States for inspecting and certifying grades and weights of naval stores and related commodities.* (a) Inspection and certification by licensed inspectors at eligible processing plants.

(1) Turpentine:	
For barrel or drum	$0.05
Per tank car	2.00
(2) Rosin:	
Per drum	$0.03
Per bag of 100 pounds	.006
Per tank car	2.00

(b) Inspection and certification by regularly employed inspectors of the U. S. Department of Agriculture.

(1) Turpentine:	
Per barrel or drum	$0.09
Per tank car	4.00
Per bulk lot delivered from storage into tank car or tank steamer	See note.

NOTE: The fee to be charged for inspection of turpentine loaded from bulk storage will depend on the location of point of loading, and perhaps on other conditions. An approximation of the probable charges, in writing, will be furnished on request to any interested person, after receipt of application supplying the necessary information.

(2) Rosin:	
(i) At approved warehouse or concentration yard:	
Grading and weighing, per drum	$0.10
Weighing of rosin previously certified as to grade at another point, per drum	.05
(ii) At country stills:	
Grading only, per drum:	
Up to 400 drums in a lot	$0.10
All over 400 drums	.05
Weighing, extra, per drum	.05
(iii) At eligible processing plant, on call:	
Grading by batch samples:	
Per drum	$0.07
Per bag	.015
(3) Related naval stores commodities:	
(i) Pine oil and other related terpene hydrocarbon oils, per drum	$0.09
(ii) Pine tars, tarene, pitch, resins and tall oils, per drum	.07

32. Section 160.202 would be amended to read:

§ 160.202 *Fees payable to the United States for laboratory analysis and testing of naval stores and related commodities.* (a) Turpentine, pine oil, and related terpene hydrocarbon oils.

(1) Comprehensive and involved analysis and tests to determine purity, specification conformance, or related chemical and physical properties:	
Single sample	$18.00
Each additional sample, same kind at same time	10.00
(2) Limited laboratory testing as to kind, grade, or physical condition related to relative quality of the material:	
Each sample tested	$3.00

(b) Rosin, and related naval stores commodities not included in paragraph (a) of this section.

Single sample	$15.00–$25.00
Each additional sample, same kind at same time	10.00– 20.00

NOTE: The type of work required and time spent on such work usually varies widely with the material and purposes of the tests. In general, the interested person requesting such tests shall be notified of the probable cost thereof, and his authority to proceed obtained before the work is undertaken.

33. Section 160.203 would be amended to read:

§ 160.203 *Permit fees for eligible processing plants under licensed inspection.*

Initial permit fee	$10.00
Annual renewal permit fee	10.00

The renewal permit fee shall be reduced to $5.00 when the inspection fees paid by the processor aggregate $100 or more during the preceding fiscal year ended June thirtieth, and shall be waived when such fees aggregate $200 or more during such fiscal year. Such reduced permit fee shall apply only in case the processor has made continued use of the licensed inspection service.

34. A new § 160.205 would be added to read:

§ 160.205 *Charges for laboratory examination.* For laboratory work involved in the examination, analysis, classification, or grading of naval stores or any samples thereof, when the charges for such service, computed in accordance with established fees, do not compensate the United States for the full cost of the services rendered, or when no fee rate has been provided, then in lieu thereof the person requesting such service shall pay for such laboratory work an amount computed at the rate of $30.00 per eight hour day or $4.00 per hour for fractional part of a day less than 4 hours. The person requesting such service will be advised as to the approximate cost of doing the work covered by the request, and his authority to proceed shall be obtained before analysis or other examination is made.

35. A new § 160.206 would be added to read:

§ 160.206 *Charges for other inspection work.* Whenever in complying with a request for examination, inspection, classification or grading of naval stores an inspector must make a special trip or deviate from his regular schedule of travel, and the charges to be collected for such services, when computed in accordance with established inspection fees, are insufficient to cover the full cost of the services rendered, then the person requesting such services shall pay such full cost, including allowances for time spent in collecting and preparing samples, obtaining identification records, travel, or other necessary work, and in addition any official travel and subsistence expense incurred in connection therewith. The charge for time shall be computed at the rate of $24.00 per eight hour day or $3.50 per hour for fractional part of a day less than 4 hours.

The United States standards for opaque rosin, FF rosin, and sulphate wood turpentine, the modification of the United States standards for rosin grades, and the United States standard for tall oil rosin, heretofore promulgated under the act, would be set forth respectively in §§160.301, 160.302, 160.303, 160.304, and 160.305 of this part.

The heading for Part 160 of Title 7, Code of Federal Regulations, would be redesignated as: "Part 160—Regulations and Standards for Naval Stores and Related Commodities".

Any interested person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Director of the Tobacco Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington, 25, D. C. on or before July 20, 1951.

(Sec. 4, 42 Stat. 1436; secs. 203 and 205, 60 Stat. 1087; 7 U. S. C. 94; 7 U. S. C. 1622, 1624)

Done at Washington, D. C., this 27th day of June 1951.

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

[F. R. Doc. 51-7564; Filed, June 29, 1951; 9:01 a. m.]

[7 CFR Part 992]

IRISH POTATOES GROWN IN WASHINGTON

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

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

§ 992.203 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the State of

Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1952, will amount to $23,985;

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

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992).

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

Done at Washington, D. C., this 26th day of June 1951.

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

[F. R. Doc. 51-7560; Filed, June 29, 1951; 9:00 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

CANE SUGAR INDUSTRY IN LOUISIANA

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW

In the matter of the application to include the extraction and processing of calcium aconitate within that portion of the cane sugar industry which is located in Louisiana and has been determined to be of a seasonal nature pursuant to section 7 (b) (3) of the Fair Labor Standards Act.

On November 16, 1939, the Administrator of the Wage and Hour Division issued a determination (4 F. R. 4615) that the portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana, is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (section 7 (b) (3), 52 Stat. 1063; 29 U. S. C. 207 (b) (3)) and the regulations contained in this part.

The aforesaid determination was amended by the Administrator on July 13, 1944 (9 F. R. 8175) to include the dehydrating of bagasse within the definition of the branch of the industry and further amended on September 7, 1945 (10 F. R. 11643) to include certain sugar refining operations.

On January 11, 1951, the Administrator gave notice that an application had been filed requesting that the aforesaid determination be further amended to include certain operations involving the extraction and processing of calcium aconitate from "B" molasses and that a public hearing would be held on January 26, 1951, before Nathan Rubinstein, an authorized representative of the Administrator who was authorized to receive evidence and hear argument for the purpose of determining: "Whether the aforesaid determination of November 16, 1939 (4 F. R. 4615) as amended shall be further amended to include the extraction and processing of calcium aconitate from "B" molasses, and if so, subject to what conditions and limitations."

