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TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10325

REGULATIONS GOVERNING THE AWARD OF THE MEDAL FOR HUMANE ACTION

By virtue of and pursuant to the authority vested in me by the act of July 20, 1949, ch. 353, 63 Stat. 447, and by section 301 of title 3 of the United States Code (sec. 10 of Pub. Law 248, 82nd Cong.), I hereby prescribe the following regulations governing the award of the Medal for Humane Action, created by the said act of July 20, 1949:

1. The Medal for Humane Action, with suitable appurtenances and devices, may be awarded on behalf of the President of the United States by the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force under such regulations as they may severally prescribe and subject to the provisions of this order.

2. The Medal for Humane Action may be awarded, as provided in paragraph 1 hereof, to any person who while serving in or with the armed forces of the United States at any time during the period commencing on June 26, 1948, and terminating at the close of September 30, 1949, distinguished himself by meritorious participation in the humane military effort to supply necessities of life to the people of Berlin, Germany. Such a person may have been, at the time of such participation, a member of the armed forces, or a national, of the United States, or a member of the armed forces, or a national, of any country other than the United States.

3. No person shall be awarded more than one Medal for Humane Action.

4. In the case of any person who shall have died while participating in such humane military effort or as a result of his participation therein, or who is found qualified for the award of the Medal for Humane Action but shall have died without having received such award, the Medal for Humane Action shall be presented to such appropriate representative or next of kin of such person as may be determined pursuant to regulations prescribed by the respective Secretaries.

5. The Secretaries of the Army, Navy, and Air Force are authorized and directed to prescribe such regulations as may be deemed necessary for carrying

out the provisions of this order. Such regulations shall be uniform for all military departments insofar as practicable and shall be subject to the approval of the Secretary of Defense.

This order shall be effective as of July 20, 1949.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 7, 1952.

[F. R. Doc. 52-1731; Filed, Feb. 7, 1952;
4:23 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Departmental Reg. 108.147]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

JANUARY 25, 1952.

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following February 2, 1952, paragraph (a) is amended by the deletion of the following posts:

Jinotepe, Nicaragua.
Zamboanga, Philippines.

2. Effective as of the beginning of the first pay period following February 2, 1952, paragraph (b) is amended by the deletion of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above, except Araraquara, Belo Horizonte, Campinas, Curitiba, Fazenda Ipanema, Natal, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, and Sao Paulo.

Colombia, all posts except Barranquilla, Bogota, Cali, Medellin, Popayan, and Villa Arteaga.

Fortaleza, Brazil.

Philippines, all posts except Baguio City, Cagayan, Cebu, Davao, Iloilo, Legaspi, Subic Bay, Tubabao (Guilan), Tuguegarao, and Zamboanga.

3. Effective as of the beginning of the first pay period following February 2,

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FEDERAL REGISTER

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1952, paragraph (d) is amended by the deletion of the following posts:

Natal, Brazil.
Morocco: Base 2.
Popayan, Colombia.

4. Effective as of the beginning of the first pay period following July 21, 1951, paragraph (a) is amended by the addition of the following post:

Tainan, China.

5. Effective as of the beginning of the first pay period following December 22,

1951, paragraph (a) is amended by the addition of the following post:

Puntarenas Province, Costa Rica.

6. Effective as of the beginning of the first pay period following February 2, 1952, paragraph (b) is amended by the addition of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above, except Araraquara, Belo Horizonte, Campinas, Fazenda Ipanema, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, and Sao Paulo.

Colombia, all posts except Barranquilla, Bogota, Cali, Medellin, and Villa Arteaga.

Morocco: Base 2.

Philippines, all posts except Baguio City, Cagayan, Cebu, Davao, Iloilo, Legaspi, Subic Bay, Tubabao (Guluan), and Tuguegarao.

7. Effective as of the beginning of the first pay period following September 29, 1951, paragraph (b) is amended by the addition of the following post:

Babol, Iran.

8. Effective as of the beginning of the first pay period following October 27, 1951, paragraph (b) is amended by the addition of the following post:

Hamadan, Iran.

9. Effective as of the beginning of the first pay period following February 2, 1952, paragraph (d) is amended by the addition of the following post:

Seaborne Radio Bases.

10. Effective as of the beginning of the first pay period following September 29, 1951, paragraph (d) is amended by the addition of the following post:

Shiraz, Iran.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

[F. R. Doc. 52-1686; Filed, Feb. 8, 1952; 8:52 a. m.]

TITLE 7—AGRICULTURE

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

PART 931—MILK IN CEDAR RAPIDS-IOWA CITY, IOWA, MARKETING AREA

PART 944—MILK IN QUAD CITIES MARKETING AREA

DETERMINATION OF EQUIVALENT PRICE

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable provisions of § 931.52 of Order No. 31 (16 F. R. 7346), regulating the handling of milk in the Cedar Rapids-Iowa City marketing area, and § 944.52 of Order No. 44 (16 F. R. 12033), as amended, regulating the handling of milk in the Quad Cities marketing area, it is hereby found and determined as follows:

1. The Department of Agriculture, during the month of January 1952, did not publish a price for the cheese known as "Twins" on the Chicago market.

2. The Department of Agriculture, during the month of January 1952, did publish the weekly prevailing price determined per pound of the cheese known as "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, and the daily price per pound of the cheese known as "Cheddars" for the primary markets in Wisconsin.

3. A price equivalent to or comparable with the price of the cheese known as "Twins" on the Chicago market for the month of January 1952 shall be computed as follows: Compute the simple average of (a) the simple average, as published by the Department of Agriculture, of the prices determined per pound of the cheese known as "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, during January 1952, plus 2.94 cents, and (b) the simple average, as published by the Department of Agriculture, of the prices per pound of the cheese known as "Cheddars" for primary markets in Wisconsin during January 1952, plus 1.74 cents.

4. Notice of proposed rule making, public procedure thereon, and 30 days prior notice of the effective date hereof are impracticable, unnecessary, and contrary to the public interest in that § 931.22 (j) (1) of Order No. 31, regulating the handling of milk in the Cedar Rapids-Iowa City marketing area, and § 944.22 (j) (1) of Order No. 44, as amended, regulating the handling of milk in the Quad Cities marketing area require the market administrator to announce the Class I price for the February 1952 delivery period and the Class II price for the January 1952 delivery period on or before the 5th day of February 1952, and such determination does not require of persons affected substantial or extensive preparation prior to the effective date hereof.

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

Issued at Washington, D. C., this 5th day of February 1952 to become effective immediately.

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

[F. R. Doc. 52-1653; Filed, Feb. 8, 1952; 8:46 a. m.]

[Grapefruit Reg. 155]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.561 *Grapefruit Regulation 155—*
(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida; effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter pro-

vided, 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 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; 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 February 11, 1952. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 17, 1951, and will so continue until February 11, 1952; the recommendation and supporting information for continued regulation subsequent to February 10 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 5; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; 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 hereof.

(b) Order. (1) During the period beginning at 12:01 a. m., e. s. t., February 11, 1952, and ending at 12:01 a. m., e. s. t., March 3, 1952, no handler shall ship:

(i) Any grapefruit of any variety, except white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(ii) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(iii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which

are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section "handler," "variety," and "ship," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

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

Done at Washington, D. C., this 7th day of February 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 52-1710; Filed, Feb. 8, 1952;
8:53 a. m.]

[Orange Reg. 211]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.562 *Orange Regulation 211—*
(a) Findings. (1) Pursuant to the marketing agreement as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, 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; 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 February 11, 1952. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant

to the amended marketing agreement and order, since September 15, 1951, and will so continue until February 11, 1952; the recommendation and supporting information for continued regulation subsequent to February 10 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 5; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, 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 set forth so as to provide for the continued regulation of the handling of oranges; 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 hereof.

(b) Order. (1) During the period beginning at 12:01 a. m., e. s. t., February 11, 1952, and ending at 12:01 a. m., e. s. t., February 25, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area I unless such oranges grade at least U. S. No. 1 Russet, and are of a size not smaller than $2\frac{1}{16}$ inches, in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192); Provided, That in determining the percentage of oranges in any lot which are smaller than $2\frac{1}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter and smaller.

(ii) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area II which grade U. S. Fancy, U. S. No. 1 Bright, U. S. No. 1, U. S. No. 1 Golden, U. S. No. 1 Bronze or U. S. No. 1 Russet, unless such oranges are of a size not smaller than $2\frac{1}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance

shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{1}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter and smaller.

(iv) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (a) are in the same container with oranges which grade at least U. S. No. 1 Russet; (b) are not in excess of 50 percent, by count, of the number of all oranges in such container; and (c) all oranges in such container are of a size not smaller than $2\frac{1}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{1}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and smaller;

(v) Any Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area I or Regulation Area II which (a) grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade or (b) are of a size larger than a size that will pack 216 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) During the period beginning at 12:01 a. m., e. s. t., February 25, 1952, and ending 12:01 a. m., e. s. t., March 3, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area I, or in Regulation Area II which grade U. S. Fancy, U. S. No. 1 Bright, U. S. No. 1, U. S. No. 1 Golden, U. S. No. 1 Bronze or U. S. No. 1 Russet, unless such oranges are of a size not smaller than $2\frac{1}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tol-

erance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{1}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter and smaller;

(iv) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (a) are in the same container with oranges which grade at least U. S. No. 1 Russet and (b) are not in excess of 50 percent, by count, of the number of all oranges in such container and (c) all oranges in such container are of a size not smaller than $2\frac{1}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{1}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and smaller; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(3) As used in this section, the term "handler," "ship," "Regulation Area I," "Regulation Area II," "Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type" and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," "U. S. No. 1 Bright," "U. S. No. 1," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "container" and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

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

Done at Washington, D. C., this 7th day of February 1952.

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

[F. R. Doc. 52-1711; Filed, Feb. 8, 1952;
8:53 a. m.]

[Tangerine Reg. 121]

PART 933—ORANGES, GRAPEFRUIT, AND
TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.563 *Tangerine Regulation*
120—(a) *Findings*. (1) Pursuant to the
marketing agreement, as amended, and

Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, 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; 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 February 11, 1952. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 15, 1951, and will so continue until February 11, 1952; the recommendation and supporting information for continued regulation subsequent to February 10 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 5; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; 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 hereof.

(b) *Order*. (1) During the period beginning at 12:01 a. m., e. s. t., February 11, 1952, and ending at 12:01 a. m., e. s. t., March 3, 1952, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than a size that will pack a 210 pack of tangerines, packed in accordance with the requirements of a standard pack, in

a half-standard box (inside dimensions $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{2}$ inches; capacity 1,726 cubic inches) except that the minimum size of such tangerines shall be $2\frac{1}{16}$ inches with a total tolerance for variations incident to proper sizing of 20 percent, by count, of tangerines that are smaller than $2\frac{1}{16}$ inches in diameter of which not more than one-half, or a total of 10 percent, by count, of the tangerines, are smaller than $2\frac{1}{16}$ inches.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "210 pack" and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

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

Done at Washington, D. C. this 7th day of February 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 52-1712; Filed, Feb. 8, 1952;
8:53 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

EXPENSES AND RATE OF ASSESSMENT FOR 1951-52 FISCAL YEAR

On January 18, 1952, notice of proposed rule making was published in the *FEDERAL REGISTER* (17 F. R. 580) regarding the expenses and the fixing of the rate of assessment for the 1951-1952 fiscal year pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR part 953), regulating the handling of lemons grown in the State of California or the State of Arizona. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals which were submitted by the Lemon Administrative Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 953.206 *Expenses and rate of assessment for the 1951-1952 fiscal year.* (a) The expenses necessary to be incurred by the Lemon Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal year ending October 31, 1952, will amount to \$127,500.00; and the rate of assessment to be paid, in accordance with the amended marketing agreement and order, by each handler who first handles lemons shall be one and one-half cents (\$0.015) per packed box of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during the said fiscal year. Such rate of assessment is hereby

fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the *FEDERAL REGISTER* (60 Stat. 237; U. S. C. 1001 et seq.) in that (1) the rate of assessment is applicable to all lemons shipped during the 1951-52 season; (2) shipments of lemons in volume have been made since the start of the fiscal year on November 1, 1951; (3) the provisions of this section do not impose any obligation on a handler until such handler ships lemons; and (4) it is essential that the specifications of the assessment rate to be issued immediately so that the aforesaid assessment may be collected and thereby enable the Lemon Administrative Committee to perform its duties and functions in accordance with the said amended marketing agreement and order.

Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

(b) Terms used in this section shall have the same meaning as when used in 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 6th day of February 1952.

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

[F. R. Doc. 52-1691; Filed, Feb. 8, 1952;
8:51 a. m.]

[Lemon Reg. 420, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), 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, 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 and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available

and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.527 (Lemon Regulation 420, 17 F. R. 987) are hereby amended to read as follows:

(ii) District 2: 232 carloads.

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

Done at Washington, D. C., this 7th day of February 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 52-1739; Filed, Feb. 8, 1952;
8:52 a. m.]

[Lemon Reg. 421]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.528 *Lemon Regulation 421—(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 February 8, 1952, 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., February 10, 1952, and ending at 12:01 a. m., P. s. t., February 17, 1952, is hereby fixed as follows:

(i) District 1: 15 carloads;

(ii) District 2: 235 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, "handler," "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 7th day of February 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

PRORATE BASE SCHEDULE

[Storage Date: Feb. 3, 1952]

District No. 1

[12:01 a. m. Feb. 10, 1952, to 12:01 a. m. Feb. 24, 1952]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	27.933
Lemon Cove Association	25.977
Porterville Citrus Association	.956
Tulare Co. Lemon & Grapefruit Association	33.965
California Citrus Groves, Inc., Ltd.	.760
Harding & Leggett	10.409
Zaninovich Bros., Inc.	.000
Total	100.000
American Fruit Growers, Inc., Corona	.639
American Fruit Growers, Inc., Fullerton	.613
American Fruit Growers, Inc., Upland	.628

PRORATE BASE SCHEDULE—Continued

District No. 2—Continued

Handler	Prorate base (percent)
Edgington Fruit Co.	0.268
Hazeltine Packing Co.	1.491
Ventura Coastal Lemon Co.	2.231
Ventura Pacific Co.	1.299
Glendora Lemon Growers Association	2.741
La Verne Lemon Association	.983
La Habra Citrus Association	.760
Yorba Linda Citrus Association, The	.508
El Cajon Valley Citrus Association	.116
Escondido Lemon Association	3.491
Alta Loma Heights Citrus Association	1.458
Etiwanda Citrus Fruit Association	.992
Mountain View Fruit Association	.397
Old Baldy Citrus Association	1.737
San Dimas Lemon Association	1.783
Upland Lemon Growers Association	9.727
Central Lemon Association	.526
Irvine Citrus Association	.640
Piacentia Mutual Orange Association	1.366
Corona Citrus Association	.768
Corona Foothill Lemon Co.	3.734
Jameson Co.	1.278
Arlington Heights Citrus Co.	1.648
College Heights Orange and Lemon Association	5.028
Chula Vista Citrus Association, The	.616
Escondido Cooperative Citrus Association	.256
Fallbrook Citrus Association	2.356
Lemon Grove Citrus Association	.251
Carpinteria Lemon Association	2.798
Carpinteria Mutual Citrus Association	2.714
Goleta Lemon Association	3.710
Johnston Fruit Co.	4.199
North Whittier Heights Citrus Association	.614
San Fernando Heights Lemon Association	4.441
Sierra Madre-Lamanda Citrus Association	1.297
Briggs Lemon Association	.806
Culbertson Lemon Association	.900
Pillmore Lemon Association	1.163
Oxnard Citrus Association	3.323
Rancho Sespe	.293
Santa Clara Lemon Association	2.805
Santa Paula Citrus Fruit Association	1.436
Saticoy Lemon Association	2.112
Seaboard Lemon Association	2.306
Somits Lemon Association	2.250
Ventura Citrus Association	.728
Ventura County Citrus Association	.539
Limoneira Co.	1.309
Teague-McKevett Association	.425
East Whittier Citrus Association	.249
Leffingwell Rancho Lemon Association	.443
Murphy Ranch Co.	.376
Chula Vista Mutual Lemon Association	.663
Index Mutual Association	.315
La Verne Cooperative Citrus Association	3.555
Orange Belt Fruit Distributors	1.032
Ventura County Orange & Lemon Association	2.354
Whittier Mutual Orange & Lemon Association	.038
Evans Brothers Packing Co.	.000
Huarte, Joseph D.	.078
Latimer, Harold	.068
Paramount Citrus Association, Inc.	.821
Torn Ranch	.008

[F. R. Doc. 52-1740; Filed, Feb. 8, 1952; 8:52 a. m.]

[Grapefruit Reg. 82]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.343 Grapefruit Regulation 32—

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative 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 grapefruit, 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; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 10, 1952. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 21, 1951, and will so continue until February 10, 1952; the recommendation and supporting information for continued regulation subsequent to February 9, 1952, was promptly submitted to the Department after an open meeting of the Administrative Committee on January 31; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; 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 of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., February 10, 1952, and ending at 12:01 a. m., P. s. t., February 17, 1952, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Geronio Pass, unless such grapefruit grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (a) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{1}{16}$ inches in diameter, or (b) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{3}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{1}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3\frac{3}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{1}{16}$ inches in diameter and smaller.

(2) During the period beginning at 12:01 a. m., P. s. t., February 17, 1952, and ending at 12:01 a. m., P. s. t., March 9, 1952, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Geronio Pass, unless such grapefruit grade at least U. S. No. 2: *Provided*, That, with respect to each lot of such grapefruit, a tolerance of 10 percent shall be allowed, in addition to the tolerances specified for such U. S. No. 2 grade, for grapefruit which are not "fairly well formed"; or

(ii) From the State of California or the State of Arizona (a) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{3}{16}$ inches in diameter, or (b) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{1}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be

applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{3}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{1}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{3}{16}$ inches in diameter and smaller.

(3) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well formed" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241.

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

Done at Washington, D. C., this 6th day of February 1952.

S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 52-1690; Filed, Feb. 8, 1952;
8:51 a. m.]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEF- FERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

RECODIFICATION

In accordance with the revised Federal Register Regulations (1 CFR Part 1), the format of the order, as amended (Order No. 59, as amended; 7 CFR Part 959), of the Secretary of Agriculture, regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California (including the requisite findings set forth therein), and the format of the Oregon-California Potato Committee's rules and regulations (16 F. R. 3329) adopted pursuant thereto with the approval of the Secretary of Agriculture, are recodified as hereinafter set forth. To facilitate cross reference between the aforesaid order, as amended, and the marketing agreement and to obviate possible difficulties in future amendatory proceedings, the provisions of Marketing Agreement No. 114 shall be renumbered and the section headings redesignated to conform to the recodified order. The supplementary provisions of the said marketing agreement shall be renumbered as follows: §§ 959.89 *Counterparts*; 959.90 *Additional parties*; 959.91 *Order with marketing agreement*.

This recasting of the format and recodification is not intended, nor shall it be deemed, to make any substantive change in the provisions of the afore-

said amended order, of the Secretary, the aforesaid marketing agreement, and the aforesaid rules and regulations of the Oregon-California Potato Committee.

Done at Washington, D. C. this 6th day of February 1952.

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

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LIMITATION OF SHIPMENTS

959.307 Limitation of shipments.

AUTHORITY: §§ 959.0 to 959.307 issued under sec 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

SUBPART—ORDER RELATIVE TO HANDLING

SOURCE: §§ 959.0 to 959.88 contained in Order No. 59, as amended, 14 F. R. 6619.