Following such hearing, the representative of the Administrator duly made his findings of fact and determined as follows:

(1) That portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana, which was found to be of a seasonal nature under the determination of November 16, 1939 as amended July 13, 1944 to include the dehydrating of bagasse, and further amended September 7, 1945 to include certain sugar refining operations, now also engages in the extraction of calcium aconitate from "B" molasses and in the subsequent drying of calcium aconitate.

(2) The extraction from "B" molasses and the subsequent drying of calcium aconitate takes place during the same season as the operations included in the industry heretofore determined to be of a seasonal nature, is dependent upon the sugarcane grinding operations, and does not lengthen the operating season for that industry. The industry, including the calcium aconitate operations, operates during a regularly, annually recurring part of the year, and ceases operations because, owing to climate or other natural conditions, the raw materials become unavailable during the remainder of the year.

(3) The industry, including the extraction from "B" molasses and the subsequent drying of calcium aconitate, is of a seasonal nature within the meaning of section 7 (b) (3)) of the Fair Labor Standards Act and the regulations issued thereunder.

(4) The determination of November 16, 1939, as amended, should be further amended to include the following operations when performed in Louisiana on the premises of a sugarcane processing mill while the sugarcane is being processed: the extraction of calcium aconitate from "B" molasses produced from sugarcane ground on the premises, including the drying of the cake, the handling, sacking, and storage of the aconitate, and any operations necessary and incident to the foregoing, including the placing of the product in storage or transportation facilities on or near the premises.

As amended, the determination will apply to: the unloading of sugarcane at the mill; the processing of sugarcane into sugar, syrup and molasses; and the following operations when performed on the premises of a sugarcane processing mill while the sugarcane is being processed; the immediate refining, as one of a connected series of operations, of raw sugar produced from sugarcane ground on the premises; the refining, by the introduction into such series of operations, of raw sugar which has been produced during the same grinding season in other Louisiana cane processing plants of the employer, except in establishments where the refined sugar made from such transferred raw sugar constitutes half or more of the refined sugar produced during the cane processing season, or where purchased raw sugar, or raw sugar produced outside of Louisiana is refined during the cane processing season; the burning, removing from the premises, or dehydrating of bagasse resulting from the processing of sugarcane; the extraction of calcium aconitate from "B" molasses, including the drying of the cake; the handling, baling, bagging, packing and storing of the sugar, syrup, molasses, bagasse, or calcium aconitate, and any operations necessary and incident to the foregoing, including the placing of these products in storage or transportation facilities on or near the premises.

The petition is granted in accordance with the above finding.

The aforesaid findings and determination were duly filed with the Administrator on June 25, 1951 at the National Offices of the Wage and Hour Division, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington 25, D. C., and are available for examination by all interested parties.

Notice is hereby given pursuant to § 526.7 of the regulations that any person aggrieved by the said determination may within 15 days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Administrator at the National Office of the Wage and Hour Division requesting that he review the action of the said representative upon the record of the hearing. Such petition shall set forth the grounds upon which the petition for review is based. If no petition for review is filed within the 15 days, the findings and determination of the authorized representative of the Administrator will become final and the exemption for the branch of the industry as redefined in the said findings and determination will become effective 30 days after publication of notice to that effect in the FEDERAL REGISTER.

Signed at Washington, D. C., this 26th day of June, 1951.

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

[F. R. Doc. 51-7531; Filed, June 29, 1951; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 50486, 61826]

CALIFORNIA AND OREGON

RESTORATION ORDER 1300 UNDER FEDERAL POWER ACT

Pursuant to the following-listed determinations of the Federal Power Commission and in accordance with Departmental Order No. 2583 section 2.22 (a) of August 16, 1950 (15 F. R. 5643) it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public land and revested Oregon and California Railroad Grant land, so far as they are withdrawn or reserved for power purposes, are hereby restored to disposition under the applicable public-land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

Determination No.	Dates and types of withdrawals	Type of restoration	Land
DA-724 California	Power site classification No. 163 of Jan. 14, 1927.	Under the applicable public-land laws.	California: T. 23 N., R. 14 E., M. D. M., sec. 31, NE¼NE¼, containing 40 acres, within the Plumas National Forest.
DA-219 Oregon	Power site reserve No. 661 of Dec. 12, 1917; and water power designation No. 14 of Dec. 12, 1917.	For exchange under the act of Aug. 28, 1937 (50 Stat. 874), in aid of a Federal land program.	Oregon: T. 21 S., R. 1 W., W. M., sec. 31, NE¼SE¼, containing 40 acres.

The above-described lands shall be subject to application by the States of California and Oregon, respectively, for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise affect the status of the lands until the ninety-first day after the date of publication of this order in the FEDERAL REGISTER.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51-7493; Filed, June 29, 1951; 8:47 a. m.]

CALIFORNIA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR TOWNSITE PURPOSES [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 25, 1951.

[F. R. Doc. 51-7486; Filed, June 29, 1951; 8:45 a. m.]

[1] See F. R. Doc. 51-7487, Title 43, Ch. I, *supra.*

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 25, 1951.

[F. R. Doc. 51-7488; Filed, June 29, 1951; 8:45 a. m.]

[1] See F. R. Doc. 51-7489, Title 43, Ch. I, *supra.*

Office of the Secretary

SUBMERGED COASTAL LANDS OF THE GULF OF MEXICO

OIL AND GAS OPERATIONS

This is a fourth supplement to Part II of the notice issued by the Secretary of the Interior on December 11, 1950, concerning "Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico" (15 F. R. 8835), as previously supplemented by the notices issued by the Secretary of the Interior on February 2, 1951 (16 F. R. 1203), March 5, 1951 (16 F. R. 2195), and April 23, 1951 (16 F. R. 3623).

Persons conducting oil and gas operations in accordance with Part II of the notice dated December 11, 1950, as previously supplemented, are hereby authorized to continue such operations to and including August 31, 1951. This supplementary authorization is subject to the conditions prescribed in Part II.

This does not authorize the drilling of, or production from, any oil or gas well the drilling of which had not been commenced on or before December 11, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 25, 1951.

[F. R. Doc. 51-7490; Filed, June 29, 1951; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

DELEGATION OF AUTHORITY WITH RESPECT TO ADMINISTRATION OF TRANSPORTATION ACTIVITIES

Paragraph 3 of the material appearing under the above heading (15 F. R. 8739, as amended by 16 F. R. 1130) is hereby further amended to read as follows:

3. *Delegation of authority.* (a) The Under Secretary of Commerce for Transportation shall perform the functions and exercise the powers, authority and discretion conferred on the Secretary of Commerce by Executive Orders 10161 and 10200 (and Defense Production Administration Delegation 1), and Executive Order 10219 with respect to air transportation, and intercoastal, coastwise and overseas shipping, including the use thereof.

(b) The authority hereby delegated to the Under Secretary of Commerce for Transportation under subsection (a) above, which he is hereafter authorized to redelegate, includes the authority vested in the Secretary of Commerce under sections 902 and 903 of Executive Order 10161 and section 6b of Executive Order 10200, including the authority with respect to subpoena.

(c) The Under Secretary of Commerce for Transportation also shall perform the functions and exercise the powers, authority and discretion vested directly

in the Secretary of Commerce as a claimant under DPA Administration Order 1 of May 24, 1951.

(d) The Under Secretary of Commerce for Transportation shall perform the functions with reference to processing of applications under NPA Order M-4 (Construction), as amended, and exercise the powers, authority and discretion vested in the Secretary of Commerce with reference to those functions as set forth in NPA Delegation No. 14 of June 7, 1951, but subject to all provisions and limitations of such authority contained in said delegation.

(e) The functions and other authority delegated hereby may be redelegated by the Under Secretary of Commerce for Transportation to officers and agencies of the Department of Commerce, with or without authority for further redelegation.

(f) The material appearing at 15 F. R. 8090-8091, which designated claimant agencies to present requirements to the Secretary of Commerce with respect to materials and facilities placed under his jurisdiction by Executive Order 10161 of September 9, 1950, is revoked.

(g) All other orders, regulations, rulings, certificates, directives, and other actions hitherto issued or taken under 15 F. R. 8739, as amended and supplemented (16 F. R. 1130 and 16 F. R. 2553), shall remain in effect until hereafter amended or revoked under proper authority.

(h) Except for subparagraph (d), this notice is effective May 24, 1951. Subparagraph (d) is effective June 7, 1951.

(R. S. 161; 5 U. S. C. 22; Reorg. Plans Nos. 5 and 21 of 1950; E. O. 10161, 10200, 10219; DPA Administration Order 1; and NPA Delegation No. 14)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-7535; Filed, June 29, 1951; 8:56 a. m.]

Under Secretary of Commerce for Transportation

MARITIME ADMINISTRATOR ET AL.

REDELEGATION OF CLAIMANCY FUNCTIONS AND AUTHORITIES

1. *Delegations of authority.* The functions, powers, authorities and discretion of the Secretary of Commerce as a claimant as set forth in DPA Administration Order 1 and delegated by the Secretary of Commerce to the Under Secretary of Commerce for Transportation, are hereby delegated to each of the officers hereinafter named:

(a) The Maritime Administrator with respect to coastwise, intercoastal, and overseas shipping, and merchant ship construction and repair;

(b) The Commissioner of Public Roads with respect to highway construction and maintenance, regardless of financing, including all rural and urban highways, streets, highway equipment repair shops, bridges, tunnels, toll road facilities, and appurtenant installations;

(c) The Chairman of the Civil Aeronautics Board with respect to construction of all new civil aircraft and concurrent spares for U. S. air carrier transportation;

(d) The Administrator of Civil Aeronautics with respect to all U. S. civil aircraft and U. S. civil aviation operations not covered in subparagraph (c) above, including but not limited to materials, parts and equipment for all civil aircraft, civil airports, and aeronautical communications facilities.

The designation of the Chairman of the Civil Aeronautics Board in subparagraph (c) above is made pursuant to section 3.01 (f) of Executive Order 10219 which provides that the Secretary of Commerce may utilize the services of the Civil Aeronautics Board and of such other Federal, State and local agencies as he deems desirable in the performance of his function under Part III of that Executive Order.

Each of the officers delegated authority by this notice may redelegate such authority or responsibilities thereunder to such persons or agencies as he may deem appropriate: *Provided*, That, no such redelegation of authority may be made to persons or agencies outside his organization without the approval of the Secretary of Commerce who will make any necessary clearances with the Defense Production Administration on such matters.

2. *Allocation authority.* In accordance with CMP Regulation 1 and other pertinent regulations, claimants may approve production schedules for prime consumers producing class A products pursuant to appropriately authorized programs, and for each such production schedule authorized concurrently make a related allotment, pursuant to allotments which it has received, to the consumer whose production schedule has been authorized.

Nothing in this notice shall be construed to authorize the allocation of completed aircraft.

3. *Effective date.* This notice is effective from the effective date of Defense Production Administration Order 1, May 24, 1951.

[SEAL] DELOS W. RENTZEL,
Under Secretary of Commerce for Transportation.

[F. R. Doc. 51-7533; Filed, June 29, 1951; 8:56 a. m.]

COMMISSIONER, BUREAU OF PUBLIC ROADS ET AL.

REDELEGATIONS OF AUTHORITY TO PROCESS APPLICATIONS UNDER NPA ORDER M-4

1. *Delegations of authority.* The functions, powers, authorities, and discretion of the Secretary of Commerce with reference to processing of applications under NPA Order M-4 (Construction), as amended, as set forth in NPA Delegation No. 14 of June 7, 1951, and delegated by the Secretary of Commerce to the Under Secretary of Commerce for Transportation, are hereby delegated to each of the officers hereinafter named, but subject to all provisions and limitations of such authority contained in said delegation:

Commissioner, Bureau of Public Roads: Bureau of Public Roads programs for highway construction and maintenance of all rural and urban highways, streets, highway equipment repair shops, bridges, tunnels, toll road facilities and appurtenant installations, regardless of financing.

Administrator, Civil Aeronautics Administration: Air navigation facilities, civil airports.

Administrator, Maritime Administration: Shipyards.

Each of the officers delegated authority by this notice may redelegate such authority or responsibilities thereunder to such persons or agencies as he may deem appropriate: *Provided*, That, no such redelegation of authority may be made to persons or agencies outside his organization without the approval of the Secretary of Commerce.

Each of said officers may, in accordance with prescribed Department regulations, issue such regulations as he may deem necessary to perform the functions and exercise the authority conferred upon him by this notice.

2. *Effective date.* This notice is effective June 7, 1951.

[SEAL] DELOS W. RENTZEL,
Under Secretary of Commerce, for Transportation.

[F. R. Doc. 51-7534; Filed, June 29, 1951; 8:56 a. m.]

National Production Authority

[NPA Delegation 1 as amended June 30, 1951]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO ALLOTMENTS OF CONTROLLED MATERIAL

1. Pursuant to the Defense Production Act of 1950, Executive Orders 10161 and 10200, and Defense Production Administration Delegation 1, the Secretary of Defense is hereby delegated the authority (with power of redelegation) to make allotments of controlled material, to apply or assign to others the right to apply DO ratings and allotment numbers and symbols, as the case may be, with respect to contracts and purchase orders to meet authorized programs for which the Department of Defense is claimant under Defense Production Administration Order No. 1, and to meet such other programs as the National Production Authority may designate.