FINDINGS AND DETERMINATIONS

§ 959.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Merrill, Oregon, on April 11-12, 1949, and at Redmond, Oregon, on April 14, 1949, upon proposed amendments to the tentatively approved marketing agreement and Order No. 59 regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, and Klamath, in the State of Oregon, and Modoc and Siskiyou in the State of California. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The terms and provisions of this order, as amended, prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such Irish potatoes;

(2) This order, as amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified in this subpart would not effectively carry out the declared policy of the act;

(3) This order, as amended, and all of the terms and conditions of this order, as amended, will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this order, as amended, by establishing and maintaining such orderly marketing conditions therefore as will tend to establish

prices to the producers thereof at a level that will give Irish potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes in the base period, August 1919-July 1929, and by protecting the interest of the consumer (d) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the level which it is declared in the act to be the policy of Congress to establish, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such Irish potatoes as will be in the public interest; and

(4) All handling of potatoes, as defined in this order, as amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary, in the public interest, to make the effective date of this order, as amended, not later than November 7, 1949. Any delay beyond such effective date will seriously jeopardize the possibility of accomplishing more efficient and orderly marketing, than is attainable under the present provisions of Marketing Order No. 59, of the 1949 crop of Irish potatoes grown in the production area, the marketing of which has already commenced. It is necessary to make this order, as amended, effective by the aforesaid date so that the Oregon-California Potato Committee, the administrative agency provided for in the order, as amended, can be reorganized to start functioning as soon as possible. In this manner, it will be possible for regulations to be formulated and issued so that producers will be in a position to obtain the benefits of this amended program on as much of their 1949 crop of potatoes as is possible.

Compliance with this order, as amended, will not require any special preparation on the part of handlers which cannot be completed by the effective time of this subpart and adequate notice will be given by the committee so that handlers will have sufficient time to make any necessary preparations for compliance with rules and regulations which may be issued thereafter. The nature and provisions of the order, as amended, are well known to handlers of Irish potatoes grown in the production area since the public hearing thereon was held in April 1949, and the recommended decision and final decision in connection therewith were published in the FEDERAL REGISTER on August 26, 1949, and September 23, 1949, respectively. It is hereby found and determined, in view of these facts and circumstances, that good cause exists for making this order, as amended, effective November 7, 1949,

and that it would be contrary to the public interest to delay the effective date thereof for thirty days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The marketing agreement regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes grown in the aforesaid area) who handled not less than fifty percent of the volume of potatoes covered by the order, as amended;

(2) The order, as amended, regulates the handling of such Irish potatoes in the same manner as, and is made applicable only to the persons in the respective classes of industrial and commercial activity specified in, the aforesaid marketing agreement;

(3) The issuance of the order, as amended, is favored or approved (i) by at least two-thirds of the producers who participated in a referendum conducted by the Secretary of Agriculture and who, during the representative period, July 1, 1948-June 30, 1949, determined by the Secretary of Agriculture, were engaged, within the production area specified therein, in the production of Irish potatoes for market, and (ii) by producers who participated in the aforesaid referendum, who, during the aforesaid representative period, produced for market, within the production area specified therein, at least two-thirds of the volume of Irish potatoes produced by all producers who participated in the said referendum.

Order relative to handling. It is hereby ordered, pursuant to the findings and determinations set forth in § 959.0 of this subpart and pursuant to the aforesaid act, that such handling of potatoes, as defined in this order, as amended, shall, from and after the time specified in this subpart, be in conformity to and in compliance with the terms and conditions of this order as amended.

DEFINITIONS

§ 959.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 959.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 959.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 959.4 *Production area.* "Production area" means and includes the coun-

ties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California.

§ 959.5 *Potatoes*. "Potatoes" means all varieties of Irish potatoes grown within the aforesaid production area.

§ 959.6 *Handler*. "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 959.7 *Ship or handle*. "Ship" or "handle" means to transport, sell, or any other way to ship or place potatoes in the current of commerce within the State of production, or between the State of production and any point outside thereof.

§ 959.8 *Producer*. "Producer" means any person engaged in the production of potatoes for market.

§ 959.9 *Fiscal year*. "Fiscal year" means the period beginning on July 1 of each year and ending June 30 of the following year.

§ 959.10 *Committee*. "Committee" means the administrative committee, called the Oregon-California Potato Committee, established pursuant to § 959.25.

§ 959.11 *Varieties*. "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 959.12 *Seed potatoes*. "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State from which the potatoes are shipped, or other seed certification agencies which the Secretary may recognize.

§ 959.13 *Table stock potatoes*. "Table stock potatoes" means and includes all potatoes, not included within the definition of "seed potatoes."

§ 959.14 *Wholesale pack*. "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

§ 959.15 *Consumer pack*. "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

§ 959.16 *Grade and size*. "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (7 CFR 51.366), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (7 CFR 51.367), or amendments

thereto, or modifications thereof, or variations based thereon; and

(c) Standards for potatoes issued by the State from which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

§ 959.17 *Export*. "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 959.18 *District*. "District" means each one of the geographical divisions of the production area established pursuant to § 959.32.

ADMINISTRATIVE COMMITTEE

§ 959.25 *Establishment and membership*. (a) The Oregon-California Potato Committee consisting of ten members, of whom seven shall be producers and three shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for such member is selected and qualified.

§ 959.26 *Procedure*. (a) Seven members of the committee shall be necessary to constitute a quorum and seven concurring votes will be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 959.27 *Selection*. (a) Persons selected as committee members or alternates to represent producers or handlers shall be producers or handlers, respectively, or officers or employees of a corporate producer or handler, respectively, in the district for which selected and residents of such district.

(b) The Secretary shall select three producer members of the committee, with their respective alternates from District No. 1 and two producer members, with their respective alternates, from each of the other districts designated in § 959.32, which members and alternates shall represent the respective district from which they are selected. The Secretary shall also select one handler member of the committee, with his respective alternate, from each of such districts.

(c) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 959.28 *Term of office*. (a) The term of office of committee members and alternates shall be for two years beginning on the first day of July and continuing until the end of the succeeding

fiscal year, and until their successors are selected and have qualified: *Provided, however*, That after the effective date of this subpart, an additional producer member of the committee and his alternate, representing District No. 1, shall be nominated and selected to serve until the end of the then current fiscal year, and until their successors are selected and have qualified: *Provided further*, That the term of office of four members of the committee and their respective alternates, incumbents on the effective date of this subpart, shall terminate at the end of the then current fiscal year, and that the term of office of five members of the committee and their respective alternates, incumbents on the effective date of this subpart, shall terminate at the end of the succeeding fiscal year following the effective date of this subpart.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 959.29 *Powers*. The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

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

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 959.30 *Duties*. It shall be the duty of the committee:

(a) At the beginning of each fiscal year, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting rec-

ord on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart.

§ 959.31 Expenses and compensation. Committee members and their respective alternates when acting on committee business, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$10.00 for each day, or portion thereof, spent in attending meetings of the committee.

§ 959.32 Districts. (a) For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

District No. 1. The counties of Crook, Deschutes, and Jefferson in the State of Oregon;

District No. 2. The counties of Klamath and Lake in the State of Oregon;

District No. 3. The counties of Modoc and Siskiyou in the State of California.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided*, That in recommending any such changes in districts or representation, the committee shall give consideration to: (1) The relative importance of new areas of production; (2) changes in the relative position, with respect to production of existing districts; (3) the geographic location of areas of production as they would affect the efficiency of administering the marketing agreement and order; and (4) other relevant factors: *Provided further*, That there shall be no change in the total number of committee members or in the total number of districts.

§ 959.33 Nominations. The Secretary may select the members of the Oregon-California Potato Committee and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for the new member and alternate of the committee, provided for in § 959.28 may be submitted by producers, or groups thereof, residing in Dis-

trict No. 1, on an elective basis, or otherwise.

(b) In order to provide nominations for committee members and alternates (except for nominations provided for in paragraph (a) of this section):

(1) The committee shall hold or cause to be held prior to May 1 of each year, after the effective date of this subpart, a meeting or meetings of producers and of handlers, respectively, in each of the districts designated in § 959.32, in which the term of office of committee members, and their respective alternates, will terminate at the end of the then current fiscal year;

(2) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee, which is vacant or which is to become vacant at the end of the then current fiscal year;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(5) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(6) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(7) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in handling or producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(c) If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (b) of this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

§ 959.34 Vacancies. To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 959.33, or the Secretary may select such committee mem-

ber or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this subpart.

EXPENSES AND ASSESSMENTS

§ 959.40 Expenses. The committee is authorized to incur such expenses as the Secretary finds may be necessary to perform its functions under this subpart during each fiscal year and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions of this subpart. The funds to cover such expenses shall be acquired by the levying of assessments, as provided in this subpart, upon handlers.

§ 959.41 Assessments. Each handler who first ships potatoes shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for its maintenance and functioning during each fiscal year, and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions of this subpart. Such handler's pro rata share of such expense shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

§ 959.42 Increasing rate of assessment. At any time during a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later findings by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 959.43 Accounting. (a) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

(b) If, upon the termination of this subpart and after reasonable effort by the committee, it is found impossible to return excess funds to handlers, such funds shall, with the approval of the Secretary, be turned over to an appropriate agency serving potato producers in the production area.

(c) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the col-

lection of such handler's pro rata share of the expenses of the committee.

§ 959.44 Funds. All funds received by the committee pursuant to any provision of this part shall be used solely for the purposes specified in this subpart and shall be accounted for in the following manner:

(a) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(b) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

REGULATION

§ 959.50 Duration of regulation. All rules and regulations issued by the Secretary pursuant to Order No. 59 shall continue in effect under this subpart as originally issued, or subsequently modified until such rules and regulations are changed, modified, or suspended in accordance with this subpart.

§ 959.51 Marketing policy. At the beginning of each fiscal year the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify producers and handlers of the contents of such reports.

§ 959.52 Recommendation for regulations. (a) It shall be the duty of the committee to investigate supply and demand conditions for grade, size, and quality of potatoes of all varieties. In such investigations, the committee shall give due consideration to the following factors:

(1) Market prices of potatoes, including prices by grade, size, and quality in wholesale or in consumer packs, or any other shipping unit;

(2) Potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets;

(3) Supply of potatoes by grade, size, and quality, in the production area defined in this subpart and in other production areas;

(4) The trend and level of consumer income; and

(5) Other relevant factors.

(b) The committee shall recommend regulation to the Secretary, in accordance with this subpart whenever it finds, on the basis of the foregoing investigation, that such conditions make it advisable:

(1) To regulate, in any or all portions of the production area, the ship-

ment of particular grades and sizes of any or all varieties of tablestock or seed potatoes, or both, during any period; or

(2) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, for tablestock and seed, or any combination of the foregoing, during any period; or

(3) To regulate the shipment of potatoes by establishing minimum standards of quality and maturity, in terms of grades, sizes, or both, and such grading and inspection requirements as will effectuate orderly marketing in the public interest.

§ 959.53 Issuance of regulations (a) The Secretary shall limit the shipment of potatoes as set forth in this subpart whenever he finds from the recommendations and information submitted by the committee, or from other available information that it would tend to effectuate the declared policy of the act:

(1) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of tablestock or seed potatoes, or both, during any period; or

(2) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, for tablestock and seed, or any combination of the foregoing, during any period; or

(3) To regulate the shipment of potatoes by establishing minimum standards of quality and maturity, in terms of grades, sizes, or both, and such grading and inspection requirements as will effectuate orderly marketing in the public interest.

(b) The Secretary shall notify the committee of any such regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

§ 959.54 Minimum quantities. The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 959.40 to 959.60, inclusive.

§ 959.55 Shipments for specified purposes. (a) The Secretary upon the basis of recommendations of the committee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to §§ 959.40 to 959.60, inclusive, in order to facilitate shipments of potatoes for the purposes specified below, whenever he finds that such actions tend to effectuate the declared policy of the act; adequate safeguards may be established, pursuant to paragraph (c) of this section, to prevent such shipments from entering following channels of trade for other than the specified purposes:

(1) Shipments of potatoes for the purpose of having such potatoes graded or stored in the production area;

(2) Shipments of potatoes for export;

(3) Shipments of potatoes for distribution by the Federal Government, for

distribution by relief agencies, or for consumption by charitable institutions;

(4) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or by-products; and

(5) Shipments of potatoes for livestock feed or for other specified purposes.

(b) Whenever the shipments of seed potatoes are not subject to the same regulations as shipments of table stock potatoes, issued pursuant to §§ 959.40 to 959.60, inclusive, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipments from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b) of this section, which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to this section;

(2) Handlers shall obtain Federal State inspection provided by § 959.60 and pay the pro rata share of expenses provided by § 959.41 in connection with potato shipments effected under the provisions of this section: *Provided*, That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) (i) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of this section. The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of such Certificates of Privilege.

(ii) The committee shall make a weekly report to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any shipper if evidence is obtained that potatoes shipped by him for the purposes stated in this section have been diverted from such purposes contrary to the provisions of this subpart.

(d) (1) The Secretary shall give prompt notice to the committee of any modification, suspension or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

(2) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provision of this section.

INSPECTION AND CERTIFICATION

§ 959.60 Inspection and certification. (a) During any period in which the shipment of potatoes is regulated pursuant to the provisions of this subpart each handler who first ships potatoes shall prior to making shipment, cause each shipment to be inspected by an author-

ized representative of the Federal-State Inspection Service or such other inspection service as the Secretary shall designate.

(b) Each such handler shall make arrangements with the inspection agency to forward promptly to the committee a copy of such inspection certificate: *Provided, however,* That (1) each handler making shipments of potatoes during such period, prior to making such shipment, shall determine if such shipment has been inspected and, if such shipment has not been so inspected and is not covered by an inspection certificate, each handler making such determinations shall have such potatoes inspected and shall arrange for a copy of the inspection certificate to be forwarded to the committee as aforesaid, and (2) each handler who first ships potatoes after such potatoes are regraded, resorted, or in any other way further prepared for market shall have each shipment of such potatoes inspected as provided in this section.

EXEMPTIONS

§ 959.65 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 959.66 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 959.53 he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of shipment.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 959.53 he will be prevented from shipping as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in said applicant's immediate shipping area; and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of shipment.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 959.67 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 959.68 *Review, records, and reports of exemptions.* (a) The Secretary shall have the right to modify, change, alter or rescind any procedure and any exemptions granted pursuant to §§ 959.65, 959.66, 959.67, or any combination thereof.

(b) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

EFFECTIVE TIME AND TERMINATION

§ 959.70 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 959.71 *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes; *Provided,* That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before June 30 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 959.72 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 959.73 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or, (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

MISCELLANEOUS PROVISIONS

§ 959.80 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties pursuant to this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 959.81 *Compliance.* Except as provided in this subpart, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

§ 959.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or em-

played by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 959.83 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

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

§ 959.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 959.86 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 959.87 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 959.88 *Amendments.* Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

SUBPART—RULES AND REGULATIONS

SOURCE: §§ 959.100 to 959.132 appear at 16 F. R. 5329.

GENERAL

§ 959.100 *Communications.* Unless otherwise provided in the marketing agreement and order, as amended, or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order, as amended, shall be addressed to the committee at its principal office.

DEFINITIONS

§ 959.110 *Order, as amended.* "Order, as amended" means Order No. 59, as amended (7 CFR Part 959), regulat-

ing the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California.

§ 959.111 *Marketing agreement.* "Marketing agreement" means Marketing Agreement No. 114.

§ 959.112 *Terms.* Terms used in this subpart shall have the same meaning as when used in the marketing agreement and order, as amended.

§ 959.113 *Area determinations.* "Immediate production area" and "immediate shipping area", respectively, are synonymous with "district."

EXEMPTIONS

§ 959.120 *Application.* (a) Any producer or handler applying for exemption from regulations issued pursuant to §§ 959.50 to 959.53, inclusive, 959.55, 959.65, or any combination thereof, shall file such application with the committee, or its duly designated agent for such purpose, on forms to be furnished by the committee. Each application shall state (1) the name and address of the applicant, (2) the grade, size, and quality regulations for which exemption is requested, and (3) facts demonstrating that the potatoes, for which exemption is requested, were adversely affected by acts beyond the applicant's reasonable expectation and control.

(b) In addition, producer applications shall set forth the information required by subparagraphs (1), (2), (3) and (4) of this paragraph; and handler applications by subparagraphs (5), (6), (7) and (8) of this paragraph; and all applications shall set forth such additional information as the committee may find necessary in making determinations with respect to such applications:

(1) The location of the applicant's farm or ranch, and the field or storage facility where the applicant's potato crop may be inspected;

(2) The applicant's acreage and production of potatoes for the current season, varieties produced and the quantity of each variety stated in terms of hundredweights, grades, and sizes;

(3) An estimate of the percentage of such applicant's potato crop which cannot be shipped because of regulations issued and in effect pursuant to §§ 959.50 to 959.53, inclusive, 959.55, 959.65, or any combination thereof, stated in terms of varieties, grades, and sizes;

(4) A statement of the amount of the applicant's potato crop (i) which has been sold during the current marketing season, and (ii) remaining to be sold, each stated in terms of varieties, hundredweights, grades, and sizes;

(5) The quantity of potatoes acquired by the applicant during and immediately following the digging season and stored, stated in terms of varieties, hundredweights, grades, and sizes;

(6) The location of the cellar, warehouse, or other storage facility where such potatoes are stored;

(7) An estimate of the percentage of the applicant's holdings of ungraded potatoes which cannot be shipped because of a regulation issued and in effect pursuant to §§ 959.50 to 959.53, inclusive,

959.55, 959.65, or any combination thereof, stated in terms of varieties, grades, and sizes; and

(8) A statement of the total amount of potatoes referred to in subparagraph (5) of this paragraph which have been sold by the applicant during the current marketing season and the total amount of such potatoes remaining to be sold, each in terms of varieties, hundredweights, grades, and sizes.

§ 959.121 *Investigation of applications.* (a) Each exemption application filed with the committee shall be accompanied by the applicant's certified statement setting forth the total quantity of such applicant's potatoes which have been graded; the quantity of such potatoes which are culls; the quantity of such potatoes which meet regulatory requirements in effect on the date of the application; and the quantity of such potatoes (exclusive of culls) which fail to meet such requirements on such date. Such certified statement shall be based upon the actual packout or grading of such potatoes. The committee, or any specifically authorized representative thereof, including a Federal-State inspector, may make such further investigations deemed necessary by the committee to verify the foregoing statements, and the cost of any such Federal-State inspection shall be borne by the applicant for exemption. If more than one exemption certificate is issued to an applicant during a marketing season, the total quantity of potatoes authorized to be shipped by such certificates shall not exceed the proportion specified in § 959.122.

(b) The committee shall keep account of the exemptions issued to applicants in those cases where the exemption certificate covers only a portion of the applicant's production or storage holdings. The quantity of potatoes exempted, if computed on a part of an applicant's production or storage holdings, shall be taken into consideration prior to issuing any future exemptions on the remainder of such applicant's production or storage holdings and shall be computed as part of the exemptions granted to such applicant during the then current season.

(c) In any case where the committee feels that the total quantity of graded potatoes referred to in paragraph (a) of this section is not representative of the applicant's entire production or ungraded storage holdings, the committee may require the exemption application to be accompanied by a report of a Federal-State inspector, which report shall contain the following:

(1) A statement by the inspector that he personally visited the farm, ranch, cellar, warehouse, or storage facility described in the application, and that a representative sample of the potatoes remaining therein or contained thereon was taken by him;

(2) A statement of the percentage of the potatoes sampled by him which meet the grade, size, and quality requirements of regulation then in effect;

(3) A statement of the defects or damage causing such potatoes to fail to meet such grade, size, and quality requirements. In the event that different reg-

ulations are in effect for different varieties of potatoes, the inspector's report shall show such percentages for each variety separately. The cost of the above inspection shall be borne by the applicant for exemption. The committee, or any specifically authorized representative thereof, may make such investigations as is deemed necessary to determine whether the exemption requested should be granted.

§ 959.122 Issuance of certificate. (a) Whenever the committee finds and determines, from proof satisfactory to the committee, that the applicant is entitled to an exemption certificate, the committee shall issue or authorize the issuance of an exemption certificate, which shall authorize the applicant to ship, or cause to be shipped, such quantity of potatoes which fail to meet the minimum grade, size, and quality requirements in effect at the time thereof as is authorized by §§ 959.70 through 959.73, inclusive.

(b) The manager of the committee, or any employee authorized by him may issue exemption certificates for and on behalf of the committee: *Provided*, That the committee shall have first determined the "average proportions" or percentages referred to in § 959.71.

(c) If it is determined that an applicant is not entitled to an exemption certificate, the applicant shall be so advised in writing and given the reasons therefor.