2. The Secretary of Defense is also hereby delegated authority (with power of redelegation) to assign to the following persons, with respect to the orders indicated, the right to apply DO ratings and allotment numbers and symbols:

(a) Certain prime or subcontractors on orders for delivery of production equipment specifically required to support authorized procurement programs of the Department of Defense or its delegate agencies.

(b) Certain contractors on orders for delivery of construction equipment for use on construction outside of the United States (48 States and the District of Columbia).

3. The authority herein delegated shall be exercised within the limits of such program determinations or other quantitative restrictions as may be established, and in accordance with such instructions, conditions, record-keeping and reporting requirements, and policy directives, as may be issued from time to time by the National Production Authority. The exercise of this authority shall also conform to the terms of the regulations and orders of the National Production Authority and to such priorities and allocations policy directives as may be issued by the Munitions Board to implement policies and procedures issued by the National Production Authority.

4. In making allotments of controlled material and in applying DO ratings and allotment numbers and symbols, as the case may be, the certification prescribed by the appropriate regulation or order of the National Production Authority shall be used. In assigning to others the right to exercise this authority, the following certification shall be used: "By authority of the National Production Authority, the right is hereby assigned to (description of scope of assignment)." This certification shall be authenticated with the signature of an authorized official of the Department of Defense or its delegate agency.

5. This authority shall not be used for (a) direct procurement or contractors' purchase of construction equipment for use in the United States (48 States and the District of Columbia); (b) civilian type items for resale in Military Exchanges, or packaging for such items other than packaging for export of such items; or (c) material purchased from exclusively retail establishments, except in emergency situations and then only for small amounts to prevent imminent stoppage.

This amended delegation shall take effect on June 30, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7653; Filed, June 29, 1951; 11:36 a. m.]

[NPA Delegation 13, Supp. 1]

ADMINISTRATOR OF PETROLEUM ADMINISTRATION FOR DEFENSE

DELEGATION OF FURTHER AUTHORITY AS TO CERTAIN MATERIALS

1. In addition to the authority conferred by NPA Delegation 13, there is hereby delegated to the Administrator of the Petroleum Administration for Defense, or any official of the Petroleum Administration for Defense duly authorized by him, authority to reschedule deliveries of controlled materials which are for delivery for use in petroleum or gas operations and which are represented by delivery orders placed upon and accepted by mills: *Provided, however,* That such authority (a) shall be applicable only to effect delivery of orders on which priorities assistance is or may be made available pursuant to orders in the M-46 series; and (b) shall be applicable only to the extent that such rescheduling of deliveries requires no change in production schedules.

2. The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority.

This supplement shall take effect on June 30, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7654; Filed, June 29, 1951; 11:37 a. m.]

CIVIL AERONAUTICS BOARD

[Regs. 5, Serial No. SR-364]

OPERATION BY TRANSOCEAN AIR LINES OF CERTAIN AIRCRAFT IN TRUST TERRITORY OF THE PACIFIC ISLANDS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of June 1951.

On July 1, 1951, the Department of the Interior will assume the duty of administering the Trust Territory of the Pacific Islands, including the islands of Saipan, Yap, Koror, Truk, Ponape, Kwajalein, and Majuro. At the present time the administration of these islands is in the Department of the Navy, which has maintained air transport communications with Naval aircraft among the various islands and between these islands and Guam. As a part of the transfer of the civil administration, the Departments of the Navy and Interior are desirous of establishing on or before the date of transfer a civilian operation which will replace the airlift heretofore furnished by the Navy in government aircraft. To this end the Department of the Navy has entered into a contract with Transocean Air Lines, the principal provisions of which include the transfer to Transocean of four PBY-5A aircraft, the undertaking by Transocean Air Lines to furnish service thereunder by the carriage of passengers, property and mail as may be directed by the High Commissioner of the Trust Territory, and the payment to Transocean on an aircraft mile basis.

The four PBY Amphibians turned over to Transocean Air Lines pursuant to this contract are eligible for airworthiness certificates issued pursuant to Part 3 of the Civil Air Regulations with a maximum allowable gross weight of 28,000 pounds. The Department of the Navy, joined by representatives of the Department of the Interior, has now requested that this gross weight limitation be raised from 28,000 to 30,000 pounds, because of the fact that a gross weight of 28,000 pounds would permit little or no pay-load over the longest over-water leg of the proposed operation. In addition to this waiver of the Civil Air Regulations concerning gross weight limits, the Department of the Navy and the Director of the Office of Territories in the Department of the Interior have requested that certain operating rules relative to the conduct of operations of these aircraft be modified in certain respects.

The Board believes that the importance of maintaining air communications to and within the Trust Territory of the Pacific Islands, the fact that no other type of aircraft appears to be practicable in conducting the operations, the fact that the operation is basically governmental in nature and will not be open to members of the general public, and the fact that most of the landing areas utilized will be sea level airports or seadromes, with few en route obstructions are all factors which indicate that a relaxation of otherwise applicable safety rules would be reasonable and in the public interest.

Because Transocean Air Lines is the only carrier affected by this Special Civil Air Regulation and because it has requested the relief herein granted, public notice and procedure hereon are unnecessary, and since it relieves the said carrier from restriction the Board finds that good cause exists to make this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation effective immediately to read as follows:

1. Notwithstanding any provision of the Civil Air Regulations to the contrary, but subject to the conditions hereinafter set forth, the airworthiness certificates of four certain PBY Amphibian Flying Boats transferred to Transocean Air Lines pursuant to contract with United States Navy (No. N600s-d-12210) may be amended, or new airworthiness certificates may be issued in their stead, such new or amended certificates to provide for an allowable gross weight of 30,000 pounds for each aircraft; and the air carrier operating certificate of the said carrier may likewise be amended to the extent necessary to permit it to operate such aircraft between

Guam—Saipan.
Guam—Yap.
Yap—Koror.
Truk—Guam.
Truk—Ponape.
Majuro—Kwajalein.
Kwajalein—Ponape.
Ponape—Majuro.

(a) The airworthiness certificates referred to herein may be amended, or other certificates issued, only if full compliance with the provisions of Part 3 of the Civil Air Regulations is shown on the basis of 28,000 pounds maximum take-off weight.