(d) Each certificate of exemption issued as provided in this section shall contain the producer's or handler's name and address, the location of his farm or ranch, or, in the case of a handler, the location of his cellar, warehouse, or storage facility with respect to which the exemption is granted; the particular grade, size, and quality regulations for which exemption is granted; the amount of potatoes which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the producer or handler to ship potatoes which do not meet the requirements of particular grade, size, and quality regulations. Each certificate of exemption shall be transferable, in whole or in part, with the potatoes in accordance with the amount of potatoes transferred.

§ 959.123 Reports and records. For the purpose of enabling the committee to perform its functions, pursuant to the provisions of this part, each handler shall report shipments under exemption certificates to the committee in such form and at such times and substantiated in such manner as shall be prescribed by the committee. All forms, reports, correspondence, and documents used, pursuant to this subpart, shall be kept on file by the committee and records thereof shall be maintained by the manager of the committee. A record of all exemption certificates issued (if any) shall be furnished weekly by the manager to the Secretary of Agriculture.

SAFEGUARDS

§ 959.130 Application for Certificates of Privilege. (a) All handlers desiring to make shipments of potatoes for the following purposes shall, when such shipments are regulated pursuant to

§§ 959.54, 959.56, 959.57, or any combination thereof, obtain from the committee prior to initiating such shipments, a Certificate or Certificates of Privilege permitting such shipments:

- (1) Grading or storing in the production area;
- (2) Export;
- (3) Distribution by relief agencies or consumption by charitable institutions;
- (4) Manufacture or conversion into specified products or by-products;
- (5) Livestock feed.

(b) Handlers desiring to make shipments of seed potatoes may be required to first apply to the committee for and obtain a Certificate or Certificates of Privilege permitting such shipments.

(c) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, the quantity of potatoes to be shipped, name of the consignee, destination, certification as to correctness of statements made, a statement that the applicant will comply with disposition stated therein, and such other information or documents as the committee may require in safeguarding against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates of Privilege were granted.

§ 959.131 Reports. Each handler shipping potatoes for any purpose set forth in § 959.130 shall supply the committee with a report thereon showing the name and address of the shipper, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulation at time of such shipment), loading point, destination, and consignee.

§ 959.132 Denial and appeals. The committee may rescind a Certificate, or Certificates of Privilege, issued to a handler pursuant to this subpart, or deny Certificates of Privilege to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to the provisions of §§ 959.130 and 959.131. Such committee action denying a Certificate or Certificates of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

LIMITATION OF SHIPMENTS

§ 959.307 Limitation of shipments. (a) During the period from August 27, 1951, to June 30, 1952, both dates inclusive, no handler shall ship potatoes grown in the production area which do not meet the requirements of the U. S. No. 2, or better, grade, and which are of sizes smaller than 2 inches minimum diameter or 4 ounces minimum weight, as such grades and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(b) During the period from August 27, 1951, to November 1, 1951, both dates inclusive, no handler shall ship potatoes

grown in the production area which do not comply with the aforesaid grade and size requirements and which are more than "slightly skinned," as such term is defined in the U. S. Standards for Potatoes (7 CFR 51.366), which means that not more than 10 percent of the potatoes in any lot have more than one-fourth of the skin missing or feathered: *Provided*, That not more than one lot of not to exceed 100 hundredweight of each variety of each producer may be handled every seven days without regard to the aforesaid skinning requirement if the handler thereof reports, prior to such handling, the name and address of the producer of such lot, and such lot is handled as an identifiable entity.

(c) During the period of regulation, each handler may make, pursuant to § 959.55, one shipment of not in excess of five hundredweight of potatoes per week without limitation.

(d) The aforesaid grade, size, and skinning requirements, set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for (1) grading or storing within the production area, (2) export, (3) distribution by the Federal Government and relief agencies, or consumption by charitable institutions, (4) manufacture or conversion into starch, flour, and dehydrated, canned, or frozen products, (5) livestock feed, and (6) seed: *Provided*, That each handler making shipments for any of the aforesaid purposes, except shipments of potatoes for grading or storing within the production area and shipments of potatoes for livestock feed within the production area, shall (1) file an application with the committee pursuant to §§ 959.130 to 959.132, inclusive, (2) have each of such shipments inspected (except shipments of seed potatoes and shipments of potatoes for livestock feed), (3) pay assessments in connection therewith (except shipments of potatoes for livestock feed), and (4) have each shipment of potatoes failing to meet the minimum requirements of the U. S. No. 2 grade, as such grade is defined in the U. S. Standards for Potatoes (7 CFR 51.366), which leaves the production area, appropriately marked with dye as required by the committee.

(e) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959).

[F. R. Doc. 52-1692; Filed, Feb. 8, 1952; 8:51 a. m.]

[Orange Reg. 410]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.556 Oranges Regulation 410—
(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 February 7, 1952, 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 406 (7 CFR 966.552; 17 F. R. 385), 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., February 10, 1952 and ending at 12:01 a. m., P. s. t., February 17, 1952 is hereby fixed as follows:

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

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

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

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

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

(b) Prorate District No. 2: 850 carloads;

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

(d) Prorate District No. 4: Unlimited 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 "handler," "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 8th day of February 1952.

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

PRORATE BASE SCHEDULE

12:01 a. m., P. s. t., Feb. 10, 1952, to 12:01 a. m., P. s. t., Feb. 17, 1952)

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total.....	100.0000
A. F. G. Alta Loma.....	.2137
A. F. G. Corona.....	.1971
A. F. G. Fullerton.....	.0293
A. F. G. Orange.....	.0422
A. F. G. Riverside.....	.4345
A. F. G. Santa Paula.....	.0146
Eadington Fruit Co., Inc.....	.7361
Hazeltine Packing Co.....	.0796
Placencia Cooperative Orange Association.....	.6036
Signal Fruit Association.....	1.0217
Azusa Citrus Association.....	1.2539
Covina Citrus Association.....	1.8293
Covina Orange Growers Association.....	.5141
Damerel-Alison Association.....	1.0983
Glendora Citrus Association.....	1.2371
Glendora Mutual Orange Association.....	.5908
Valencia Heights Orchard Association.....	.3330
Gold Buckle Association.....	2.9347
La Verne Orange Association.....	3.9097
Anaheim Valencia Orange Association.....	.0155
Fullerton Mutual Orange Association.....	.3548
La Habra Citrus Association.....	.1730
Yorba Linda Citrus Association, The.....	.0626
El Cajon Valley Citrus Association.....	.2193
Escondido Orange Association.....	.5660
Alta Loma Heights Citrus Association.....	.4234
Citrus Fruit Growers.....	.8119
Etiwanda Citrus Fruit Association.....	.1447
Mountain View Fruit Association.....	.1204
Old Baldy Citrus Association.....	.4111
Rialto Heights Orange Growers.....	.3326
Upland Citrus Association.....	2.2546
Upland Heights Orange Association.....	1.2827

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Consolidated Orange Growers.....	0.0272
Garden Grove Citrus Association.....	.0292
Goldenwest Citrus Association, The.....	.1894
Olive Heights Citrus Association.....	.0467
Santiago Orange Growers Association.....	.1509
Villa Park Orchard Association, The.....	.0373
Bradford Bros., Inc.....	.2268
Placencia Mutual Orange Association.....	.2128
Placencia Orange Growers Association.....	.2649
Yorba Orange Growers Association.....	.0627
Corona Citrus Association.....	1.0382
Jameson Co.....	.5437
Orange Heights Orange Association.....	3.2827
Crafton Orange Growers Association.....	1.1190
East Highlands Citrus Association.....	.4056
Redlands Heights Groves.....	.8037
Redlands Orangedale Association.....	1.0898
Rialto-Fontana Citrus Association.....	.4902
Break & Son, Allen.....	.2898
Bryn Mawr Fruit Growers Association.....	1.1254
Mission Citrus Association.....	1.1460
Redlands Cooperative Fruit Association.....	1.5830
Redlands Orange Growers Association.....	.9885
Redlands Select Groves.....	.8281
Rialto Orange Co.....	.5622
Southern Citrus Association.....	1.0158
United Citrus Growers.....	.7826
Zillen Citrus Co.....	.4534
Arlington Heights Citrus Co.....	1.2449
Brown Estate, L. V. W.....	1.9365
Gavilan Citrus Association.....	2.1513
Highgrove Fruit Association.....	.5515
Krindard Packing Co.....	2.0200
McDermott Fruit Co.....	1.0927
Monte Vista Citrus Association.....	1.4545
National Orange Co.....	1.3249
Riverside Citrus Association.....	1.4492
Riverside Heights Orange Growers Association.....	1.1717
Sierra Vista Packing Association.....	.7289
Victoria Ave. Citrus Association.....	3.3631
Claremont Citrus Association.....	.8656
College Heights Orange and Lemon Association.....	1.6458
Indian Hill Citrus Association.....	1.2997
Pomona Fruit Growers Exchange.....	1.7652
Walnut Fruit Growers Association.....	.6461
West Ontario Citrus Association.....	1.0887
Escondido Cooperative Citrus Association.....	.0481
San Dimas Orange Growers Association.....	1.0855
Canoga Citrus Association.....	.0985
North Whittier Heights Citrus Association.....	.1674
San Fernando Heights Orange Association.....	.4988
Sierra Madre-Lamanda Citrus Association.....	.1361
Camarillo Citrus Association.....	.0054
Fillmore Citrus Association.....	.9547
Ojai Orange Association.....	.7544
Piru Citrus Association.....	1.1421
Rancho Sespe.....	.0011
Tapo Citrus Association.....	.0102
Ventura County Citrus Association.....	.1590
East Whittier Citrus Association.....	.0030
Murphy Ranch Co.....	.0311
Bryn Mawr Mutual Orange Association.....	.5512

PRORATE BASE SCHEDULE—Continued
ALL ORANGES OTHER THAN VALENCIA ORANGES—
continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Chula Vista Mutual Lemon Association.....	0.0872
Euclid Avenue Orange Association.....	2.7135
Foothill Citrus Union, Inc.....	.4791
Golden Orange Groves, Inc.....	.1774
Index Mutual Association.....	.0081
La Verna Cooperative Citrus Association.....	3.5183
Mentone Heights Association.....	.5934
Olive Hillside Groves.....	.0086
Redlands Foothill Groves.....	2.4850
Redlands Mutual Orange Association.....	1.1887
Ventura County Orange and Lemon Association.....	.3222
Whittier Mutual Orange and Lemon Association.....	.0187
Allec Bros.....	.0030
Babijuce Corp. of California.....	.3317
Banks, L. M.....	.0111
Becker, Samuel Eugene.....	.0101
Book, Maynard C.....	.0004
Borden Fruit Co.....	.0059
Cherokee Citrus Co., Inc.....	.9840
Chess Co., Meyer W.....	.4074
Culcamonga Citrus Growers, Inc.....	.0138
Dunning Ranch.....	.2111
Evans Bros. Packing Co.....	.7390
Gold Banner Association.....	1.6679
Granada Packing House.....	.2168
Highgrove Citrus Co.....	.1070
Hill Packing House, Fred A.....	.8151
Holland, M. J.....	.0124
Knapp Packing Co., John C.....	.0331
Lima & Sons, Joe.....	.0514
Orange Belt Fruit Distributors.....	1.5704
Orange Hill Groves.....	.2831
Panno, Fruit Co., Carlo.....	.0302
Paramount Citrus Association.....	.1028
Placentia Orchard Co.....	.0811
Prescott, John A.....	.0072
Ronald, P. W.....	.0413
San Antonio Orchard Co.....	1.4646
Stephens & Cain.....	.2095
Torn Ranch.....	.0276
Wall, E. T., Grower-Shipper.....	2.0332
Western Fruit Growers, Inc.....	3.4079

VALENCIA ORANGES

Prorate District No. 3

Total.....	100.0000
Allen & Allen Citrus Packing Co.....	.9264
McKellips Citrus Co., Inc.....	11.7285
Phoenix Citrus Packing Co.....	2.8750
Arizona Citrus Growers.....	19.7740
Chandler Heights Citrus Growers.....	2.5462
Desert Citrus Growers Co., Inc.....	9.5712
Mesa Citrus Growers.....	17.0624
Tempeco Groves.....	4.0523
Imperial Valley Grapefruit Growers.....	.4219
Southern Citrus Association.....	5.9277
Yuma Mesa Fruit Growers Association.....	9.4087
Pioneer Fruit Co.....	3.0554
Clark & Sons Produce Co., J. H.....	.6239
Hearsh Bros.....	1.0204
Hill Packing House, Fred A.....	.1860
Macchiaroli Fruit Co., James.....	.6041
Marth, Leo W.....	.2687
Morris Bros. Fruit Co.....	1.8792
Russo Bros.....	2.3019
Sunny Valley Citrus Packing Co.....	3.5017
Terraciano Fruit Co.....	.2772
Valley Citrus Packing Co.....	1.9872

[P. R. Doc. 52-1756; Filed, Feb. 8, 1952;
11:31 a. m.]

No. 29—3

PART 989—HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

RECODIFICATION

In accordance with the revised FEDERAL REGISTER regulations (1 CFR Part 1), the format of the order (Order No. 89, 7 CFR Part 989; 14 F. R. 5136) of the Secretary of Agriculture regulating the handling of raisins produced from raisin variety grapes grown in California (including the requisite findings and determinations set forth therein), and the format of the committee's administrative rules and regulations (7 CFR Part 989; 15 F. R. 108, 1887, 4580, 8815); adopted pursuant thereto with the approval of the Secretary of Agriculture, are recodified as hereinafter set forth. Supplementary orders which do not need to be recodified are also included in this recodification for completeness of coverage. To facilitate cross reference between the aforesaid order and the marketing agreement and to obviate possible difficulties in future amendatory proceedings, the provisions of Marketing Agreement No. 109 shall be renumbered and the section headings redesignated to conform to the recodified order. The provisions of §§ 989.15, 989.16, 989.17, 989.18 and 989.19 of the said marketing agreement which are not contained in the order shall be renumbered as § 989.99, and designated "Special Agreement Provisions."

This recasting of the format and recodification are not intended, nor shall they be deemed, to make any substantive change in the provisions of the aforesaid order of the Secretary, the aforesaid marketing agreement, and the aforesaid rules and regulations.

Issued at Washington, D. C., this 6th day of February 1952.

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

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989.302 Budget of expenses of the Raisin Administrative Committee and rate of assessment for the 1951-52 crop year.

Authority: §§ 989.0 to 989.302 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

SUBPART—ORDER RELATIVE TO HANDLING

Source: §§ 989.0 to 989.97 contained in Order No. 89, 14 F. R. 5136.

FINDINGS AND DETERMINATIONS

§ 989.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.; 13 F. R. 8585), a public hearing was held at Fresno, California, December 13 through 16, 1948, upon a proposed marketing agreement and a proposed marketing order regulating the handling of raisins produced from raisin variety grapes grown in California. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) This subpart, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This subpart is applicable only to persons in the respective classes of industrial and commercial activities specified in the proposals upon which the hearing was held;

(3) There are no differences in the production and marketing of raisins in the production area covered by this subpart which make necessary different terms applicable to different parts of such area;

(4) The production area, as set forth in this subpart, is the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act;

(5) The handling of all raisins produced from raisin variety grapes grown

in California is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce; and

(6) It is hereby found and proclaimed that the purchasing power of raisins during the period August 1909 to July 1914 cannot be determined satisfactorily from available statistics of the United States Department of Agriculture, but the purchasing power of raisins for the period August 1919 to July 1929 can be determined satisfactorily from available statistics of the United States Department of Agriculture, and the period last referred to is the period to be used in connection with the determination of the parity price of raisins under this subpart.

(b) *Additional findings.* It is necessary in the public interest, to make this subpart effective not later than the date of its publication in the FEDERAL REGISTER. The production of raisins from raisin variety grapes will commence approximately August 15 and deliveries of raisins to handlers will start shortly thereafter. After the subpart becomes effective, and before it can become operative, it will be necessary for the Secretary to select, in turn, the members of the Raisin Advisory Board and the members of the Raisin Administrative Committee, and for the administrative committee and the Secretary to take various actions of both organizational and regulatory nature. It is essential that this program be operative as soon as raisins begin to move to handlers, in order that all such raisins may be subjected to regulation. In addition, prior to the institution of regulation, it is necessary that certain organizational actions be completed. Considerable time will be required for these actions to be taken. Since it would be difficult to distinguish raisins delivered prior to regulation from those delivered under regulation, failure to have the subpart operative by the time handlers receive raisins from producers or dehydrators would burden administration and tend to defeat the objectives of the subpart. The nature and provisions of the subpart are well known to handlers of raisins, since the public hearing was held in December 1948, and the recommended decision and the Secretary's decision were published in the FEDERAL REGISTER June 8, 1949 (14 F. R. 3083) and July 13, 1949 (14 F. R. 3858), respectively. All known interested persons have received copies of the regulatory provisions. Compliance with this subpart will require no advance preparation on the part of handlers prior to its becoming effective, but they will need to know as soon as possible the free, reserve, and surplus percentages to be determined pursuant to the provisions of the subpart after it becomes effective. It is hereby found and determined, in view of these facts and circumstances, that it would be contrary to the public interest to delay the effective date of this subpart for 30 days, or for any lesser time, after such publication. (See section 4 (c), Administrative Procedure Act, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that: (1) The marketing agreement regulating the handling of

raisins produced from raisin variety grapes grown in California, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping raisins covered by this subpart) who handled not less than 50 percent of the volume of such raisins covered by this subpart;

(2) The issuance of this subpart is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (June 1, 1948, through May 31, 1949), were engaged, within the State of California, in the production for market of raisin variety grapes; and

(3) The issuance of this subpart is favored or approved by producers who participated in a referendum on the question of its approval and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of raisin variety grapes represented in such referendum and produced for market within the State of California.

Order relative to handling. It is, therefore, hereby ordered, that the handling of raisins produced from raisin variety grapes grown in California shall, from the effective time of this subpart, be in conformity to and in compliance with the terms and conditions of this subpart.

DEFINITIONS

§ 989.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 989.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

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

§ 989.4 *Area.* "Area" means the State of California.

§ 989.5 *Raisin variety grapes.* "Raisin variety grapes" means grapes of the Thompson Seedless (or Sultanina) Muscat or Alexandria (or Muscat), Muscatel Gordo Blanco (or Muscat), Black Corinth (or Zante Currant), White Corinth (or Zante Currant), and Seedless Sultanina (or Sultanina), varieties grown in the area.

§ 989.6 *Raisins.* "Raisins" means any raisin variety grapes from which a part of the natural moisture has been removed by sun-drying or artificial dehydration after such grapes have been removed from the vines.

§ 989.7 *Bleached raisins.* "Bleached raisins" means (a) any raisins which have been produced by soda dipping, with or without oil, whether sun-dried or artificially dehydrated, or (b) any raisins

which have been produced by soda dipping, sulfuring, and sun-drying.

§ 989.8 *Golden bleached raisins.* "Golden bleached raisins" means raisins, the production of which includes soda dipping, sulfuring, and artificial dehydration.

§ 989.9 *Natural condition raisins.* "Natural condition raisins" means raisins, the production of which includes sun-drying or artificial dehydration, with or without bleaching, but which have not been further processed to a point where they meet the conditions for "packed raisins" as defined in § 989.10.

§ 989.10 *Packed raisins.* "Packed raisins" means raisins which have been stemmed, graded, sorted, cleaned, or seeded, and placed in any container customarily used in the marketing of raisins or in any container suitable or usable for such marketing.

§ 989.11 *Varietal type.* "Varietal type" means natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) Sultanina, natural (sun-dried) Zante Currant, artificially dehydrated Sultanina, artificially dehydrated Zante Currant, Layer Muscat, Golden Bleached, Sulfur Bleached, Soda Dipped, or Valencia raisins.

§ 989.12 *Producer.* "Producer" means any person engaged, in a proprietary capacity, in the production of raisin variety grapes.

§ 989.13 *Dehydrator.* "Dehydrator" means any person who produces raisins by dehydrating raisin variety grapes by means of artificial heat.

§ 989.14 *Processor.* "Processor" means any person who acquires natural condition raisins and uses them within the areas, with or without other ingredients, in the production of a product other than raisins, for market or distribution.

§ 989.15 *Packer.* "Packer" means any person who acquires natural condition raisins and within the area stems, grades, sorts, cleans, or seeds them, and packages them for market as raisins.

§ 989.16 *Handler.* "Handler" means any person who ships natural condition raisins out of the area, or any processor or packer.

§ 989.17 *Acquire.* "Acquire" means to obtain possession of raisins as the first handler thereof.

§ 989.18 *Board.* "Board" means the Raisin Advisory Board established pursuant to § 989.26.

§ 989.19 *Committee.* "Committee" means the Raisin Administrative Committee established pursuant to § 989.39.

§ 989.20 *Ton.* "Ton" means a short ton of 2,000 pounds.

§ 989.21 *Crop year.* "Crop year" means the 12-month period beginning with August 15 of any year and ending with August 14 of the following year: *Provided*, That the initial crop year shall begin with the effective time of this subpart.

§ 989.22 *District.* "District" means any one of the geographical areas re-

ferred to in § 989.26 and specified in § 989.96 (Exhibit A).

§ 989.23 *File.* "File" means transmit or deliver to the Secretary or committee, as the case may be, and such act shall be deemed to have been accomplished at the time: (a) Of actual receipt by the Secretary or committee in the event of personal delivery; (b) of receipt at the office of the telegraph company, in case submission is by telegram; or (c) shown by the postmark, in case submission is by mail.

RAISIN ADVISORY BOARD

§ 989.26 *Establishment and membership.* A Raisin Advisory Board is hereby established consisting of 46 members, of whom 36 shall represent producers, seven shall represent packers, two shall represent dehydrators, and one shall represent processors. The packer members of the board shall include the following: (a) One member selected from and representing packers during business as cooperative marketing associations or cooperative organizations engaged in the business of packing raisins, but such member must be associated with a cooperative association or other cooperative organization which packed not less than 10 percent of the total raisin pack of the 12-month period preceding the then current crop year; (b) two members selected from and representing packers other than cooperatives, each of whom packed not more than four percent of the total raisin pack of the 12-month period preceding the then current crop year; (c) two members selected from and representing packers other than cooperatives, each of whom packed more than four percent, but not more than six and one-half percent, of the total raisin pack of the 12-month period preceding the then current crop year; and (d) two members selected from and representing packers other than cooperatives, each of whom packed more than six and one-half percent of the total raisin pack of the 12-month period preceding the then current crop year. The 36 producer members shall be selected in the number and for the districts as set forth in § 989.96 (Exhibit A). For each member of the board, there shall be an alternate member, who shall have the same qualifications as the member for whom he is the alternate.

§ 989.27 *Eligibility.* No person shall be selected or continue to serve as a member or alternate member of the board, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business.

§ 989.28 *Term of office.*—(a) *Producer members.* One-third of the producer members and producer alternate members of the board initially selected pursuant to § 989.30 by the Secretary shall hold office for a period beginning on a date to be designated by the Secretary and ending on April 30, 1950, and until the respective successors are selected and have qualified. One-third of the producer members and producer alternate members of the board initially selected

pursuant to § 989.30 by the Secretary shall hold office for a period beginning on a date to be designated by the Secretary and ending on April 30, 1951, and until the respective successors are selected and have qualified. One-third of the producer members and producer alternate members of the board initially selected pursuant to § 989.30 by the Secretary shall hold office for a period beginning on a date to be designated by the Secretary and ending on April 30, 1952, and until the respective successors are selected and have qualified. The persons to hold office as producer members and producer alternate members for the respective terms of office specified above shall be determined by the drawing of lots by those persons selected by the Secretary as producer members and alternate members pursuant to § 989.30, and the results of such drawings shall be filed promptly with the Secretary. The term of office of succeeding producer members and producer alternate members of the board shall be three years, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified.

(b) *Packer, dehydrator and processor members.* The term of office of the packer members, dehydrator members, and processor members, and their respective alternates, shall be three years, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified. The term of initial members and alternate members representing packers, dehydrators, and processors, shall begin on a date to be designated by the Secretary and end on April 30, 1952, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified.

§ 989.29 *Nomination.*—(a) *Initial members.* Nominations for each of the initial producer, packer, dehydrator, and processor members and alternate members of the board may be submitted to the Secretary by producers, packers, dehydrators, or processors, respectively; and such nominations may be made by means of meetings of groups of such persons. Such nominations shall be filed with the Secretary not later than 10 calendar days after the effective date of this subpart, but may be filed prior thereto. In the event nomination for a member or alternate member of the board is not filed pursuant to this paragraph and within the time specified, the Secretary may select such member or alternate member without regard to nomination, but such selection shall be on the basis of the producer, packer, dehydrator, and processor representations set forth in § 989.26.

(b) *Successor members.* Nominations for successor members and alternate members of the board shall be made as set forth in the following subparagraphs:

(1) The board shall give reasonable advance notice of a meeting, or meetings, of producers, packers, dehydrators, and processors, respectively, for the purpose of making nominations for member and alternate member positions to be filled on the board: *Provided*, That, with re-

spect to producer members and producer alternate members, a meeting, or meetings, shall be held in each respective district for which nominations are to be made to fill producer member and producer alternate member positions on the board. Such notice shall be given through publication in newspapers having general circulation in the area, and may be given through other channels, if the board deems it desirable.

(2) Only producers who produced raisin variety grapes during the then current crop year in the respective district for which nominations are to be made may nominate, or vote for, any producer member or producer alternate member for such district. Any producer who produced raisin variety grapes during the then current crop year in any of the districts may be nominated to represent any district as producer member or producer alternate member of the board. One or more eligible producers for each producer member position to be filled on the board may be proposed for nomination and one or more eligible producers for each alternate member position to be filled may be proposed for nomination. Each producer shall cast only one vote with respect to each position for which nomination is to be made. The person receiving the most votes with respect to each producer member or producer alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(3) Only packers who packed raisins during the then current crop year may nominate, or vote for, packer members or packer alternate members. One or more eligible packers for each packer member position to be filled may be proposed for nomination, and one or more eligible packers for each alternate member position to be filled may be proposed for nomination. Each packer shall cast only one vote with respect to each position for which nomination is to be made: *Provided*, That only packers coming within the particular portion of the group, as specified in § 989.26, for which nomination is to be made, shall vote. The person receiving the most votes with respect to each packer member or packer alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(4) Only dehydrators who produced raisins by dehydrating raisin variety grapes during the then current crop year may nominate, or vote for, dehydrator members or dehydrator alternate members. One or more eligible dehydrators for each dehydrator member position to be filled on the board may be proposed for nomination, and one or more eligible dehydrators for each alternate member position may be proposed for nomination. Each dehydrator shall cast only one vote with respect to each position for which nomination is to be made. The person receiving the most votes with respect to each dehydrator member or dehydrator alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(5) Only processors who processed raisins during the then current crop

year may nominate, or vote for, the processor member or processor alternate member. One or more eligible processors for the processor member position to be filled on the board may be proposed for nomination, and one or more eligible processors for each alternate member position may be proposed for nomination. Each processor shall cast only one vote with respect to each position for which nomination is to be made. The person receiving the most votes with respect to the processor member or processor alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(6) Each vote cast shall be on behalf of the person voting, his agents, subsidiaries, affiliates, and representatives. Voting at each meeting shall be in person. The result of each ballot at each such meeting shall be announced at that meeting. Voting at each meeting of producers shall be by secret ballot, and at meeting of packers, dehydrators, and processors voting may be by secret ballot.

(7) Each such nomination shall be certified by the board to the Secretary on or before April 6 immediately preceding the commencement of the term of office of the member or alternate member position for which the nomination is certified.

§ 989.30 *Selection.* The Secretary shall select producer, packer, dehydrator, and processor members and alternate members in the numbers specified in § 989.26 and with the qualifications specified in § 989.27. Such selections may be made from the nominations certified pursuant to § 989.29 or from other producers, packers, dehydrators, and processors, but each such selection shall be made on the basis of the respective producer, packer, dehydrator, and processor representations and qualifications set forth in §§ 989.26 and 989.27.

§ 989.31 *Failure to nominate.* In the event nomination for a member or alternate member position on the board is not certified pursuant to, and within the time specified in, § 989.29, the Secretary may select such member or alternate member without regard to nomination, but such selection shall be on the basis of the respective producer, packer, dehydrator, and processor representations and qualifications set forth in §§ 989.26 and 989.27.

§ 989.32 *Acceptance.* Each person selected by the Secretary as a member or as an alternate member of the board shall, prior to serving on the board, qualify by filing with the Secretary a written acceptance within 10 calendar days after being notified of his selection.

§ 989.33 *Alternate members.* The alternate for a member of the board shall set in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 989.34 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member, or as an

alternate member, of the board to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in §§ 989.29 and 989.30, insofar as such provisions are applicable. If nomination to fill any vacancy is not filed within 20 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nomination, but on the basis of the applicable representations and qualifications set forth in §§ 989.26 and 989.27.

§ 989.35 *Meetings.* The board shall meet on the first Monday in March of each year, and at other times at the call of its chairman. Reasonable advance notice of each meeting shall be given by mail addressed to each member and alternate member, and such notice shall be given as widespread publicity as is practicable. Notices of meetings shall specify the time, places, and general purposes thereof.

§ 989.36 *Duties.* The duties of the board shall consist of the conducting of meetings for the purpose of making nominations to fill vacancies on the board and the certifying of nominations made for such purpose to the Secretary, the making of nominations to the Secretary, as provided in § 989.42, for member and alternate member positions on the committee, the making of recommendations to the committee with respect to marketing policy, the free, reserve, and surplus percentages, and such other operational matters as it deems proper or as the committee may request.

§ 989.37 *Procedure.* (a) Except as otherwise provided in § 989.42, all decisions of the board shall be by majority vote of the members present. The presence of not less than 19 producer members and not less than five members other than producer members shall be required to constitute a quorum.

(b) The board shall give to the Secretary the same notice of meetings of the board as it gives to its members.

RAISIN ADMINISTRATIVE COMMITTEE

§ 989.39 *Establishment and membership.* A Raisin Administrative Committee is hereby established to administer the terms and provisions of this subpart. Such committee shall consist of 14 members, of whom eight shall represent producers (one of whom shall be a producer of raisin variety grapes used in the production of Golden Bleached raisins), four shall represent packers, one shall represent dehydrators, and one shall represent processors. Of the four packer members, one shall be selected from and represent each of the four following divisions of packers: (a) Packers doing business as cooperative marketing associations or cooperative organizations engaged in the business of packing raisins, but such member must be associated with a cooperative association or other cooperative organization which packed not less than 10 percent of the total raisin pack of the 12-month period preceding the then current crop year; (b) packers other than cooperatives, each of whom

packed not more than four percent of the total raisin pack of the 12-month period preceding the then current crop year; (c) packers other than cooperatives, each of whom packed more than four percent, but not more than six and one-half percent, of the total raisin pack of the 12-month period preceding the then current crop year; and (d) packers other than cooperatives, each of whom packed more than six and one-half percent of the total raisin pack of the 12-month period preceding the then current crop year. For each member of the committee, there shall be an alternate member, who shall have the same qualifications as the member for whom he is the alternate.

§ 989.40 Eligibility. No person shall be selected, or continue to serve, as a member or alternate member of the committee, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business.

§ 989.41 Term of office. Members and alternate members of the committee shall each serve for terms of one year, beginning on June 1, and ending on May 31 of the following year but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified: *Provided*, That the term of office of initial members and alternate members shall begin on a date to be designated by the Secretary.

§ 989.42 Nomination—(a) Producer members. The producer members of the board, and producer alternate members when acting as members, shall nominate from among the producer members and producer alternate members of the board eight persons for producer member positions on the committee and an alternate for each such person: *Provided*, That one of the persons nominated for a producer member position on the committee and his alternate shall be producers of raisin variety grapes used in the production of Golden Bleached raisins.

(b) **Packer members.** The packer members of the board, and packer alternate members when acting as members, shall nominate from among the packer members and packer alternate members of the board four persons for packer member positions on the committee and an alternate for each such person: *Provided*, That such nominations shall be made on the basis of one member and one alternate member each for cooperative packers, and small, medium, and large packers, respectively, as provided in § 989.39.

(c) **Dehydrator members.** The dehydrator members of the board, and dehydrator alternate members when acting as members, shall nominate from among the dehydrator members and dehydrator alternate members of the board one person for the dehydrator member position on the committee and an alternate for such person.

(d) **Processor members.** The processor member of the board, or the processor alternate member when acting as member, shall nominate from the processor member and processor alter-

nate member of the board one person for the processor member position on the committee and an alternate for such person.

(e) **Initial members.** Nominations for initial members and alternate members of the committee shall be certified by the board to the Secretary not later than 10 calendar days after the establishment of the board.

(f) **Successor members.** Nominations for successor members and alternate members of the committee shall be certified by the board to the Secretary annually on or before May 5 preceding the term for which they are to be selected.

§ 989.43 Selection. The Secretary shall select producer, packer, dehydrator, and processor members and alternate members of the committee in the numbers specified in § 989.39 and with the qualifications specified in § 989.40. Such selections may be made by him from the nominations certified pursuant to § 989.42, or from other eligible producers, packers, dehydrators, and processors, but such selections shall be made on the basis of the respective producer, packer, dehydrator, and processor representations and qualifications set forth in §§ 989.39 and 989.40.

§ 989.44 Failure to nominate. In the event any of the groups entitled pursuant to § 989.42 to submit nominations to the Secretary shall fail to do so within 20 calendar days after the time specified in § 989.42, the Secretary may select the particular members or alternate members of the committee without regard to nominations, but such selections shall be on the basis of the applicable producer, packer, dehydrator, and processor representations and qualifications set forth in §§ 989.39 and 989.40.

§ 989.45 Acceptance. Each person selected by the Secretary as a member, or as an alternate member, of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance within 10 calendar days after being notified of such selection.

§ 989.46 Alternate members. An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b), in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 989.47 Vacancies. To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member, of the committee to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in §§ 989.42 and 989.43, insofar as such provisions are applicable. If nomination to fill any such vacancy is not made within 20 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, but on the basis of the applicable representations and qualifications set forth in §§ 989.39 and 989.40.

§ 989.48 Compensation and expenses. The members of the committee and the board, and the alternate members when acting as members, shall serve without compensation, but shall be allowed their necessary expenses as approved by the committee.

§ 989.49 Powers. The committee shall have the following powers:

(a) To administer the terms and provisions of this subpart;

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

(c) To receive, investigate, and report to the Secretary, complaints of violations of this subpart;

(d) To recommend to the Secretary amendments to this subpart.

§ 989.50 Duties. The committee shall have, among others, the following duties:

(a) To act as intermediary between the Secretary and any producer, packer, dehydrator, or processor;

(b) To keep minutes, books, and other records, which shall clearly reflect all of its acts and transactions, and such minutes, books, and other records shall be subject to examination by the Secretary at any time;

(c) To make, subject to approval by the Secretary, scientific and other studies, and assemble data on the producing, handling, shipping, and marketing conditions relative to raisins and raisin variety grapes, which are necessary in connection with the performance of its official duties;

(d) To submit to the Secretary such available information with respect to raisins and raisin variety grapes as he may request, or as the committee may deem desirable and pertinent;

(e) To select, from among its members, a chairman and other officers, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint or employ such other persons as it may deem necessary, and to determine the salaries and define the duties of each such person;

(g) Prior to the beginning of each crop year, and not later than July 15 prior to such crop year, to submit to the Secretary a budget of its anticipated expenses, and the proposed assessments for such crop year, together with a report thereon: *Provided*, That, with respect to the initial crop year, the committee shall file such recommendation and supporting data with the Secretary as soon as practicable after the effective date of this subpart;

(h) To cause the books of the committee to be audited by one or more certified public accountants at least once each crop year, and at such other times as the committee may deem necessary or as the Secretary may request, and the report of each such audit shall show, among other things, the receipts and expenditures of funds, and at least two copies of each such audit shall be submitted to the Secretary;

(i) To prepare monthly statements of its financial operations and make such statements, together with the minutes of its meeting, available at the office of the committee for inspection by producers,

packers, dehydrators, and processors; and

(j) To make advance public announcements of the times and places of its meetings.

§ 989.51 Obligation. Upon the removal, resignation, disqualification, or expiration of the term of office of any member or alternate member, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary all property (including, but not limited to, all books and records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property, funds, and claims vested in such member or alternate member shall be vested in his successor, or, until such successor has been selected and has qualified, in the committee.

§ 989.52 Procedure. (a) All decisions of the committee shall be by majority vote of the members present. The presence of nine members shall be required to constitute a quorum.

(b) The committee shall give to the Secretary the same notice of its meetings as it gives to its members.

MARKETING POLICY

§ 989.53 Policy meeting. The committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the ensuing crop year not later than July 5 preceding the beginning of such crop year: *Provided*, That, with respect to the initial crop year, the committee shall hold a meeting for such purpose as soon as practicable after the effective date of this subpart.

§ 989.54 Submission. Within 10 days after the holding of each such meeting, the committee shall prepare a report setting forth its marketing policy with respect to the marketing of raisins during the crop year, and shall file such report, together with all data and information used by the committee in the formulation of such policy, with the Secretary. Such report shall also include the recommendations of the board.

§ 989.55 Modification. In the event the committee subsequently deems it advisable to modify such marketing policy, because of changed demand or supply conditions, it should hold a meeting for that purpose, and file a report thereof with the Secretary within five days after the holding of such meeting, which report shall show each modification, the reasons and bases therefor, as well as the recommendation of the board.

§ 989.56 Verbatim record. The committee shall file with its report to the Secretary a verbatim record of that portion of its meeting or meetings, relating to its marketing policy.

§ 989.57 Notice. The committee shall give reasonable advance notice to producers, dehydrators, and handlers of each meeting to consider a marketing policy or any modifications thereof, and each such meeting shall be open to them. Such notice shall be given through publication in newspapers having general circulation in the area, and may be given through other channels, if the committee deems it desirable. The committee also shall give similar notice to producers, dehydrators, and handlers of each marketing policy report, or modification thereof, filed with the Secretary. Copies of all such reports shall be maintained in the office of the committee where they shall be made available for examination by any producers, dehydrators, or handlers.

VOLUME REGULATION

§ 989.63 Recommendations for designation of percentages. (a) If the committee concludes that the supply and demand conditions for raisins make it advisable to designate the percentages of raisins acquired by handlers in any crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, it shall recommend such percentages to the Secretary: *Provided*, That such percentages shall not apply to raisins produced prior to August 15, 1949. The committee may recommend such percentages separately for each varietal type. Together with any recommendation with respect to percentages, the committee shall also submit the information on the basis of which such recommendation was made, and the recommendations of the board. In the event the committee subsequently deems it desirable to modify, suspend, or terminate any designation by the Secretary of such percentages, it shall submit to the Secretary its recommendation in that regard along with the information on the basis of which such modification, suspension, or termination is recommended, and the recommendation of the board. The committee shall file with its recommendation to the Secretary, a verbatim record of that portion of its meeting or meetings, relating to the free, reserve, and surplus percentages.

(b) In determining any recommendation referred to in paragraph (a) of this section, the committee shall consider and analyze the following pertinent estimated factors: (1) The supply of raisins, comprising any carryovers of raisins from preceding crop years held by producers and handlers and the tonnage of raisins to be produced in the crop year under consideration; (2) the trade demand during the crop year for raisins in normal market channels, both domestic and foreign; (3) the current prices being received for raisins by producers and handlers; (4) the trend and level of consumer income; (5) present and prospective price trends for raisins; and (6) other pertinent economic and marketing factors relative to raisins.

(c) The committee shall give reasonable advance notice to producers, dehydrators, and handlers of each meeting to consider the recommendation of the percentages to be fixed pursuant to § 989.64 or any recommendation to

modify, suspend, or terminate such percentages, and each such meeting shall be open to them. Such notice shall be given through publication in newspapers having general circulation in the area, and may be given through other channels, if the committee deems it desirable. The committee also shall give similar notice to producers, dehydrators, and handlers, of all such recommendations submitted to the Secretary.

(d) The original recommendation by the committee as to percentages with respect to any crop year shall be filed with the Secretary not later than the preceding July 15: *Provided*, That, with respect to the initial crop year, such recommendation shall be filed with the Secretary as soon as practicable after the effective date of this subpart.

§ 989.64 Regulation by the Secretary.