(b) Each such amended airworthiness certificate or new airworthiness certificate shall bear the following legend—"This certificate is issued (or amended) pursuant to the provisions of Special Civil Air Regulation SR-364. To the extent it authorizes a maximum take-off weight in excess of 28,000 pounds, it is valid only for non-common carrier operations conducted by Transocean Air Lines between points in the Trust Territory of the Pacific Islands and between such islands and Guam."

(c) The air carrier operating certificate shall be amended only to the extent necessary to permit the use of the said PBY-5a aircraft in operations conducted pursuant to the said contract between

Transocean Air Lines and the Department of the Navy.

(d) In conducting the operations specified above, Transocean Air Lines shall do so in accordance with the provisions of Part 42 of the Civil Air Regulations: *Provided*, That any provision of such part which would require any alteration or addition to the structure or component of the said PBY-5a aircraft certificated in accordance with this Special Civil Air Regulation or which would materially hinder Transocean Air Lines in performing its obligations under the said contract is hereby expressly waived.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, 49 U. S. C. 551, 554)

By the Civil Aeronautices Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-7556; Filed, June 29, 1951; 9:00 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9148, 9995]

HARDING COLLEGE, AND EDITH WOOD SWEEZY

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Harding College, Searcy, Arkansas, Docket No. 9148, File No. BP-6740; Edith Wood Sweezy, Searcy, Arkansas, Docket No. 9995, File No. BP-6908; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of June 1951;

The Commission having under consideration the above-entitled applications, each requesting a permit to construct a new standard broadcast station to operate on frequency 1450 kilocycles, with 250 watts power, unlimited time at Searcy, Arkansas;

It appearing that applicant, Harding College, is legally qualified to operate the proposed station;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on August 6, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of applicant, Harding College, to construct and operate its proposed station and the legal, technical, financial and other qualifications of applicant, Edith Wood Sweezy, to construct and operate her proposed station with particular reference to the terms of the agreement between Edith Wood Sweezy and one Earl Butler with regard to the acquisition of an interest in the proposed station by the said Earl Butler.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable intereference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

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

[F. R. Doc. 51-7527; Filed, June 29, 1951; 8:54 a. m.]

[Docket 9993]

MACKINAC RADIO SERVICE

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUE

In the matter of E. M. Tellefson, d/b as Mackinac Radio Service, Mackinac Island, Michigan; Docket No. 9993, File No. 1551-F1-R-F, application for renewal of license for public coastal telegraph station WHQ.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1951;

The Commission, having under consideration the application of E. M. Tellefson, d/b as Mackinac Radio Service, filed January 25, 1951, for renewal of license for station WHQ at Mackinac Island, Michigan; and

It appearing that, by order dated September 28, 1949, in connection with the proceedings in Docket No. 9433, the licensee was made a party respondent to the proceedings therein and was directed to file a statement regarding his acceptance and delivery practices but that said licensee did not respond to such order nor appear at the hearing therein; and

It further appearing that, on July 5 and August 28, 1950, respectively, official communications were sent to the licensee requesting information with respect to the operation of station WHQ, but that, to date no reply thereto has been received; and

It further appearing that said licensee may have, from time to time, discontinued, reduced or impaired service to a community or part of a community, through station WHQ, without complying with the provisions of Part 63 of the Commission's Rules and section 214 of the Communications Act of 1934, as amended;

It is ordered, That, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission at Washington, D. C., commencing at 10:00 a. m. on August 20, 1951, upon the following issues:

(1) To determine whether the licensee has discontinued, reduced or impaired service to a community or part of a community, through station WHQ, in violation of the provisions of Part 63 of the Commission's Rules and Section 214 of the Communications Act of 1934, as amended.

(2) To determine whether the licensee has misrepresented to the Commission, in the instant application for renewal of license, the facts and circumstances relating to the operation of station WHQ.

(3) To determine the facts and circumstances with respect to the failure of the licensee to furnish a statement with respect to his acceptance and delivery practices, and to appear in the proceedings, as required by the Commission's order of September 28, 1949, in Docket No. 9433.

(4) To determine the facts and circumstances with respect to the failure of the licensee to respond to the Commission's official communications dated July 5 and August 28, 1950, respectively.

(5) To determine the need for a public coastal telegraph station at Mackinac Island.

(6) To determine whether the licensee is qualified to be a radio station licensee in the subject service.

(7) To determine whether the public interest, convenience, or necessity would be served by a grant of the instant application for renewal of license.

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

[F. R. Doc. 51-7528; Filed, June 29, 1951; 8:55 a. m.]

[Change List No. 8]

DOMINICAN REPUBLIC BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

MAY 30, 1951.

Notifications under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Dominican Republic Broadcast Stations modifying appendix containing assignments of Dominican Republic Broadcast Stations (mimeograph 47214-2) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

DOMINICAN REPUBLIC

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
HI6T	(Santiago) 19°28′ N-70°42′ W	1000 kilocycles, 1 kw	U	II	July 30, 1951

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

[F. R. Doc. 51-7525; Filed, June 29, 1951; 8:54 a. m.]

[Mexican Change List No. 128]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

MAY 18, 1951.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEFJ	Teziutlan, Puebla	680 kilocycles, 1 kw	D	II	Sept 15, 1951
XEAW	Monterrey, Nuevo Leon	1280 kilocycles, 500 w-N/3 kw-D (increase in daytime power).	U	III-B	Sept. 1, 1951
XEAS	Neuvo Laredo, Tamaulipas	1410 kilocycles, 250 w-N/1 kw-D (increase in daytime power).	U	IV	Do.
XELC	La Piedad, Michoacan	1600 kilocycles, 1 kw-N/5 kw-D (increase in daytime power).	U	III-A	Do.

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

[F. R. Doc. 51-7526; Filed, June 29, 1951; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1720]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

JUNE 26, 1951.

Take notice that Montana-Dakota Utilities Co. (Applicant), a Delaware corporation, of 831 Second Avenue South, Minneapolis 2, Minnesota, filed on June 18, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 44,500 feet of 4-inch natural gas transmission line extending from its Worland Compressor plant in Washakie County, Wyoming, to the pipeline of the General Petroleum Corporation in Washakie County, Wyoming.

The application states that the proposed 4-inch line will be operated as a part of its natural-gas utility system and will make available to Applicant additional gas reserves from the "Slick Creek Unit" and the "Sand Creek Unit" of the General Petroleum Corporation. Applicant does not contemplate serving any additional towns by virtue of the proposed construction.

The estimated total over-all capital cost of the proposed construction is $85,663.00, which will be financed out of current assets.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of July 1951. The application is on file with the Federal Power Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7491; Filed, June 29, 1951; 8:46 a. m.]

[Project No. 2084]

NIAGARA MOHAWK POWER CORP.

NOTICE OF APPLICATION FOR LICENSE

JUNE 26, 1951.

Public notice is hereby given that Niagara Mohawk Power Corporation, of Syracuse, New York, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed hydroelectric Project No. 2084 comprising 5 developments on the Raquette River, New York, at sites downstream from Carry Falls, known respectively as Stark, Blake Falls, Rainbow Falls, Five Falls, and South Colton. Each development will consist principally of a dam, a reservoir, a powerhouse, penstock, substation, and a transmission line. The combined installed horsepower capacity of the 5 developments would be 123,300 horsepower.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before August 9, 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7492; Filed, June 29, 1951; 8:46 a. m.]

[Docket Nos. G-1308 and G-1676]

SOUTHERN NATURAL GAS CO.

ORDER CONSOLIDATING PROCEEDING AND FIXING DATE OF HEARING

On April 4, 1951, Southern Natural Gas Company (Applicant) filed a petition, supplemented on June 4, 1951, to amend the order entered on May 18, 1950, at Docket No. G-1308, stating that it did not propose to construct the lateral transmission pipe lines to serve the communities of Hogansville and Grantville, Georgia, and Childersburg, Alabama, all as authorized in said order of May 18, 1950. Applicant requested an amendment to said order authorizing Applicant to construct measuring facilities on Applicant's existing system for the delivery of natural gas to these communities which would construct the necessary lateral transmission pipe lines.

On April 23, 1951, Southern Natural Gas Company (Applicant) filed an application, amended on May 14 and June 1, 1951, at Docket No. G-1676 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas pipe-line facilities, subject to the jurisdiction of the Commission, all as more fully described in such application, as amended, on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on May 8, 1951 (16 F. R. 4263).

The Commission finds: It would be in the public interest to consolidate for purposes of hearing the proceeding on the petition to amend at Docket No. G-1308 with the proceeding on the application for a certificate at Docket No. G-1676.

The Commission orders:

(A) The proceedings on the petition to amend at Docket No. G-1308 and on the application for a certificate at Docket No. G-1676 be and the same are hereby consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on August 6, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power

Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented in these proceedings, as heretofore consolidated.

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

Date of issuance: June 26, 1951.

By the Commission.

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

[F. R. Doc. 51-7529; Filed, June 29, 1951; 8:55 a. m.]

[Docket No. G-1685]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER FIXING DATE OF HEARING

On May 9, 1951, Transcontinental Gas Pipe Line Corporation, (Applicant) a Delaware corporation with offices at 2100 Niels Esperson Building, Houston 2, Texas, filed an application pursuant to section 7 (c) of the Natural Gas Act seeking authorization to construct and operate an auxiliary pipeline crossing the Delaware River at a point near Marcus Hook, Pennsylvania.

Temporary authorization was granted on May 31, 1951.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 23, 1951 (16 F. R. 4819).

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 July 17, 1951 at 9:45 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

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

Date of Issuance: June 26, 1951.

By the Commission.

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

[F. R. Doc. 51-7530; Filed, June 29, 1951; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26203]

CLAY, KAOLIN OR PYROPHYLLITE FROM GEORGIA AND SOUTH CAROLINA TO ALBERTVILLE, ALA.

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 809.

Commodities involved: Clay, kaolin or pyrophyllite, crude, washed, shredded or ground, carloads.

From. Producing points in Georgia and South Carolina.

To: Albertville, Ala.

Grounds for relief: Circuitous routes, to maintain grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 809, Supp. 167.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7511; Filed, June 29, 1951; 8:51 a. m.]

[4th Sec. Application 26204]

SLAG FROM COPPERHILL, TENN., TO GIANT, S. C.

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Louisville and Nashville Railroad Company and other carriers named in the application.

Commodities involved: Slag, in open top cars, carloads.

From: Copperhill, Tenn.

To: Giant, S. C.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 998, Supp. 173.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7512; Filed, June 29, 1951; 8:51 a. m.]

[4th Sec. Application 26205]

FOREIGN WOODS FROM LACOOCHEE, FLA., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1226.

Commodities involved: Lumber, logs or flitches of foreign woods, and dimension stock, built-up woods and veneer, carloads.

From: Lacoochee, Fla.

To: Southern territory.

Grounds for relief: Circuitous routes, competition with rail carriers, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1226, Supp. 10.

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 hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7513; Filed, June 29, 1951; 8:52 a. m.]

[4th Sec. Application 26206]

MIXED FEED FROM AUBURNDALE AND OCALA, FLA. TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1132.

Commodities involved: Mixed feed, animal or poultry, carloads.

From: Auburndale and Ocala, Fla.

To: Points in southern territory.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1132, Supp. 5.

Any interest person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7514; Filed, June 29, 1951; 8:52 a. m.]

[4th Sec. Application 26207]

SCRAP IRON FROM POINTS IN SOUTHERN TERRITORY TO PORTSMOUTH, OHIO

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers defendants in Docket No. 30251, Portsmouth Steel Corp. v. Norfolk & W. Ry. Co., 279 I. C. C. 537, and other carriers.

Commodities involved: Scrap iron or steel, carloads.

From: Points in southern territory.

To: Portsmouth, Ohio.

Grounds for relief: Circuitous routes, competition with rail carriers, and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7515; Filed, June 29, 1951; 8:52 a. m.]

[4th Sec. Application 26208]

GUY RODS AND ANCHORS FROM CENTRALIA, MO., TO TENNESSEE AND LOWER MISSISSIPPI RIVER CROSSINGS

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for Gulf, Mobile and Ohio Railroad Company and other carriers named in the application.

Commodities involved: Guy anchors and guy rods, iron or steel, carloads.

From: Centralia, Mo.

To: Memphis, Tenn., and lower Mississippi River crossings.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3615, Supp. 76.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7516; Filed, June 29, 1951; 8:52 a. m.]

[4th Sec. Application 26209]

PULPBOARD OR FIBREBOARD FROM PANAMA CITY, FLA., AND GEORGETOWN, S. C., TO MASSACHUSETTS, NEW JERSEY, AND MARYLAND

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1201.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Panama City, Fla., and Georgetown, S. C.

To: Brighton, Mass., Brighton, N. J., and Baltimore, Md.

Grounds for relief: Competition with rail and water carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1201, Supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7517; Filed, June 29, 1951; 8:52 a. m.]

[4th Sec. Application 26210]

LUMBER FROM ALABAMA AND MISSISSIPPI TO MEMPHIS, JACKSON, AND DYERSBURG, TENN.

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers named in the application.

Commodities involved: Lumber and related articles, carloads.

From: Maplesville and Tuscaloosa, Ala., Columbus, Miss., and certain other points in Mississippi.