(a) Whenever the Secretary finds from the recommendation and supporting information supplied by the committee, or from any other available information, that to designate the percentages of raisins acquired by handlers during any crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, would tend to effectuate the declared policy of the act, he shall so designate the percentages of raisins acquired by handlers during such crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively: *Provided*, That such percentages shall not apply to raisins produced prior to August 15, 1949. In the event the Secretary subsequently finds from the recommendations and supporting information supplied by the committee, or from any other available information, that modification, suspension, or termination of any such designation will tend to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such designation.

(b) The Secretary may designate separately for each varietal type of raisins acquired by handlers in any crop year, the percentages which shall be considered as free tonnage, reserve tonnage, and surplus tonnage, respectively.

(c) The Secretary shall notify the committee promptly of each such percentage so fixed. The committee, in turn, shall give prompt notice thereof to producers, dehydrators, and handlers, including, but not necessarily limited to, written notice by registered mail to each handler of whom the committee has a record.

§ 989.65 Free tonnage. The percentage of raisins acquired by a handler, which is designated as free tonnage, may be disposed of by him free of any restrictions under this subpart, except for the keeping of records and the filing of reports pursuant to §§ 989.72, 989.73, 989.74, 989.75 and 989.76 and the payment of assessments pursuant to § 989.79.

§ 989.66 Reserve and surplus tonnage generally. (a) Reserve and surplus tonnages acquired by each handler shall be held by him for the account of the committee, and subject to the applicable restrictions of this subpart.

(b) Each handler shall hold in storage all reserve and surplus tonnage acquired by him until he has been relieved of such responsibility by the committee, either by delivery to the committee, or otherwise. Such handler shall store such reserve and surplus tonnage in such a manner as will maintain the raisins in the same condition as when he acquired them, except for normal and natural deterioration and shrinkage, and except for loss through fire, acts of God, force majeure, or other conditions beyond the handler's control. The committee may, after giving reasonable notice, require a handler to deliver to it, or to any one designated by it, at such handler's warehouse or at such other place as the raisins may be stored, part or all of the reserve tonnage or surplus tonnage raisins held by him. The committee may require that such delivery consist of natural condition raisins, or it may arrange for such delivery to consist of packed raisins.

(c) Each handler shall have in his possession, or under his control, at all times, a quantity of raisins equal to the aggregate quantity of reserve and surplus tonnage referable to his acquisitions of raisins, less any quantity of such reserve or surplus tonnage delivered by him pursuant to instructions of the committee and any quantity of such tonnage acquired by him but subsequently sold to him by the committee: *Provided*, That the committee may defer, upon the written request of any handler and for good and sufficient cause, the meeting by such handler of such requirement for a specified period ending not later than November 15 of the particular crop year. As a condition to the granting of any such deferment, the committee shall require the handler to obtain and file with it a written undertaking that by the end of the deferment period he will have fully satisfied his obligation with respect to the holding or control by him of the reserve and surplus tonnages applicable to his acquisitions of raisins. Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the committee, with surety or sureties satisfactory to the committee, running in favor of the committee and the Secretary, and for an amount computed on the basis of the then current market value of the raisins in the quantity for which the deferment is granted. The cost of such bond shall be borne by the handler filing same. Any sums collected through default of a handler on his bond shall, after reimbursement of the committee for any expenses incurred by it in effecting collection, be deposited with the funds obtained by it from the disposition of the reserve and surplus pools and disbursed by it to producers as set forth in paragraph (g) of this section. In addition to the foregoing, the committee may establish other reasonable and necessary terms and conditions upon which such deferments may be granted.

(d) Reserve tonnage and surplus tonnage delivered by any handler to the committee, or to any person designated by it, whether in the form of natural condition raisins or packed raisins shall meet such minimum grade requirements

as may be prescribed by the committee with the approval of the Secretary, which requirements for natural condition raisins shall be prescribed as soon as is reasonably practicable: *Provided*, That, pending the prescribing of such requirements, packed raisins shall meet the minimum grade requirements for the respective varieties and types set forth in § 989.97 (Exhibit B). Separate minimum grade requirements shall be prescribed by the committee for natural condition raisins and for packed raisins. Different minimum grade requirements may be established for reserve tonnage and for surplus tonnage, as well as for the individual varietal types in these tonnages. Such minimum grade requirements, when once put into effect, shall remain in effect unless and until they are modified, suspended, or terminated.

(e) In the event the committee offers reserve or surplus tonnage raisins to handlers for sale, or for contract packing, each handler shall be given the first opportunity to purchase or pack his share of the offer, which share shall be determined as the same proportion that the respective reserve or surplus tonnage held by him is of the respective reserve or surplus tonnage held by all handlers: *Provided*, That any reserve or surplus tonnage for which a deferment has been granted to a handler pursuant to the provisions and as authorized in paragraph (c) of this section shall be included in his holdings of the respective reserve or surplus tonnage in determining his share. In the event that any handler declines or fails to purchase or contract for packing any or all of his share of any such offer, the remaining portion thereof shall be reoffered by the committee to all handlers who purchased or contracted for packing all of their respective shares of such offer, in proportion to their respective shares. Any quantity of reserve or surplus tonnage remaining unsold or not contracted for packing after a reoffer shall be withdrawn from the particular offer.

(f) Handlers shall be compensated for receiving, storing, and handling reserve and surplus tonnage held by them for the account of the committee, in accordance with a schedule of payments established by the committee and approved by the Secretary.

(g) The committee shall have the authority, in its discretion, to obtain loans, nonrecourse or otherwise, on any part, or all, of the reserve tonnage or surplus tonnage, or both, and to pledge or hypothecate the raisins on which such loans are obtained as security therefor: *Provided*, That, in every such case, there shall be included in the loan agreement a provision to the effect that, in case the lender obtains possession or control of such raisins, he will dispose of them in such a manner as will not tend to defeat the objectives of this subpart. The net proceeds of any such loan shall be distributed by the committee to the respective producers, or their successors in interest, on the basis of the volume of their respective contributions to the pooled raisins of each varietal type on which the loan is obtained. The net

proceeds from the disposition of reserve and surplus tonnages of raisins of each varietal type shall be distributed by the committee to the respective producers, or their successors in interest thereto, on the basis of the volume of their respective contributions to the reserve and surplus tonnages of such varietal type. Distribution of the proceeds in connection with the reserve and surplus tonnages contributed by a nonprofit cooperative marketing association which has authority to market the raisins of its members and to allocate the proceeds therefrom to such members shall be made to such association. Advance or progress payments may be made by the committee, in conformity with the provisions of this paragraph, as sufficient funds become available.

(h) The committee may establish, from time to time, with the approval of the Secretary, additional procedures, not inconsistent with the provisions of this subpart, which are deemed necessary to effectuate the provisions of this section, and of §§ 989.67, 989.68, and 989.69.

§ 989.67 *Special provisions relating to reserve tonnage.* (a) The committee may sell reserve tonnage to handlers so as to provide them with the quantity which is needed to meet overall commercial trade requirements in the event that such requirements cannot be fulfilled by the total free tonnage: *Provided*, That no such sale of bleached raisins or Golden Bleached raisins shall be made prior to November 1 of the particular crop year, nor of other raisins prior to December 1 of such crop year. Any such quantities made available for such sale to handlers shall be offered to them pro rata as required by the provisions of § 989.66 (e).

(b) Reserve tonnage of any varietal type shall not be sold at a price below that which the committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale of reserve tonnage by the committee, to which shall be added the costs incurred by the committee on account of the receiving, storing, insuring, and holding of said raisins. The committee shall file, by telegram or air mail letter, with the Secretary, five days prior to making any offer to sell reserve tonnage raisins, information relating to the quantity of raisins to be offered and the estimated price or prices at which such raisins are to be offered. The Secretary shall have the right to disapprove the making of such an offer or any price at which reserve tonnage raisins may be offered for sale.

(c) All reserve tonnage not disposed of by the committee prior to June 1 of any crop year shall, on June 1, and any reserve tonnage acquired between June 1 and the end of the crop year shall, at the time of acquisition, become surplus tonnage, and subject to the provisions of this subpart relating to surplus tonnage.

§ 989.68 *Special provisions relating to surplus tonnage.* (a) The committee may dispose of surplus tonnage raisins by sale, gift, or otherwise: *Provided*, That

such disposition shall be limited to outlets which the committee finds will not interfere with the normal marketing of raisins or raisin variety grapes. The committee shall dispose of: (1) All surplus tonnage held by it or for its account on March 1 of any crop year within 60 calendar days subsequent thereto; and (2) any surplus tonnage raisins acquired between March 1 and the end of such crop year, or any reserve tonnage which becomes surplus tonnage during such period within 60 calendar days after acquisition or after becoming surplus, as the case may be.¹

(b) The provisions of § 989.68 (e) and of this section shall not restrict, or be deemed to restrict, any sale of surplus tonnage by the committee to the United States Government or to any agency thereof, for school lunch and institutional feeding, export, domestic relief feeding, or other noncompetitive uses.

§ 989.69 *Substitution for Layer Muscats.* A handler may substitute an equal quantity of natural (sun-dried) Muscat or Valencia raisins for any portion or all of the reserve and surplus tonnage referable to his acquisitions of Layer Muscat raisins: *Provided*, That he shall have made arrangements satisfactory to each producer of the Layer Muscat raisins for such substitution. The handler shall report promptly to the committee any such substitution.

§ 989.70 *Damaged raisins.* As soon as practicable after the effective date of this subpart, the committee shall, with the approval of the Secretary, establish regulations and procedures to provide for the handling and disposition of that portion of the raisin production in any crop year which may be damaged substantially by rain or other natural causes. Such regulations and procedures may provide for, but are not limited to, the handling and disposition of such damaged raisins, free from any or all of the provisions of this subpart. Such regulations and procedures shall be put into operation in the event the committee concludes, and such conclusions are confirmed by the Secretary, that a portion of the raisin production has been damaged substantially and that it is necessary to invoke such regulations and procedures.

REPORTS AND RECORDS

§ 989.72 *Report of carryover.* Each handler shall, upon request of the committee, file promptly with the committee a certified report, of all natural condition raisins and packed raisins, separately, which were held by him on July 1 of any crop year, which report also shall show the quantity of each varietal type, and the locations thereof:

¹The provisions appearing in the second sentence of § 989.68 (a), formerly § 989.4 (g) (1), were suspended (15 F. R. 2435, April 29, 1950) on and after 11:59 p. m., P. d. s. t., April 30, 1950, which provisions read as follows: "The committee shall dispose of: (1) All surplus tonnage held by it or for its account on March 1 of any crop year within 60 calendar days subsequent thereto; and (2) any surplus tonnage raisins acquired between March 1 and the end of such crop year, or any reserve tonnage which becomes surplus tonnage during such period, within 60 calendar days after acquisition or after becoming surplus, as the case may be."

Provided, That such report for the initial crop year shall, upon request of the committee, be filed as soon as practicable after the effective date of this subpart, and shall show the required information as of the effective date of this subpart.

§ 989.73 *Other reports.* Each handler shall file with the committee a certified report, for each week, showing, with respect to his acquisitions of each varietal type of raisins during the particular week covered by such report: (a) The total quantity acquired; (b) the reserve and surplus tonnages, separately, referable to his acquisitions of raisins; (c) the locations of such reserve and surplus tonnages; and (d) cumulative totals of such acquisitions from the beginning of the then current crop year to and including the end of the week for which the report is made. Each such weekly report shall be filed not later than Wednesday of the week following the week which is covered by such report. Upon request of the committee, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, the name and address of each person from whom he acquired raisins and the quantity of each varietal type of raisins acquired from each such person. Also, upon the request of the committee with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable the committee to exercise its powers and perform its duties under this subpart.

§ 989.74 *Confidential information.* All reports and records furnished or submitted by a handler to the committee shall be received by and at all times kept under the custody or control of, one or more employees of the committee, who shall disclose to no person, except the Secretary upon request therefor or to the committee in connection with its investigations of alleged violations, data or information obtained or extracted therefrom which would constitute a trade secret or the disclosure of which might affect the trade position, financial condition, or business operations of the particular handler from whom received: *Provided*, That the committee may require such an employee to disclose to it, or to any person designated by it or by the Secretary, information and data of a general nature, compilations of data affecting handlers as a group, and any data affecting one or more handlers, so long as the identity of the individual handlers involved is not disclosed.

§ 989.75 *Records.* Each handler shall maintain such records of all raisins acquired by him as prescribed by the committee. Such records shall include, but not be limited to, the quantity of raisins of each varietal type acquired from each person and the name and address of

²The provisions appearing in the first two sentences of § 989.73, formerly § 989.5 (b), were suspended, effective December 13, 1950 (15 F. R. 8815, December 13, 1950). The suspension was terminated, effective November 16, 1951 (16 F. R. 11634, November 16, 1951).

each such person, total acquisitions, total sales, and total other disposition of each varietal type which he handles.

§ 989.76 *Verification of reports.* For the purpose of checking and verifying reports filed by handlers, the committee, through its duly authorized representatives, shall have access to any handler's premises during regular business hours, and shall be permitted at any such times to inspect such premises and any raisins held by such handler, and any and all records of the handler with respect to the holding or disposition of raisins by him. Each handler shall furnish all labor and equipment necessary to make such inspections. Each handler shall store raisins in a manner which will facilitate inspection, and shall maintain storage records which will permit accurate identification of raisins held by him or theretofore disposed of. Insofar as is practicable and consistent with the carrying out of the provisions of this subpart, all data and information obtained or received through checking and verification of reports shall be treated as confidential information.

EXPENSES AND ASSESSMENTS

§ 989.78 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the committee (exclusive of direct expenses for the maintenance and disposition of the reserve tonnage and surplus tonnage), and the board. The recommendation of the committee as to these expenses for each such crop year, together with all data supporting such recommendation, shall be filed with the Secretary on or before July 15 preceding the crop year in connection with which such recommendation is made: *Provided*, That, with respect to the initial crop year, the committee shall file such recommendation and supporting data with the Secretary as soon as practicable after the effective date of this subpart. The funds to cover such expenses shall be obtained by levying assessments as provided in § 989.79.

§ 989.79 *Assessments.* Each handler shall, with respect to all free tonnage acquired by him and all reserve tonnage sold to him pursuant to § 989.67, pay to the committee, upon demand, his pro rata share of the expenses (exclusive of direct expenses for the maintenance and disposition of the reserve tonnage and surplus tonnage) which the Secretary finds, pursuant to § 989.78, will be incurred by the committee during each crop year: *Provided*, That no assessment shall be levied on raisins produced prior to August 15, 1949. Each handler's pro rata share of such expenses shall be equal to the ratio between the total free tonnage acquired by such handler plus all reserve tonnage sold to him pursuant to § 989.67, during the applicable crop year, and the total free tonnage acquired by all handlers plus all reserve tonnage sold to all handlers pursuant to § 989.67, during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handler on the basis of a specified rate per ton. At any time dur-

ing or after a crop year, the Secretary may increase the rate of assessment to apply to all free tonnage acquired plus all reserve tonnage sold to handlers pursuant to § 989.67 during such crop year to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. In order to provide funds to carry out the functions of the committee and the board, the committee may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against the respective handler during the crop year.

§ 989.80 *Accounting.* (a) If, at the end of any crop year, the assessments collected for such crop year exceed the expenses incurred with respect to such crop year, each handler's share of such excess shall be credited to him against the operations of the following crop year, unless such handler demands payment thereof, in which case his share shall be paid to him.

(b) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses.

§ 989.81 *Direct expenses of reserve and surplus tonnage operations.* The committee is authorized to incur such direct expenses as the Secretary finds are reasonable and are likely to be incurred by the committee in discharging its obligations, pursuant to this subpart, with respect to reserve and surplus tonnage. All such direct expenses shall be deducted from the proceeds obtained by the committee from the sale or other disposal of such reserve and surplus tonnage.

§ 989.82 *Funds.* All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes authorized in this subpart and shall be accounted for in the manner provided in this subpart. The Secretary may, at any time, require the committee and its members and alternate members to account for all receipts and disbursements.

MISCELLANEOUS PROVISIONS

§ 989.83 *Personal liability.* No member or alternate member of the committee or any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person, for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, employee, or agent, except for acts of dishonesty.

§ 989.84 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 989.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 989.86 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

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

§ 989.88 *Effective time.* The provisions of this subpart, as well as any amendments to this subpart shall become effective at such time as the Secretary may declare, and shall continue in force until terminated, or during suspension, in one of the ways specified in § 989.89.

§ 989.89 *Suspension or termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any crop year whenever he finds that such termination is favored by a majority of the producers of raisin variety grapes, who, during a representative period determined by the Secretary, have been engaged in the production for market of raisin variety grapes in the State of California: *Provided*, That such majority have, during such representative period, produced for market more than 50 percent of the volume of such raisin variety grapes produced for market within said State; but such termination shall be effective only if announced on or before August 14 of the then current crop year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 989.90 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the members of the committee then functioning shall continue as joint trustees for the purpose of liquidating the affairs of the committee, of all funds and property then in the possession or under the control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination.

Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) Said trustees shall continue in such capacity until discharged by the Secretary, shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the joint trustees pursuant to this subpart.

(c) Any person to whom funds, property or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said committee and upon said joint trustees.

§ 989.91 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 989.92 *Amendments.* Amendments to this subpart may be proposed from time to time, by any person or by the committee.

§ 989.96 *Exhibit A; producer members of the Raisin Advisory Board.* (a) One member for each of the following districts in Fresno County:

CLOVIS—DISTRICT No. 1

All of T. 12 S., R. 20 E. in said county; all of T. 11 S., R. 20 E. in said county; all of T. 11 S., R. 21 E. in said county; all of T. 12 S., R. 21 E.; all of T. 12 S., R. 22 E.; Secs. 1, 2, 11, 12, 13, and 14 of T. 13 S., R. 20 E.; Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36 of T. 13 S., R. 21 E.; and Secs. 4, 5, 6, 7, 8, 9, 18, 19, 30, and 31 of T. 13 S., R. 22 E.

KERMAN—DISTRICT No. 2

All of T. 13 S., R. 14 E. in said county; all of T. 13 S., R. 15 E. in said county; all of T. 13 S., R. 16 E. in said county; all of T. 13 S., R. 17 E. in said county; Secs. 30 and 31 of T. 13 S., R. 18 E.; all of T. 14 S., R. 14 E.; all of T. 14 S., R. 15 E.; all of T. 14 S., R. 16 E.; all of T. 14 S., R. 17 E.; all of T. 14 S., R. 18 E.; the west two-thirds of T. 14 S., R. 19 E.; all of T. 15 S., R. 14 E.; all of T. 15 S., R. 15 E.; all of T. 15 S., R. 16 E.; all of T. 15 S., R. 17 E.; and all of T. 15 S., R. 18 E.

BIOLA—DISTRICT No. 3

All of T. 13 S., R. 18 E. in said county, except Secs. 30 and 31; all of T. 12 S., R. 19 E. in said county; and all of T. 13 S., R. 19 E., except Secs. 25, 26, 27, 28, 33, 34, 35, and 36.

FRESNO—DISTRICT No. 4

Secs. 25, 26, 27, 28, 33, 34, 35, and 36, T. 13 S., R. 19 E.; all of T. 13 S., R. 20 E., except Secs. 1, 2, 11, 12, 13, and 14; Secs. 19, 20, 29, 30, 31, and 32 of T. 13 S., R. 21 E.; the east one-third of T. 14 S., R. 19 E.; all of T. 14 S., R. 20 E.; and Secs. 5, 6, and 7 of T. 14 S., R. 21 E.

SANGER—DISTRICT No. 5

The east one-half and Secs. 16, 17, 20, 21, 28, 29, 32, and 33, T. 13 S., R. 22 E.; all of T. 13 S., R. 23 E. lying north and west of the east channel of Kings River; all of T. 14 S., R. 23 E. lying west of the east channel of Kings River; and Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 35, and 36, T. 14 S., R. 22 E.

LONE STAR—DISTRICT No. 6

All of T. 14 S., R. 21 E., except Secs. 5, 6, 7, and 36.

EASTON-OLEANDER—DISTRICT No. 7

The north one-half of T. 15 S., R. 19 E.; the north two-thirds of T. 15 S., R. 20 E., except Sec. 19; and Secs. 6, 7, 18, and 19, T. 15 S., R. 21 E.