To: Memphis, Jackson, and Dyersburg, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates:

C. A. Spaninger's tariff I. C. C. No. 894, Supp. 219; C. A. Spaninger's tariff I. C. C. No. 926, Supp. 138.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7518; Filed, June 29, 1951; 8:53 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 48]

UNION PACIFIC RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, agent, the Union Pacific Railroad Company, because of washouts, is unable to transport traffic routed over its lines in Kansas: *It is ordered*, That:

(a) Rerouting Union Pacific Railroad Company traffic: The Union Pacific Railroad Company is hereby authorized and directed to reroute or divert traffic moving on its lines in Kansas, routed via its lines, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 1:00 p. m., June 23, 1951.

(g) Expiration date: This order shall expire at 11:59 p. m., July 23, 1951, unless otherwise modified, changed, suspended or annuled.

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.

Issued at Washington, D. C., June 23, 1951.

INTERSTATE COMMERCE COMMISSION,
[SEAL] HOMER C. KING, *Agent.*

[F. R. Doc. 51-7519; Filed, June 29, 1951; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2644]

ARKANSAS NATURAL GAS CORP. AND ARKANSAS LOUISIANA GAS CO.

ORDER AUTHORIZING ISSUANCE OF PRINCIPAL AMOUNT OF PROMISSORY NOTES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of June A. D. 1951.

Arkansas Natural Gas Corporation ("Arkansas Natural"), a registered holding company and its subsidiary, Arkansas Louisiana Gas Company ("Arkansas Louisiana"), having filed a joint declaration and an amendment thereto with this Commission pursuant to sections 6, 7 and 12 (b) of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-45 thereunder with respect to the following transactions:

Arkansas Louisiana has made certain loans from the Guaranty Trust Company of New York ("Bank") pursuant to a Loan Agreement dated October 15, 1947, and a Supplement thereto dated September 15, 1949. At present, the amounts owed the Bank under such agreements aggregate $23,000,000, evidenced by a 2¼ percent installment promissory note in the principal amount of $7,500,000 (payable in installments of $625,000 each, beginning October 15, 1951, and ending April 15, 1957), 2¾ percent promissory notes in the principal amount of $13,000,000 due September 15, 1952, and 2½ percent promissory notes in the principal amount of $2,500,000 due October 15, 1957.

Arkansas Louisiana proposes to enter into a Second Supplemental Bank Loan Agreement with the Bank pursuant to which it proposes to borrow additional sums not to exceed $4,000,000 on or prior to September 15, 1951. Such borrowings are to be evidenced by promissory notes to be issued by Arkansas Louisiana bearing interest at the rate of 2¾ percent per annum and maturing on September 15, 1952. In consideration of the commitment of the Bank to extend such credit, Arkansas Louisiana will pay the Bank a commitment fee computed at the rate of ½ of 1 percent per annum from April 1, 1951, the date of the Second Supplemental Agreement, on the daily average unused amount which the Bank is obligated to lend. The other terms and conditions of the Second Supplemental Agreement are substantially the same as those contained in the Loan Agreement dated October 15, 1947, as amended by the Supplemental Agreement dated September 15, 1949.

Arkansas Louisiana represents that it will use proceeds from the proposed borrowings for construction expenditures made, and to be made, during the calendar year 1951, estimated in the amount of $8,562,000.

It is proposed that, upon the execution of the Second Supplemental Loan Agreement, Arkansas Natural, Arkansas Louisiana and Bank will execute a Second Supplemental Subordination Agreement supplementing the Subordination Agreement of October 15, 1947, and the amendment thereto of September 15, 1949, executed in connection with the original Loan Agreement and the Supplemental Loan Agreement, providing for the subordination of the 4¼ percent Sinking Fund Debenture due 1955 of Arkansas Louisiana in the principal amount of $6,500,000 held by Arkansas Natural to the payment of principal and interest on the notes proposed to be issued under the Second Supplemental Loan Agreement and to appropriately note the subordination by legend to be placed on the Debenture.

The filing states that fees and expenses in connection with the proposed transactions, exclusive of commitment fees, are estimated at $7,000, of which $5,000 is for legal fees.

Declarants request that the Commission's order herein become effective forthwith upon issuance.

Said declaration having been filed on June 1, 1951, and an amendment having been filed on June 6, 1951, notice of filing having been duly given in the form and manner prescribed in Rule U-23 under said act and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the

applicable provisions of the act and the rules and regulations thereunder have been satisfied, that there is no basis for adverse findings, that the estimated fees and expenses are not unreasonable, and deeming it appropriate in the public interest and in the interest of investors or consumers to permit said declaration, as amended, to become effective forthwith:

It is ordered, Pursuant to Rule U-23 of the applicable provisions of the act and subject to the terms and conditions of Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

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

[F. R. Doc. 51-7496; Filed, June 29, 1951; 8:48 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 17968]

MRS. NOYE KUBO ET AL

In re: Funds owned by and claims of Mrs. Noye Kubo and others. F-39-6923, F-39-6911, F-39-6957.

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 persons whose names and last known addresses are listed below:

Name:	*Address*
Mrs. Noye Kubo	Tokyo, Japan.
Mrs. Moto Itagaki	Yokohama, Japan.
Kimiyo Nakahara	Yokohama, Japan.

are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C. maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks" and representing the proceeds of withheld checks drawn for the payment of compensation to the persons whose names are listed below identified by the numbers and in the amounts as of January 1, 1947 as listed opposite each such name:

Name, and identifying nos.:	*Amount*
Mrs. Noye Kubo, 156435	$367.44
Mrs. Moto Itagaki, 156434	227.52
Kimiyo Nakahara, 156392	183.78

together with any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to compensation benefits under the United States Employees Compensation Act of September 17, 1916, as amended (Pub. Law 267, 64th Cong. 1st Sess. 39 Stat. 742) to January 1, 1947, of the persons whose names are listed below and identified by the Bureau of Employees Compensation, United States Department of Labor reference numbers listed opposite each such name:

Name:	*Identification Nos.*
Mrs. Noye Kubo	156435
Mrs. Moto Itagaki	156434
Kimiyo Nakahara	156392

together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7541; Filed, June 29, 1951; 8:57 a. m.]

[Vesting Order 18019]

HENRY FELDHAUSEN

In re: Estate of Henry Feldhausen, deceased. File No. D-28-12883; E. T. sec. 17045.

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 Frederick Feldhausen, John Feldhausen and Eliese Langreder, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Henry Feldhausen, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Henry Feldhausen and Eleanor Feldhausen, as Executors, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7542; Filed, June 29, 1951; 8:57 a. m.]

[Vesing Order 18033]

RICHARD A. TIETJEN

In re: Estate of Richard A. Tietjen, deceased. File No. F-28-30149.

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 Tietjen and Minnie Spanut, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Richard A. Tietjen, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Harry Tietjen, as Administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7543; Filed, June 29, 1951; 8:57 a. m.]

[Vesting Order 18034]

THEODORE VOGLER

In re: Estate of Theodore Vogler, deceased. File No. D-28-12757: E. T. sec. 16932.

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 Margarete Roeder and Maria Lang, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown of Therese Hohner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Theodore Vogler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by O. A. Eastman, as administrator, acting under the judicial supervision of the Circuit Court of the State of Oregon, for the County of Multnomah;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees, distributees, names unknown, of Therese Hohner, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 51-7544; Filed, June 29, 1951; 8:57 a. m.]

[Vesting Order 18048]

Y. TSUSHIMA

In Re: Debt owing to Y. Tsushima. D-39-19314-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 Y. Tsushima, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Y. Tsushima by the Sumitomo Bank of Seattle, Seattle, Washington, in Liquidation, Valentine C. Hammack, 214 Federal Office Building, San Francisco, California, Liquidating Trustee, evidenced by a Time Certificate of Deposit numbered 12738, issued by the aforesaid bank to Y. Tsushima, in the principal amount of $605.87, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under the aforementioned Time Certificate of Deposit,

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 Y. Tsushima, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7545; Filed, June 29, 1951; 8:58 a. m.]

[Vesting Order 18061]

KARL BULLING

In re: Estate of Karl Bulling, also known as Charles Bulling, deceased. File D-28-12988. E. T. Sec. 17120.

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 Michael Bulling, Gottlieb Bulling, Pauline B. Maier, Herman Bulling, Karl Bulling and Anna B. Dietz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,738.33 in the possession of the County Treasurer of Ramsey County, Minnesota, pursuant to the order dated April 4, 1951 of the Probate Court of Ramsey County, Minnesota, in the matter of the estate of Karl Bulling, also known as Charles Bulling, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Ramsey County, Minnesota, acting under the judicial supervision of the Probate Court of Ramsey County, Minnesota,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in

section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7546; Filed, June 29, 1951; 8:58 a. m.]

[Vesting Order 18078]

P. BEIERSDORF & CO. A. G. ET AL.

In re: Rights and Interests of P. Beiersdorf & Co. A. G. and Chemische Fabrik Pilot A. G. in Patent and Trademark Property of P. Beiersdorf, Inc.

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 P. Beiersdorf & Co. A. G., whose last known address is Eidelstedterweg 48, Hamburg, Germany, is a corporation 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 Chemische Fabrik Pilot A. G., whose last known address is Basel, Switzerland, is a corporation organized under the laws of Switzerland, which is, or on or since the effective date of Executive Order 8389, as amended, has been controlled by P. Beiersdorf A. G., and is a national of a designated enemy country (Germany);

3. That the property described as follows: All right, title and interest of whatsoever kind or nature, including without limitation any reversionary interest, under the statutory or common law of the United States and of the several states thereof, of P. Beiersdorf & Co. A. G. and Chemische Fabrik Pilot A. G., in and to any and all of the goodwill of the business in the United States of P. Beiersdorf, Inc., Stamford, Connecticut, its successors or assigns, and in and to any and all United States patents owned of record by P. Beiersdorf, Inc., and in and to any and all registered and unregistered trademarks and tradename appurtenant to said business of P. Beiersdorf, Inc., and in and to any copyrights, prints, or labels appurtenant to said business, and in and to any and every other agreement, license, privilege, power and writing or understanding of whatsoever kind or nature arising under or with respect to said business of P. Beiersdorf, Inc., its successors or assigns,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany) and is property payable or held with respect to patents, trademarks, copyrights, or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That Chemische Fabrik Pilot A. G. is controlled by or acting for or on behalf of P. Beiersdorf & Co. A. G., the aforesaid national of a designated enemy country (Germany), and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7547; Filed, June 29, 1951; 8:58 a. m.]

[Return Order 993]

LEOPOLD KAUFMAN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Leopold Kaufman, Portland, Oreg.; Claim No. 36614; May 15, 1951 (16 F. R. 4518); $753.48 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7548; Filed, June 29, 1951; 8:58 a. m.]

[Return Order 1000]

AGOSTINO AND LUIGINA LAVAGETTO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Notice of Intention To Return Published, and Property

Agostino Lavagetto, Savignone, Italy, Claim Nos. 42571 and 42569; Luigina Lavagetto, Savignone, Italy, Claim Nos. 42570 and 42569; May 18, 1951 (16 F. R. 4673); $847.50 in the Treasury of the United States to each claimant.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7549; Filed, June 29, 1951; 8:58 a. m.]

[Return Order 408, Amdt.]

GIO BATTA FAGGIONI

Return Order No. 408, dated September 1, 1949, published in the FEDERAL REGISTER on September 9, 1949 (14 F. R. 5551) is hereby amended as follows and not otherwise:

By deleting the following items:

Claimant and Claim No.:	*Amount*
Gio Batta Faggioni, Pisa, Italy; 39639	$730.22

All other provisions of said Return Order No. 408 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7550; Filed, June 29, 1951; 8:59 a. m.]

WILLIAM W. DENNIS AND BERTHA WATLING

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, Property and Location

William W. Dennis, administrator of the Estate of Bertha Watling, deceased, Claim No. 32144; $664.92 in the Treasury of the United States. Certificate No. 10420, representing 64 shares of NPV common stock of Metal & Thermit Corp., New Jersey, in the custody of Federal Reserve Bank of New York.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7551; Filed, June 29, 1951; 8:59 a. m.]

WILLEM KAUFFMANN AND PIETER JOHANNES VAN DER LEE

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 and Property

Willem Kauffmann, Leeuwarden, The Netherlands; Pieter Johannes van der Lee, Gorinchem, The Netherlands; Claim No. 42757; property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943) relating to United States Letters Patent No. 2,183,141, one-half thereof to each claimant.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7552; Filed, June 29, 1951; 8:59 a. m.]

MRS. EDITH WENDT

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, Property and Location
Location

Mrs. Edith Wendt, Sunnyside, Long Island, N. Y.; Claim No. 22529; $984.39 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Margarete Latte in and to the trust created under the last will and testament of Max Blaschko, deceased.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7553; Filed, June 29, 1951; 8:59 a. m.]

SAINT-DENIS KUHLMANN SAINT-CLAIR DYESTUFF CORP.

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, Property and Location

Saint-Denis Kuhlmann Saint-Clair Dyestuff Corp., New York, N. Y.; Claim No. 42937; $3,928.14 in the Treasury of the United States.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7554; Filed, June 29, 1951; 8:59 a. m.]