FOWLER—DISTRICT No. 8

The south one-half of Sec. 1, and Secs. 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 26, 27, 28, 29, and 33, T. 15 S., R. 21 E.; and Sec. 18, T. 15 S., R. 22 E.

DEL REY—DISTRICT No. 9

Secs. 29, 30, 31, 32, 33, and 34, T. 14 S., R. 22 E.; Sec. 36, T. 14 S., R. 21 E.; the north one-half of Sec. 1, T. 15 S., R. 21 E.; and Secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, and 17, T. 15 S., R. 22 E.

PARLIER—DISTRICT No. 10

All of Secs. 4, 9, 16, and 21 lying west of Kings River, and all of Secs. 5 and 6 lying west and south of Kings River, and Secs. 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, T. 15 S., R. 23 E.; Secs. 1, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 35, and 36, T. 15 S., R. 22 E.; and Secs. 5 and 6, T. 16 S., R. 23 E.

REEDLEY—DISTRICT No. 11

All of T. 13 S., R. 24 E., lying east and south of the east channel of Kings River; all of T. 13 S., R. 23 E., lying east and south of the east channel of Kings River; all of T. 14 S., R. 23 E., lying east and south of the east channel of Kings River; T. 14 S., R. 24 E.; T. 14 S., R. 25 E.; all of T. 15 S., R. 23 E., lying east of the east channel of Kings River; all of Secs. 28 and 29, T. 15 S., R. 23 E., lying west of Kings River; and T. 15 S., R. 24 E.

KINGSBURY—DISTRICT No. 12

Secs. 11, 12, 13, 14, 15, 21, 22, 23, 27, 28, 33, T. 16 S., R. 22 E., and that portion of Sec. 34, T. 16 S., R. 22 E., lying within said county; Sec. 7, T. 16 S., R. 23 E., and those portions of Secs. 8 and 18, T. 16 S., R. 23 E., lying within said county; and those portions of Secs. 4, 5, 8, and 18, T. 17 S., R. 22 E., lying within said county.

SELMA—DISTRICT No. 13

Secs. 25, 34, 35, and 36, T. 15 S., R. 21 E.; Secs. 19, 20, 28, 29, 30, 31, 32, 33, and 34, T. 15 S., R. 22 E.; Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 29, 30, 31, and 32, T. 16 S., R. 22 E.; the east one-half of T. 16 S., R. 21 E.; Secs. 1 to 23, both inclusive, T. 17 S., R. 21 E. and that part of Sec. 24, T. 17 S., R. 21 E., lying within said county; and Secs. 6, and 7, T. 17 S., R. 22 E.

MONMOUTH—DISTRICT No. 14

Secs. 25, 26, 27, 34, 35, and 36, T. 15 S., R. 20 E.; Secs. 30, 31, and 32, T. 15 S., R. 21 E.; and the west one-half of T. 16 S., R. 21 E.

CARUTHERS—DISTRICT No. 15

The south one-half of T. 15 S., R. 19 E.; Secs. 19, 28, 29, 30, 31, 32, and 33, T. 15 S., R. 20 E.; T. 16 S., R. 15 E.; T. 16 S., R. 16 E.; T. 16 S., R. 17 E.; T. 16 S., R. 18 E.; T. 16 S., R. 19 E.; T. 16 S., R. 20 E.; T. 17 S., R. 16 E.; T. 17 S., R. 17 E.; T. 17 S., R. 18 E.; T. 17 S., R. 19 E.; T. 17 S., R. 20 E.; T. 18 S., R. 16 E.; T. 18 S., R. 17 E.; T. 18 S., R. 18 E.; T. 19 S., R. 17 E.; T. 19 S., R. 18 E.; T. 20 S., R. 17 E.; and all of T. 20 S., R. 18 E., lying within said county.

(b) Three members for District No. 16 (Kings, Monterey, and San Benito Counties.)

(c) Five members for District No. 17 (Tulare and Inyo Counties.)

(d) Three members for District No. 18 (Kern, San Bernardino, Riverside, Imperial, San Diego, Orange, Los Angeles, Ventura, Santa Barbara, and San Luis Obispo Counties.)

(e) Three members for District No. 19 (Madera and Mono Counties.)

(f) Three members for District No. 20 (Merced, Tuolumne, and Mariposa Counties.)

(g) Three members for District No. 21 (Stanislaus, Santa Clara, San Francisco, San Mateo, Santa Cruz, Alameda, Contra Costa, Calaveras, and Alpine Counties.)

(h) One member for District No. 22 (San Joaquin, Marin, Solano, Sacramento, Amador, Eldorado, Placer, Nevada, Sutter, Yolo, Napa, Sonoma, Mendocino, Lake, Colusa, Yuba, Sierra, Plumas, Butte, Glenn, Tehama, Shasta, Lassen, Modoc, Siskiyou, Del Norte, Humboldt, and Trinity Counties.)

§ 989.97 *Exhibit B; minimum grade requirements for processed raisins.*

DEFINITION

Processed raisins are dried grapes of the Vinifera varieties—Thompson Seedless (Sultanina), Muscat of Alexandria, Muscatel Gordo Blanco, Sultana, Black Corinth, or White Corinth—which have been properly stemmed, capstemmed, and cleaned.

TYPES AND VARIETIES

Type I Thompson Seedless (Sultanina):

- (a) Unbleached (sun-dried).
- (b) Sulfur Bleached and Golden Bleached.
- (c) Soda Dipped.

Type II Muscat:

- (a) Seeded (seeds removed).
- (b) Unseeded (loose).
- (c) Soda Dipped Unseeded (Valencia).

Type III Sultana.

Type IV Zante Currants:

- (a) Black Zante (Black Corinth).
- (b) White Zante (White Corinth).

MOISTURE

Type IIa (Muscat Seeded Raisins) shall contain not more than 19 percent, by weight, of moisture. All other types of raisins specified above shall contain not more than 18 percent, by weight, of moisture.

GRADE

Thompson Seedless raisins shall possess similar varietal characteristics, possess a fairly good typical color in Thompson Seedless Unbleached and Soda Dipped raisins, show development characteristics of raisins prepared from fairly well-matured grapes, and meet the following requirements:

Not more than 35 capstems and not more than three pieces of stem per pound of raisins may be present;

Not more than three percent by weight of raisins may be poorly developed, blowovers;

Not more than five percent by weight of raisins may be damaged;

Not more than 15 percent by weight of raisins may be visibly sugared; and

Not more than five percent by weight of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted); imbedded dirt, or other foreign material: *Provided*, That not more than two percent by weight may be affected by decay.

Muscat raisins shall possess similar varietal characteristics, possess a fairly good typical color with not more than 20 percent by weight of dark reddish-brown berries in Muscat Soda Dipped Unseeded (Valencia) raisins, show development characteristic of raisins prepared from fairly well-matured grapes, and meet the following requirements:

Not more than 20 capstems and not more than three pieces of stem per pound of raisins may be present;

Not more than 20 seeds per pound of raisins in Muscat Seeded raisins may be present;

Not more than three percent by weight of raisins may be poorly developed, blowovers;

Not more than five percent by weight of raisins may be damaged;

Not more than 15 percent by weight of raisins may be visibly sugared; and

Not more than five percent by weight of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted); imbedded dirt, or other foreign material: *Provided*, That not more than two percent by weight may be affected by decay.

Sultana raisins shall possess similar varietal characteristics, possess a fairly good typical color, show development characteristic of raisins prepared from fairly well-matured grapes, and meet the following requirements:

Not more than 65 capstems and not more than three pieces of stem per pound of raisins may be present;

Not more than three percent by weight of raisins may be poorly developed, blowovers;

Not more than five percent by weight of raisins may be damaged;

Not more than 15 percent by weight of raisins may be visibly sugared; and

Not more than five percent by weight of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted); imbedded dirt, or other foreign material: *Provided*, That not more than two percent by weight may be effected by decay.

Zante Currants shall be generally pliable, generally meaty and plump, fairly well developed, possess a good, typical color, and meet the following requirements:

Not more than two percent by weight of capstems and not more than three pieces of stem per pound may be present;

Not more than two percent by weight may be poorly developed, hard, immature berries, blowovers, or shells;

Not more than three percent by weight may be damaged;

Not more than 10 percent by weight may be visibly sugared; and

Not more than two per-cent by weight may be "B" berries.

COLOR OF THOMPSON SEEDLESS SULFUR BLEACHED AND GOLDEN BLEACHED RAISINS

Extra choice color. Fairly uniform amber color which may range from light yellow or greenish yellow to amber or greenish amber and with not more than 10 percent by weight of definitely dark berries.

EXPLANATION OF TERMS

"Capstems" means small woody stems exceeding one-eighth inch in length which attach the raisins to the branches of the bunch

A "piece of stem" means a portion of the branch or main stem.

"Seeds" refer to the whole, fully developed seeds which have not been removed during the processing of Type II (a), Muscat Seeded raisins.

"Poorly developed, blowovers" refer to berries that are immature, contain very little meat, are light in weight, and those that have very coarse wrinkles.

"Damaged" raisins means raisins affected by insect injury or injury from sunburn, scars, mechanical or other means which seriously affects the appearance, edibility, keeping or shipping quality of the raisins. In Type II (a), Muscat Seeded raisins, mechanical injury resulting from normal seedling operations is not considered damage.

"Visibly sugared" means the accumulation of crystallized fruit sugars on or near the surface which is readily apparent.

"Mold" means mold filaments or spores (often characterized by a condition wherein the skin of the raisin appears to have been dissolved, leaving a silmy or sticky appearance, and often resulting in a positive reaction when submerged in a three percent hydrogen peroxide solution).

"Affected by insect infestation" means that the raisins show the presence of insects, insect fragments, or excreta. No live insects are permitted.

"Plump and meaty" means that the currants are not thin or angular with coarse wrinkles.

"B" berries" means currants affected with mold or decay, which show a positive reaction when immersed in a three percent hydrogen peroxide solution.

The foregoing requirements are those specified in United States Standards for Grades of Processed Raisins, with respect to Grade C for raisins other than Zante Currants, and in United States Standards for Grades of Dried Zante Currants, with respect to Grade B for Zante Currants.

SUBPART—ADMINISTRATIVE RULES AND REGULATIONS, AS AMENDED

SOURCE: §§ 989.100 to 989.173 appear at 11 F. R. 108, 1887, 4580, 8815.

DEFINITIONS

§ 989.100 *Order*. "Order" means Marketing Agreement No. 109 and Order No. 89 (§§ 989.1 to 989.97) regulating the handling of raisins produced from raisin variety grapes grown in California.

§ 989.109 *Other terms*. Other terms used in this subpart shall have the same meaning as when used in this part.

VOLUME REGULATION

§ 989.166 *Reserve and surplus tonnage generally*—(a) *Shrinkage allowance*. Each handler shall be entitled to an allowance of one percent for normal and natural shrinkage in weight, while in storage, of reserve or surplus tonnage raisins acquired by him during any crop year prior to May 1 and delivered to the committee, or to any person designated by it, on or after May 1 of that crop year, and to no allowance for such shrinkage as to reserve or surplus tonnage raisins acquired during any crop year after May 1, or acquired and delivered during any crop year prior to May 1.

(b) *Deferment of obligation*. (1) Any handler who desires to defer the meeting of his reserve and surplus tonnage obligations pursuant to § 989.66 (c) shall file with the committee a certified application on Form RAC 201, "Application for Deferment of Reserve and Surplus Obligation," containing the following information:

(i) The date and the name and address of the handler;

(ii) The period for which deferment is requested;

(iii) The total reserve and the total surplus tonnage on which deferment is requested, by varietal type;

(iv) The name and address of each person with whom he has free tonnage under contract, undelivered, together with the amount of free tonnage thus under contract with each such person; on request, the committee, in its discretion, may waive submission of this information;

(v) A full description of the surety bond offered; and

(vi) The reasons why deferment is desired.

(2) The committee shall promptly notify the applicant of its decision with regard to his application, including the amount of the bond required by the terms of the order if his application is approved. No handler shall use such reserve or surplus tonnage raisins as free tonnage raisins until he shall have received written approval of his application from the committee and shall have filed the required bond with the committee.

§ 989.167 *Special provisions relating to reserve tonnage*—(a) *Weighted average price report*. Upon request of the committee, a handler shall file with the committee, within five days thereafter (exclusive of Saturdays, Sundays, and legal holidays), a certified report on Form RAC 104, "Report of Weighted Average Prices Paid," containing such of the following items of information as the committee may specify in its request: (1) The date and the name and address of the handler, and period covered by the report; (2) the total free tonnage of raisins of each varietal type acquired by the handler from producers and dehydrators during the crop year to a date specified by the committee, which shall be as close as practicable to the date of the request and, in any event, shall include the month preceding the date of such request; and (3) the weighted average price paid by the handler for free tonnage of each varietal type.

§ 989.169 *Substitution for Layer Muscats*. A handler who substitutes natural (sun-dried) Muscat or Valencia raisins for Layer Muscat raisins, as provided in § 989.69, shall report to the committee within seven days (exclusive of Saturdays, Sundays, and legal holidays) after making such substitution, the fact of such substitution, the name of the producer of the Layer Muscat raisins for which the substitution was made, and the quantity of such Layer Muscat raisins. He shall obtain a written statement from the producer evidencing agreement to the substitution and shall retain it for a period of one year from its date.

§ 989.170 *Damaged raisins*. (a) If the committee reaches the conclusion (which is confirmed by the Secretary) that a portion of the raisin production in any crop year has been damaged substantially by rain or other natural causes, raisins so damaged may be handled in the manner provided in paragraphs (b), (c) and (d) of this section, in lieu of

that provided by the order for undamaged raisins.*

(b) The handler of such raisins, when filing on Form RAC 1, "Acquisition Report", a report of his acquisition thereof, shall identify such raisins as "damaged by _____" and shall describe the cause of such damage and state that the raisins are offered to the committee and held for disposition by it. Such raisins, from the time of their acquisition by the handler, shall be held by him separate and apart from all undamaged raisins acquired by him until the committee advises otherwise. Upon receipt of the report the committee shall decide whether such raisins have been damaged by rain or other natural causes, and accept them, or have not been so damaged, and reject them, and shall promptly notify the handler of its conclusion.

(c) If such raisins are rejected, they shall thereafter be subject to the provisions of the order and not be entitled to the benefits provided by this section.

(d) If such raisins are accepted, they shall be excluded from any determination of surplus, reserve, or free tonnage. They shall be disposed of and accounted for by the committee in the same manner in which surplus tonnage is disposed of and accounted for except that they shall be free of the grade restrictions applicable to surplus tonnage, they may be sold by the committee for any purpose (other than for human consumption as raisins), and the net proceeds and the distribution thereof shall be determined separate from any other proceeds or distribution.

REPORTS AND RECORDS

§ 989.173 *Other reports*—(a) *Acquisitions*. (1) The certified weekly report prescribed by the provisions of the first two sentences of § 989.73 shall, except during any period when the provisions in said sentences are suspended, be submitted on Form RAC-1, "Acquisitions Report," which shall show the information required by those sentences separately by varietal type of raisins and, in addition, shall contain the following information and supporting documents:

(i) The handler's name and address, the date of the report, and an identification of the week to which it relates;

(ii) Copies of all weight certificates, door tags or receipts, or other evidences of weight, pertaining to the raisins acquired during the reporting week; such copies shall account for all of such acquired raisins, shall show and be segregated by the varietal type of raisins covered thereby, and shall show the name and address of each person from whom the raisins were acquired and the quan-

*The committee concluded that a portion of the raisins produced in the 1949-50 crop year had been damaged substantially by rain or other natural causes, and that it was necessary that these regulations and procedures for the handling and disposition of damaged raisins be invoked. Such conclusion was confirmed by the Secretary and the applicable regulations and procedures were made effective March 15, 1950 with respect to all raisins produced during the 1949-50 crop year, which the committee found were so damaged (15 F. R. 1459).

tity of each varietal type acquired from each such person; and the certification of the report shall apply to these documents. Adding machine tapes, showing total acquisitions of each varietal type of raisin, should be submitted with these documents if they are available. If any of such documents are subsequently corrected, a notice of correction, identified as such, shall accompany the report for the week in which correction was made; and

(iii) A list, kept current, showing the names and addresses of all persons from whom the handler has acquired raisins during the current crop year.

The information and supporting documents specified in subdivisions (ii) and (iii) of this subparagraph need not be submitted by nonprofit cooperative agricultural marketing associations.

(2) Each handler shall, except during any period when the provisions in the first two sentences of § 989.73 are suspended, file with the committee a certified report for each week on Form RAC-3, "Weekly Report of Raisins Received for Memorandum Receipt or Warehousing", showing the quantities of raisins, separately stated as to each varietal type, which, during the reporting week, came into the handler's possession or control other than by acquisition or which left such possession or control; these shall include all raisins received for storage, bailment, warehousing or otherwise. The first report submitted in compliance with this subparagraph shall be cumulative so as to show the quantity of raisins of the crop year which have so come into the handler's possession or control and which are so held at the end of the reporting week.

(3) During any period when the provisions of the first two sentences of § 989.73 are suspended, each handler shall file with the committee a certified report showing, for such period or periods (not less than for 14 days) as shall be specified by the committee, with respect to his acquisitions of each varietal type of raisins during the particular period covered by such report:

(i) The total quantity acquired;

(ii) The cumulative totals of such acquisitions from the beginning of the then current crop year to and including the end of the period for which the report is made;

(iii) The handler's name and address, the date of the report, and an identification of the period to which it relates; and

(iv) The quantities of raisins, separately stated as to each varietal type, which, during the reporting period, came into the handler's possession or control other than by acquisition or which left such possession or control; these shall include all raisins received for storage, bailment, warehousing or otherwise.

Each such report shall be filed not later than the end of the fifth day (exclusive of Saturdays, Sundays, and holidays) following the period which is covered by such report.

(b) *Monthly shipments.* Not later than the fifth day of each month each handler shall file with the committee a certified report on Form RAC 2,

"Monthly Shipments," containing, in respect to the preceding month, the following information:

(1) The quantity of raisins shipped or otherwise disposed of by such handler, separately stated for each varietal type. The first report submitted during the crop year 1949-50 shall be cumulative and show all shipments and dispositions during that crop year through the last month covered by the report or, alternatively, it shall be accompanied by a report for each of the earlier months of that crop year.

(c) *Sales.* Upon request of the committee, a handler shall file with the committee within 10 days (exclusive of Saturdays, Sundays, and legal holidays) a signed report on Form RAC 101, "Report of Sales," containing such of the following items of information as the committee may specify in its request:

(1) The date and the name and address of the handler, and the period covered by the report;

(2) The total tonnage of raisins sold or actually contracted for sale by the handler during the crop year to a date specified by the committee, which shall be as close as practicable to the date of the request, and, in any event shall include the month preceding the date of the request;

(3) The total tonnage sold in domestic markets;

(4) The total tonnage sold in export markets; and

(5) The total tonnage sold to government agencies.

(d) *Shipments or dispositions.* Upon request of the committee, a handler shall file with the committee within 10 days (exclusive of Saturdays, Sundays, and legal holidays) a signed report on Form RAC 102, "Report of Shipments," containing such of the following items of information as the committee may specify in its request:

(1) The date and name and address of the handler, and the period covered by the report; and

(2) The total tonnage of raisins shipped or otherwise disposed of by the handler during the period of the report, segregated as to commercial foreign export outlets, Commodity Credit Corporation purchases, other government agency purchases, and other shipments or dispositions, all stated separately as to consumer packs and bulk.

(e) *Carryover and marketing policy information.* Upon request of the committee, a handler shall within 10 days (exclusive of Saturdays, Sundays, and legal holidays) file with the committee a signed report on Form RAC 103 "Report of Carryover and Marketing Policy Information," containing such of the following items of information in respect to each varietal type of raisins as may be requested by the committee:

(1) The tonnage of raisins held by the handler, separately stated as free, reserve or surplus tonnage, as of the date specified in the committee's request.

SUBPART—SUPPLEMENTARY ORDERS RELATIVE TO HANDLING

SOURCE: §§ 989.200 to 989.302 appear at 14 F. R. 6247, 6625, 7618; 15 F. R. 1689, 8713; 16 F. R. 10725, 10978, 11909, 12544.

DEFINITIONS

§ 989.200 *Free, reserve, and surplus tonnage regulation for the 1949-50 crop year.* The percentages of each varietal type of raisins acquired by handlers during the crop year beginning August 18, 1949, and ending August 14, 1950, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are designated as follows: (a) Natural (sun-dried) Thompson Seedless raisins: free tonnage percentage, 49 percent; reserve tonnage percentage, 20 percent; and surplus tonnage percentage, 31 percent; (b) natural (sun-dried) Muscat raisins: free tonnage percentage, 66⅔ percent; reserve tonnage percentage, 33⅓ percent; and surplus tonnage percentage, zero percent; (c) natural (sun-dried) Sultana raisins: free tonnage percentage, 49 percent; reserve tonnage percentage, 20 percent; and surplus tonnage percentage, 31 percent; (d) natural (sun-dried) Zante Currant raisins: free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (e) artificial dehydrated Sultana raisins: free tonnage percentage, 49 percent; reserve tonnage percentage, 20 percent; and surplus tonnage percentage, 31 percent; (f) artificial dehydrated Zante Currant raisins: free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (g) Layer Muscat raisins: free tonnage percentage, 66⅔ percent; reserve tonnage percentage, 33⅓ percent; and surplus tonnage percentage, zero percent; (h) Golden Bleached raisins: free tonnage percentage, 50 percent; reserve tonnage percentage, 50 percent; and surplus tonnage percentage, zero percent; (i) Sulphur Bleached raisins: free tonnage percentage, 50 percent; reserve tonnage percentage, 50 percent; and surplus tonnage percentage, zero percent; (j) Soda Dipped raisins: free tonnage percentage, 50 percent; reserve tonnage percentage, 50 percent; and surplus tonnage percentage, zero percent; and (k) Valencia raisins: free tonnage percentage, 66⅔ percent; reserve tonnage percentage, 33⅓ percent; and surplus tonnage percentage, zero percent.

§ 989.201 *Minimum grade requirements for natural condition raisins.* Effective on the 4th day of November, 1949, the minimum grade requirements for natural condition raisins are as follows:

(a) Natural condition raisins shall have been prepared from mature grapes properly dried and cured and shall meet the following requirements:

(1) Shall be practically free from damage by sugaring, infestation, mold, imbedded dirt, or other foreign matter, fermentation, or mechanical or other similar damage.

(2) Shall be reasonably free from immature (skinny) raisins and shall have a normal characteristic color, flavor and odor of properly prepared raisins.

(3) The moisture content shall not exceed 16 percent, as determined by Dried Fruit Moisture Tester Method, and the raisins shall be of such quality and condition as can be expected to with-

stand storage as provided in the Marketing Agreement and Order (§§ 989.1 to 989.97), and to meet the minimum grade requirements set forth in § 989.97 (Exhibit B) after normal processing operations.

§ 989.202 *Schedule of payments to handlers for receiving, storing, and handling reserve and surplus tonnage raisins.* (a) Handlers shall be compensated in the following amounts per ton, on a natural condition equivalent basis, for receiving, storing, and handling reserve and surplus tonnage raisins held by them for the account of the committee:

Acquisition	\$0.50
Receiving and storing	1.00
Loading for shipment80
Plant overhead95
Total	\$3.25

(b) In addition to the foregoing, handlers shall receive compensation for transporting reserve and surplus tonnage raisins in an amount based upon prevailing haulage rates for the type of transportation utilized where such transportation has been approved by the committee.

(c) Terms used in this section shall have the same meaning as when used in the marketing agreement and order (§§ 989.1 to 989.97).

§ 989.203 *Free tonnage percentage for the 1950-51 crop year.* One hundred percent (100%) of each varietal type of raisins acquired by handlers during the crop year beginning August 15, 1950, and ending August 14, 1951, are hereby designated as free tonnage raisins.

§ 989.204 *Free, reserve, and surplus tonnage regulation for the 1951-52 crop year.* The percentages of each varietal type of raisins acquired by handlers during the crop year beginning August 15, 1951, and ending August 14, 1952, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are designated as follows: (a) natural (sun-dried) Thompson Seedless raisins; free tonnage percentage, 65 percent; reserve tonnage percentage, 20 percent; and surplus tonnage percentage, 15 percent; (b) natural (sun-dried) Muscat raisins; free tonnage percentage, 75 percent; reserve tonnage percentage, 25 percent; and surplus tonnage percentage, zero percent; (c) natural (sun-dried) Sultana raisins; free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (d) natural (sun-dried) Zante Currant raisins; free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (e) artificially dehydrated Sultana raisins; free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (f) artificially dehydrated Zante Currant raisins; free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (g) Layer Muscat raisins; free tonnage percentage, 75 percent; reserve tonnage percentage, 25 percent; and surplus tonnage percentage, zero percent; (h) Golden Bleached raisins; free tonnage percent-

age, 75 percent; reserve tonnage percentage, 25 percent; and surplus tonnage percentage, zero percent; (i) Sulphur Bleached raisins; free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (j) Soda Dipped raisins; free tonnage percentage, 75 percent; reserve tonnage percentage, 25 percent; and surplus tonnage percentage, zero percent; and (k) Valencia raisins; free tonnage percentage, 75 percent; reserve tonnage percentage, 25 percent; and surplus tonnage percentage, zero percent.

§ 989.300 *Budget of expenses of the Raisin Administrative Committee and rate of assessment for the 1949-50 crop year—(a) Budget of expenses.* Expenses in the amount of \$58,000 are reasonable and are likely to be incurred by the Raisin Administrative Committee for the maintenance and functioning of the committee and the Raisin Advisory Board for the 1949-50 crop year ending August 14, 1950.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler, in accordance with the marketing agreement and order (§§ 989.1 to 989.97), shall be 40 cents per ton both of free tonnage raisins acquired by him, and of all raisins sold to him from reserve tonnage pursuant to § 989.67. The foregoing rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

(c) *Terms.* Terms used in this section shall have the same meaning as when used in the marketing agreement and order (§§ 989.1 to 989.97).

§ 989.301 *Budget of expenses of the Raisin Administrative Committee and rate of assessment for the 1950-51 crop year—(a) Budget of expenses.* Expenses in the amount of \$37,500 are reasonable and are likely to be incurred by the Raisin Administrative Committee for its maintenance and functioning and for the maintenance and functioning of the Raisin Advisory Board for the crop year beginning August 15, 1950, and ending August 14, 1951.

(b) *Rate of assessment.* Each handler shall pay to the Raisin Administrative Committee, in accordance with the marketing agreement and order (§§ 989.1 to 989.97), an assessment of 25 cents for each ton of free tonnage raisins acquired by him during the crop year beginning August 15, 1950, and ending August 14, 1951, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

§ 989.302 *Budget of expenses of the Raisin Administrative Committee and rate of assessment for the 1951-52 crop year—(a) Budget of expenses.* Expenses in the amount of \$60,000 are reasonable and are likely to be incurred by the Raisin Administrative Committee for its maintenance and functioning and for the maintenance and functioning of the Raisin Advisory Board for the crop year beginning August 15, 1951 and ending August 14, 1952.

(b) *Rate of assessment.* Each handler shall pay to the Raisin Administrative Committee in accordance with the

marketing agreement and order (§§ 989.1 to 989.97), an assessment of 40 cents for each ton of free tonnage raisins acquired by him and for each ton of reserve tonnage raisins sold to him by the committee, during the crop year beginning August 15, 1951, and ending August 14, 1952, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

(c) *Use of funds.* Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

[P. R. Doc. 52-1694; Filed, Feb. 8, 1952; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 4]

* PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

ALTERATIONS

EDITORIAL NOTE: Federal Register Document 52-1144, appearing at page 1060 of the issue for Saturday, February 2, 1952, has been corrected as follows:

In item 7, the section designation "610.5" has been changed to "610.15."

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5711]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NEO MINERAL CO., INC., ET AL.

Subpart—Advertising falsely or misleadingly: § 3.20 *Comparative data or merits*; § 3.30 *Composition of goods*; § 3.170 *Qualities or properties of product or service*; § 3.205 *Scientific or other relevant facts.* In connection with the offering for sale, sale, or distribution of the preparation designated "Neo-Mineral", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same or any other name, disseminating, etc., by means of the United States mail, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of respondents' product, Neo-Mineral, any advertisements which represent, directly or through inference, (a) that said preparation, when used as directed, is a competent or effective treatment for, or will cure, stomach ailments; kidney ailments; bloating; constipation; bowel adhesions; rheumatism; arthritis; neuritis; lumbago; weak back; night risings and leg pains; or will relieve the pains of rheumatism or arthritis; or that said preparation has any therapeutic value in the treatment of such conditions; (b) that said preparation is a competent or effective treatment

for, or will cure, headaches; nervousness; dizzy spells; or will restore vitality, energy and weakened sexual powers; will improve appetite and increase the weight of the user; or will enrich the blood and build rich, new red blood; or will correct dullness; tiredness; laziness; poor appetite, or a lack of ambition to work or play; or will restore sparkle in the eye; mental brilliance, or correct and cure similar symptoms and conditions, unless such representations be expressly limited to those instances in which the symptoms and conditions to be treated are due solely to iron deficiency anemia resulting from an inadequate intake of iron in the diet; (c) that said preparation does not contain drugs, or restores health without the use of drugs; (d) that said preparation contains the same minerals in therapeutic amounts as are found in the mineral waters of the best known mineral springs, or that its use will produce the benefits ordinarily ascribed to the use of such mineral waters; (e) that said preparation keeps the colon free from waste matter, and that black stools and evidences of impurities in the urine demonstrate the therapeutic value of respondents' product in eliminating waste; (f) that 68 percent or any other percentage or number of men and women over 35 years of age, or in any other age bracket, suffer from nutritional mineral-iron anemia; or (g) that said preparation will restore health to all persons who may suffer ill health; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Neo Mineral Company, Inc. et al., Docket 5711, December 1, 1951]

In the Matter of Neo Mineral Company, Inc., a Corporation, and Charles Manteris, Peter J. Hioureas, and Peter Lucas, Individually and as Officers of Neo Mineral Company, Inc.

This proceeding was heard by James A. Purcell, trial examiner, upon the complaint of the Commission and respondents' answer, in which respondents admitted all of the material allegations of facts set forth in said complaint and waived all intervening procedure and further hearing as to said facts.

Thereafter the proceeding regularly came on for final consideration by said trial examiner, theretofore duly designated by the Commission, upon said complaint and answer thereto and proposed findings and conclusions submitted by the attorneys in support of the complaint, none having been submitted on behalf of the respondents, and said trial examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,¹ conclusions drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties,

said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on December 1, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondent Neo-Mineral Company, Inc., a corporation, and its officers, and the respondents Charles Manteris, Peter J. Hioureas, and Peter Lucas, individually and as officers of said respondent corporation, and said respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the preparation designated "Neo-Mineral," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated by means of the United States Mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or through inference:

(a) That said preparation, when used as directed, is a competent or effective treatment for, or will cure, stomach ailments, kidney ailments; bloating; constipation; bowel adhesions; rheumatism; arthritis; neuritis; lumbago; weak back; night risings and leg pains; or will relieve the pains of rheumatism or arthritis; or that said preparation has any therapeutic value in the treatment of such conditions.

(b) That said preparation is a competent or effective treatment for, or will cure, headaches; nervousness; dizzy spells; or will restore vitality, energy and weakened sexual powers; will improve appetite and increase the weight of the user; or will enrich the blood and build rich, new red blood; or will correct dullness; tiredness; laziness; poor appetite, or a lack of ambition to work or play; or will restore sparkle in the eye; mental brilliance, or correct and cure similar symptoms and conditions, unless such representations be expressly limited to those instances in which the symptoms and conditions to be treated are due solely to iron deficiency anemia resulting from an inadequate intake of iron in the diet.

(c) That said preparation does not contain drugs, or restores health without the use of drugs.

(d) That said preparation contains the same minerals in therapeutic amounts as are found in the mineral waters of the best known mineral springs, or that its use will produce the benefits ordinarily ascribed to the use of such mineral waters.

(e) That said preparation keeps the colon free from waste matter, and that black stools and evidences of impurities in the urine demonstrate the therapeutic value of respondents' product in eliminating waste.

(f) That 68 percent or any other percentage or number of men and women over 35 years of age, or in any other age

bracket, suffer from nutritional mineral-iron anemia.

(g) That said preparation will restore health to all persons who may suffer ill health.

(2) Disseminating or causing to be disseminated by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of its product, Neo-Mineral, any advertisement which contains any of the representations prohibited in paragraph (1) of this order.

By "Decision of the Commission and order to file report of compliance," Docket 5711, November 30, 1951, which decreed fruition of said initial decision, report of compliance with the said order was required as follows:

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

Issued: November 30, 1951.

By the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 52-1670; Filed, Feb. 8, 1952; 8:48 a. m.]

[Docket 5737]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

J. M. HOWARD CO. AND ESTHER ZITSERMAN

Subpart—Using or selling lottery devices: § 3.2475 Devices for lottery selling. Selling or distributing in commerce, punch boards, push cards, or other lottery devices which are to be used, or which may be used, in the sale and distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Esther Zitserman t. a. J. M. Howard Co., Docket 5737, November 29, 1951]

In the Matter of Esther Zitserman, Individually and Trading as J. M. Howard Co.

This proceeding was heard by Frank Hier, trial examiner, upon the complaint of the Commission, respondent's answer, and hearings at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before said trial examiner, theretofore duly designated by the Commission, and were duly recorded and filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by said trial examiner on the complaint, the answer thereto, testimony and other evidence and proposed findings as to the facts and conclusions presented by counsel, and said trial examiner, having

¹ Filed as part of the original document.

duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,¹ conclusion drawn therefrom,² and order to cease and desist.

Thereafter the matter was disposed of by the Commission's "Order denying respondent's appeal from initial decision of the hearing examiner and decision of the Commission and order to file report of compliance," Docket 5737, November 27, 1951, as follows:

This matter came on to be heard by the Commission upon the respondent's appeal from the hearing examiner's initial decision herein and the brief in opposition thereto filed by counsel in support of the complaint.

The grounds relied upon in support of said appeal are (1) that this proceeding is not in the interest of the public, as prohibiting respondent from selling lottery devices in commerce will not eliminate the unfair practice which is the distributing of merchandise by lottery, and (2) that respondent did not receive a fair hearing as the hearing examiner arbitrarily refused to consider certain evidence.

The Commission is of the opinion that the distribution in commerce of devices which aid and encourage merchandising by gambling is contrary to the interest of the public. Merchandising by gambling should not be divided into isolated acts, which when examined separately may appear innocent. The gamblers and those who furnish them with the instrumentalities by means of which merchandising by gambling is conducted are both engaged in practices contrary to public policy. The hearing examiner, therefore, correctly concluded that respondent's acts and practices were to the injury of the public.

Respondent's contention that she did not receive a fair hearing relates to the ruling of the hearing examiner striking from the record the testimony of witness W. J. Jennings and his refusal to receive the testimony of certain other witnesses, all of which testimony being to the effect that competition is not affected by the sale of punchboards in commerce, that the use of punchboards in the sale of merchandise does not divert trade and that consequently their use does not constitute an unfair method of competition. Inasmuch as the complaint herein does not allege that respondent's practice constitutes an unfair method of competition but alleges that respondent's practice of supplying to others the means of conducting lotteries in the sale or distribution of merchandise is in and of itself an unfair act and practice, the effect of the said practice upon competing sellers of merchandise is immaterial. The hearing examiner, therefore, ruled correctly in rejecting this evidence as being immaterial to the issues in this matter.

The Commission, therefore, being of the opinion that the respondent's appeal is without merit and that the hearing examiner's initial decision is appro-

priate in all respects to dispose of this proceeding:

It is ordered, That the respondent's appeal from the hearing examiner's initial decision be, and it hereby is, denied.

It is further ordered, That the initial decision of the hearing examiner shall on the 29th day of November 1951, become the decision of the Commission.

It is further ordered, That the respondent Esther Zitserman shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with the order to cease and desist.

The said order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondent, Esther Zitserman, individually, and trading as J. M. Howard Co., or under any other name, her agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease an desist from selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, punchboards, push cards, or other lottery devices which are to be used, or which may be used, in the sale and distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

By the Commission, Commissioner Mason concurring in this decision insofar as it relates to the findings as to the facts and conclusion, but not concurring in this decision insofar as it relates to the form of order to cease and desist, for the reasons stated in his opinion concurring in part and dissenting in part in Docket No. 5203, Worthmore Sales Company.

Issued: November 29, 1951.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 52-1660; Filed, Feb. 8, 1952;
8:48 a. m.]

[Docket 5915]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

QUALITY PATCH CO. AND TEXTILE BY-PRODUCTS CO.

Subpart—Advertising falsely or misleadingly: § 3.45 Content; § 3.75 Free goods or services. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 3.1955 Free goods. In connection with the offering for sale, sale or distribution of remnants or patches of cloth in commerce, (1) representing, directly or by implication, that assortments of remnants or patches include pieces of cloth sufficiently large to be made into aprons, curtains, tablecloths, quilts, rompers, or pillows, or like articles, unless such assortments do in fact consist in substantial part of pieces of cloth which are of sufficient size for such purposes; or, (2) using the word "free" or any other word of similar import, to designate or describe articles the cost of which is included in the price of other merchandise or which are not in

fact gifts or gratuities furnished without cost or obligation to the recipient thereof; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Nathan Samors et al. d. b. a. Quality Patch Company, etc., Docket 5915, November 24, 1951]

In the Matter of Nathan Samors and Burton Samors, Copartners, Doing Business as Quality Patch Company and Textile By-Products Company

This proceeding was heard by Frank Hier, trial examiner, upon the complaint of the Commission and respondents' answer in which they admitted all the material allegations of fact set forth in the complaint and waived hearing thereto and all intervening procedure, and reiterated a prior denial of any intent to misrepresent.

Thereafter the proceeding regularly came on for final consideration by said trial examiner, theretofore duly designated by the Commission, upon said complaint and answer, all intervening procedure having been waived, and said trial examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,¹ conclusion drawn therefrom,² and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on November 24, 1951.

It is ordered, That the respondents Nathan Samors and Burton Samors, individually and as co-partners trading as Quality Patch Company and Textile By-Products Company, or trading under any other name, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of remnants or patches of cloth in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that assortments of remnants or patches include pieces of cloth sufficiently large to be made into aprons, curtains, tablecloths, quilts, rompers, or pillows, or like articles, unless such assortments do in fact consist in substantial part of pieces of cloth which are of sufficient size for such purposes.

2. Using the word "free" or any other word of similar import, to designate or describe articles the cost of which is included in the price of other merchandise or which are not in fact gifts or gratuities furnished without cost or obligation to the recipient thereof.

By "Decision of the Commission and order to file report of compliance," Docket 5915, November 23, 1951, which

¹ Filed as part of the original document.

decreed fruition of said initial decision on November 24, 1951, report of compliance with the said order was required as follows:

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

Issued: November 23, 1951.

By the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 52-1668; Filed, Feb. 8, 1952;
8:48 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.148]

PART 67—EMERGENCY AID TO SELECTED CITIZENS OF CHINA AND KOREA

FEBRUARY 1, 1952.

Under the authority contained in section 4, 63 Stat. 111, and pursuant to the provisions of the Chinese Students section of Title I of the Foreign Aid Appropriations Act, 1950 (Pub. Law 327, 81st Cong.); the China Area Aid Act of 1950 (Title II, section 202 of the Foreign Economic Assistance Act of 1950, Pub. Law 535, 81st Cong.); and section 302 (b) of Title III of the Mutual Security Act of 1951 (Pub. Law 165, 82d Cong.), Part 67 of Title 22 of the Code of Federal Regulations is revised to read as follows:

Sec.

- 67.1 Definitions.
- 67.2 Purpose of the program.
- 67.3 Qualifications for participation.
- 67.4 Categories of persons eligible.
- 67.5 Selection of Koreans.
- 67.6 Terms and conditions.
- 67.7 Application procedure.
- 67.8 Employment privileges.
- 67.9 Payments in advance of expenditures.
- 67.10 Payees and mode of payment.
- 67.11 Individual authorization.
- 67.12 Emergency payments.

AUTHORITY: §§ 67.1 to 67.12 Issued under sec. 4, 63 Stat. 111; 5 U. S. C. 151c.

§ 67.1 *Definitions.* (a) The term "program" refers to the program of emergency aid to selected citizens of China and Korea.

(b) "Selected citizens of China and Korea" means citizens of China and citizens of Korea, as evidenced by a passport or other acceptable identifying document, who shall apply for assistance under this program and who, because they fulfill all requirements as set forth in this part, are deemed eligible for assistance in one of the following subparagraphs:

(1) A "student" for the purpose of study or to perform research or both, at or in connection with an established institution of learning and/or research; or,

(2) A "teacher" for the purpose of imparting knowledge to others at the elementary, secondary school, and junior college levels, or one who trains or directs others seeking knowledge; or,

(3) A "professor" as one who functions as a lecturing or teaching officer in a university, college, or other accredited institution approved under this part; or,

(4) "Research scholar" as one who undertakes a bona fide project within the scope of the basic legislative authorization under the direct supervision of or in connection with an established college or university, private laboratory or research center, government agency or similar institution or an industrial concern which has adequate research and supervisory facilities.

(c) The term "eligible" means legally acceptable for assistance within the meaning and intent of either the Chinese Students section of Title I of the Foreign Aid Appropriations Act, 1950 (Pub. Law 327, 81st Cong.) or the China Area Aid Act of 1950 (Pub. Law 535, 81st Cong.), or section 302 (b) of Title III of the Mutual Security Act of 1951 (Pub. Law 165, 82d Cong.).

(d) The term "approved institution" means any college, university, research center or other educational institution approved by the Division of Exchange of Persons with such advice and recommendations from competent agencies and private organizations as deemed necessary.

(e) The term "official representative" means a person designated by the president of the approved institution to the Division of Exchange of Persons who will issue application forms on behalf of the Department of State and such institution, advise applicants, report to the Department any change in the grantee's financial or academic status, certify to the accuracy of applications, and transmit grants.

§ 67.2 *Purpose of the program.* The purpose of the program shall be to provide financial assistance to worthy and needy Chinese students, teachers, professors and scholars in field of specialized knowledge and skill to permit their achievement of approved educational objectives, and/or to make possible their pursuance of advanced research and related academic and technical activities in the United States in accordance with the provisions of the Chinese Students section of the Title I of the Foreign Aid Appropriations Act, 1950 (Pub. Law 327, 81st Cong.) and the China Area Aid Act of 1950 (Pub. Law 535, 81st Cong., Title II, section 202), and to provide financial assistance to worthy and needy Korean students who should be encouraged to complete their courses of study and who can make a greater contribution to the rehabilitation of Korea as a result of having completed their next immediate educational objective, and to assist needy Korean students, teachers, professors, and scholars to return to Korea to work for its rehabilitation in accordance with section 302 (b) of Title III of the Mutual Security Act of 1951 (Pub. Law 165, 82d Cong.).

§ 67.3 *Qualifications for participation.* In order to qualify for assistance under the program, an individual shall:

(a) Be a citizen of China or Korea as that term is defined in § 67.1;

(b) Be in financial need as certified by his official representative and his references;

(c) Be acceptable for study, teaching, or research in an accredited college, university, or other educational institution in the United States as approved by the Department of State;

(d) In the case of a Chinese applicant for a research grant, demonstrate to the satisfaction of appropriate officials in the Department of State that he is fully equipped to perform advanced research or related academic or technical activities, or shall, in the case of a Korean teacher, professor, or research scholar applicant, be eligible only for return travel and emergency medical care;

(e) In the case of a Korean student applicant for assistance for further study, be in good physical and mental health.

§ 67.4 *Categories of persons eligible.* Selected citizens of China or Korea, in order to be eligible for this program, shall have been legally admitted into the United States on appropriate visas and have a valid immigration status at the time of application for a grant (except for persons qualifying for admittance under paragraph (c) of this section who shall be otherwise qualified for admission to the United States under the general immigration laws and regulations), and must fall within one of the following subparagraphs:

(a) They shall be Chinese persons in the United States prior to January 1, 1950, unless exceptional hardship can be proved, who were eligible under the policies governing previous authorizations;

(b) They shall be Chinese persons located in the United States prior to January 1, 1950, unless exceptional hardship can be proved, who are eligible under Public Law 535, 81st Congress, and who have been ineligible for assistance under previous authorizations; or,

(c) They shall be bona fide Chinese students, teachers, professors, scholars or research workers resident outside of China and outside of the United States, and those persons in Free China eligible under Public Law 535, 81st Congress, who have not been eligible under previous authorizations.

(d) They shall be Korean persons who have departed for the United States before June 25, 1950, who are eligible under Public Law 165, 82d Congress.

§ 67.5 *Selection of Koreans.* Final determination as to whether a Korean applicant meets the requirements of the legislation and this part and is eligible for an award will be made by a Committee appointed by the Director of the Office of Educational Exchange.

§ 67.6 *Terms and conditions.* A citizen of China or of Korea, when selected for a grant under this program, may receive any or all of the following:

(a) *Transportation expenses.* When travel is authorized, funds to cover the case shall be made available as follows:

(1) For selected grantees in paragraphs (a) and (b) of § 67.4 necessary minimum transportation within the

United States to the educational institution concerned and return travel to China when authorized.

(2) For participants in the program who fall within paragraph (c) of § 67.4, necessary minimum transportation from place of residence abroad to nearest port of embarkation, third class boat passage from that port to port of entry into the United States, and coach transportation from the port of entry into the United States to his place of study or assignment in the United States; *Provided, however, That higher class transportation may be allowed in individual cases when specifically authorized or approved in the travel order.*

(3) For participants in the program who fall within paragraph (d) of § 67.4, necessary minimum transportation within the United States to the educational institution concerned and return travel to Korea when authorized.

(4) For all participants upon completion of assignment, attainment of academic objectives, or discharge from participation because of failure to maintain satisfactory academic standards, or for the convenience of the Government, coach transportation from residence or place of study or assignment in the United States to San Francisco, California (or other convenient port of departure), and third-class boat passage from that port to port of entry in China or Korea (or nearest port accessible to China or Korea for disembarkation at time of departure of grantee), or to place of residence abroad when the grant was awarded; *Provided, however, That higher class transportation may be allowed in individual cases when specifically authorized or approved in the travel order.*

(b) *Subsistence.* Such subsistence allowance as is sufficient to cover room and board commensurate with a normal standard of living will be provided for all needy participants. Provisions for the payment of back debts are expressly not made, except as provided in paragraph (d) of this section. In no case may such payments be made for a period prior to the enactment of Public Law 535, 81st Congress, June 5, 1950, in the case of Chinese, or of Public Law 165, 82d Congress, October 10, 1951, in the case of Koreans. Additional subsistence may be granted if the participant has dependents in the United States (spouse and minor children) for whose financial support he is solely responsible.

(c) *Tuition and incidental expenses.* Grantees under this program may be granted such tuition and incidental expense funds as are considered essential to the attainment of their educational objectives.

(d) *Emergency medical care.* Participants in this program may receive additional minimum and necessary funds to cover expenses actually arising from emergency medical and surgical treatment. This provision expressly excludes payment for routine examinations and treatments not considered by the appropriate official representative as being emergency in character. When an emergency arises involving medical care the Department of State shall be notified

immediately. Payments authorized under this provision shall cover only limited expenses incurred (for Chinese) after the enactment of Public Law 535, 81st Congress, June 5, 1950, and (for Koreans), after enactment of Public Law 165, 82d Congress, October 10, 1951; such payments shall be made only upon the receipt of an itemized bill and appropriate affidavit from the official representative.

(e) *Grants in general.* All grants shall be made for a period not exceeding one year. Grants shall be effective only so long as the grantee is undertaking the specific project at the particular institution for which he was approved, is performing satisfactorily, and reports all changes in his economic and financial status to the official representative at the institution which may be the basis for adjustment or cancellation of his grant. Grants may be terminated at the Department's discretion.

§ 67.7 *Application procedure.* (a) Application forms DSP-42 "Application for Emergency Aid to Chinese Students" and DSP-42k, "Application for Emergency Aid to Korean Students" shall be supplied to designated official representatives of the program in each participating institution. Chinese and Korean students located in the United States shall apply through the institution's designated official representative who will supply the necessary forms on behalf of the Department, advise and assist students in the preparation of their applications, certify to the accuracy and completion of the applications, and submit the applications to the Division of Exchange of Persons, Department of State, Washington, D. C.

(b) Form DSP-42a, "Application for Emergency Aid to Chinese Students, Teachers, Professors, Researchers and Scholars", shall be used by all Chinese applicants except Chinese students residing in the United States. This form is obtainable from the designated official representatives or at the Department's missions.

(c) Korean students, teachers, professors, researchers and scholars applying for return transportation to Korea will use form DSP-42k, "Application for Emergency Aid to Korean Students". This form is obtainable from the designated official representatives.

§ 67.8 *Employment privileges.* Subject to and in accordance with the regulations of the Immigration and Naturalization Service (8 CFR 173.1, 16 P. R. 3250), any citizens of China, admitted temporarily to the United States, who have been, or may hereafter be, selected to participate in the educational and training program authorized by the China Area Aid Act of 1950 (64 Stat. 202, 22 U. S. C. 1547), may be permitted to accept employment in the United States. Official representatives must report all changes in the economic and financial status of the grantee, including new income or cessation of income from employment, to the Department for the purpose of making appropriate adjustments in the individual's grant.

§ 67.9 *Payments in advance of expenditures.* Participants in this program who receive awards may be authorized to

have payments made to them in advance of the actual expenditures.

§ 67.10 *Payees and mode of payment.* All payments for tuition, subsistence, incidental expenses, and emergency medical care shall be made payable to the individual grantee. Checks issued in the name of the grantee shall be transmitted to the appropriate official representative.

§ 67.11 *Individual authorization.* Where the regulations in this part provide for payments, no payment may be made therefor unless a grant is made in the individual case.

§ 67.12 *Emergency payments.* Any emergency, unusual, or additional payments deemed necessary under this program, if allowable under existing authority, may be authorized whether or not specifically provided for in this part.

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

For the Secretary of State.

CARLISLE H. HUMELSON,
Deputy Under Secretary.

[F. R. Doc. 52-1687; Filed, Feb. 8, 1952;
8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 97, Amdt. 3]

CPR 97—CEILING PRICES FOR PACIFIC NORTHWEST LOGS

ADDITION OF ACCREDITED GRADERS AND SCALERS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 P. R. 6105), Economic Stabilization Agency General Order No. 2 (16 P. R. 738), and Delegation of Authority No. 30 (16 P. R. 11752), this Amendment 3 to Ceiling Price Regulation 97 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation No. 97 carries out the intention expressed in section 19 by adding to Appendix A of the regulation a list of names of graders and scalers who have been found qualified by the Regional Director of Region 13 to grade and scale logs subject to the regulation.

The persons accredited by this amendment have submitted the information and statements required under section 19. The Regional Director of Region 13 has requested the appropriate log scaling and grading bureaus named in this section to examine into the qualifications of each such person. The Regional Director has also evaluated the findings made by the appropriate Bureau, has considered whatever other information has been brought to his attention, and is of the opinion that each applicant is qualified for listing as an accredited scaler and grader.

In the formation of this amendment, there has been consultation with indus-

try representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 97 is hereby amended in the following respect:

Paragraph (c) of Appendix A is amended by inserting the names "Archer, Eldridge A., Coos Bay, Oregon" and "Baxter, Laurance, Springfield, Oregon" in that order immediately preceding the name "Bell, Lynn, Bellingham, Wash."; inserting the names "Handler, Joseph F., Jr., Portland, Oregon" and "Hartman, R. B., McMinnville, Oregon" in that order immediately after the name "Fransen, Fred, Tacoma, Wash."; inserting the names "Rhoads, C. E., Eugene, Oregon" and "Schneider, A. V., Portland, Oregon" in that order immediately after the name "Kidd, Ray, Port Angeles, Wash."

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Ceiling Price Regulation 97 is effective February 8, 1952.

EARL C. HALD,

Acting Regional Director, Region 13, Office of Price Stabilization.

FEBRUARY 8, 1952.

[F. R. Doc. 52-1761; Filed, Feb. 8, 1952; 11:29 a. m.]

[Ceiling Price Regulation 22, Collation 4]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

COLLATION 4—INCLUDING AMENDMENTS 1-41

Ceiling Price Regulation 22 is republished to incorporate the text of Amendments 1 through 41, inclusive. Ceiling Price Regulation 22 was issued April 25, 1951 (16 F. R. 3562). Statements of Consideration for Ceiling Price Regulation 22, and for Amendments 1-41, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation and the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

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Sec.

1. Sellers and sales covered by this regulation.

CEILING PRICES ESTABLISHED

2. Ceiling prices established by this regulation.

CEILING PRICES FOR COMMODITIES DEALT IN BETWEEN JULY 1, 1949, AND JUNE 24, 1950

3. How to determine your ceiling price for a commodity you sold or offered for sale between July 1, 1949 and June 24, 1950.

BASE PERIOD PRICE

4. Base period.
5. Category.
6. How to obtain your base period price.

HOW TO CALCULATE THE LABOR COST ADJUSTMENT

Sec.

7. General description of how to calculate "the labor cost adjustment".
8. How to calculate "the labor cost adjustment" upon the basis of your entire business.
9. How to calculate "the labor cost adjustment" upon the basis of a unit of your business.

HOW TO CALCULATE THE MATERIALS COST ADJUSTMENT

10. Manufacturing material.
11. General description of the methods available.
12. Omission of certain manufacturing materials from your calculations.
13. Method 1 (Aggregate method).
14. Method 2 (Individual commodity method).
15. Method 3 (Product line method using best selling commodity).
16. Method 4 (Composite bill of materials method).
- 16a. Option to propose a method.

SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MATERIALS COST ADJUSTMENT

17. General nature of these instructions.
18. How to compute the net cost to you of a manufacturing material as of a prescribed date.
19. How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period or used in lesser quantities.
20. Inclusion of transportation costs in the computation of net cost of a manufacturing material as of a prescribed date.
21. Calculation of the increase in net cost per unit of materials covered by Appendix C.
22. How to calculate "the materials cost adjustment" for joint products or by-products.
23. How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.

SPECIAL PROVISIONS RELATING TO CEILING PRICES

24. General nature of these provisions.
25. Rounding ceiling prices.
26. Retention of GPCR ceiling price where the change in price is less than 1 percent.
27. Requirement for reduction of your ceiling prices as otherwise determined for any increase in value of scrap or waste material.
28. Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs.
29. Optional method for determining a uniform ceiling price for a commodity manufactured in more than one plant.

CEILING PRICES FOR NEW COMMODITIES, NEW SELLERS AND SALES TO NEW CLASSES OF PURCHASERS

30. Ceiling prices for new commodities differing only by reason of minor changes from commodities whose ceiling prices are established under this regulation.
31. Optional method for determining ceiling prices for packaged commodities to reflect cost increases since your base period by changing size or quantity.
32. Ceiling prices for new commodities falling within categories dealt in during your base period.
33. Ceiling prices for commodities in new categories, for new sellers and for sales to an entirely new class of purchaser.

MISCELLANEOUS PROVISIONS

Sec.

34. Sellers who cannot price under other sections.
35. Export sales.
36. Excise, sales, and other similar taxes.
37. Prohibition against redetermination of ceiling prices.
38. Modification of ceiling prices by the Director of Price Stabilization.
39. Recalculation of ceiling prices and announcement of "materials cost increase factors".
40. Adjustable pricing.
41. Petitions for amendment.
42. Supplementary regulations.
43. Adjustment of ceiling prices where overall loss in operations results.
44. Use of "conversion steel" in calculating "the materials cost adjustment".
45. Temporary adjustments to carry out existing contracts.
46. Records and reports.
47. Definitions and explanations.
48. Prohibitions.
- 48a. Transfer of business or stock in trade.
49. Charges lower than ceiling prices.
50. Evasion.
51. Violation.

AUTHORITY: Sections 1 to 51 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950; 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1-51 contained in Ceiling Price Regulation 22, April 25, 1951 (16 F. R. 3562) except as otherwise noted in brackets following text affected.

Effective Date: CPR 22. The effective date of this regulation is December 19, 1951, or such earlier date between May 28, 1951, and December 19, 1951, as you may select. If you select such an earlier date, the regulation becomes effective as to you upon that date for all of your commodities covered by the regulation (16 F. R. 3562).

- Amendment 1, May 28, 1951, 16 F. R. 4105.
- Amendment 2, May 16, 1951, 16 F. R. 4439.
- Amendment 3, May 28, 1951, 16 F. R. 4642.
- Amendment 4, May 28, 1951, 16 F. R. 4987.
- Amendment 5, May 28, 1951, 16 F. R. 5009.
- Amendment 6, May 28, 1951, 16 F. R. 5010.
- Amendment 7, June 1, 1951, 16 F. R. 5166.
- Amendment 8, June 8, 1951, 16 F. R. 5477.
- Amendment 9, June 20, 1951, 16 F. R. 5752.
- Amendment 10, June 19, 1951, 16 F. R. 5864.
- Amendment 11, June 26, 1951, 16 F. R. 5931.
- Amendment 12, June 21, 1951, 16 F. R. 5940.
- Amendment 13, June 29, 1951, 16 F. R. 6375.
- Amendment 14, June 28, 1951, 16 F. R. 6307.
- Amendment 15, July 2, 1951, 16 F. R. 6509.
- Amendment 16, July 17, 1951, 16 F. R. 6773.
- Amendment 17, July 19, 1951, 16 F. R. 7149.
- Amendment 18, August 1, 1951, 16 F. R. 7408.
- Amendment 19, August 1, 1951, 16 F. R. 7408.
- Amendment 20, July 31, 1951, 16 F. R. 7590.
- Amendment 21, August 31, 1951, 16 F. R. 7931.
- Amendment 22, August 15, 1951, 16 F. R. 8109.
- Amendment 23, August 25, 1951, 16 F. R. 8348.
- Amendment 24, September 11, 1951, 16 F. R. 9074.
- Amendment 25, October 1, 1951, 16 F. R. 9224.
- Amendment 26, September 22, 1951, 16 F. R. 9508.
- Amendment 27, September 15, 1951, 16 F. R. 9655.
- Amendment 28, October 2, 1951, 16 F. R. 9864.
- Amendment 29, October 10, 1951, 16 F. R. 10206, 10397.
- Amendment 30, October 15, 1951, 16 F. R. 10381.

Amendment 31, October 15, 1951, 16 F. R. 10381.
 Amendment 32, November 1, 1951, 16 F. R. 11161.
 Amendment 33, November 9, 1951, 16 F. R. 11482.
 Amendment 34, November 26, 1951, 16 F. R. 11812.
 Amendment 35, December 10, 1951, 16 F. R. 12308.
 Amendment 36, December 18, 1951, 16 F. R. 12618.
 Amendment 37, December 14, 1951, 16 F. R. 12698.
 Amendment 38, December 26, 1951, 16 F. R. 12811.
 Amendment 39, January 4, 1952, 17 F. R. 152.
 Amendment 40, January 19, 1952, 17 F. R. 420.
 Amendment 41, January 19, 1952, 17 F. R. 421.

[Effective date of CPR 22 amended by Amdts. 6, 20, 21, 33; effective date of Amdt. 25 amended by Amdt. 27]

COVERAGE

SECTION 1. Sellers and sales covered by this regulation. (a) This regulation covers you if you are a manufacturer located in the United States (not including territories or possessions) or the District of Columbia. It applies to any sale of any commodity as to which you are the manufacturer, except sales of commodities listed in Appendix A, and sales at retail. In addition, however, you may elect to use this regulation for sales at retail. If you so elect, you must use it for all of your sales at retail of commodities subject to this regulation, and you may not later alter your election.

(b) (1) If your gross sales of commodities, of which you are the manufacturer, for your last complete fiscal year prior to the effective date of this regulation were less than \$250,000, you may elect not to use this regulation, but if you so elect, you may not use this regulation for any commodities of your manufacture.

(2) If on the effective date of this regulation you have not completed your first fiscal year of business, you may elect not to use this regulation, provided that on the basis of your experience you expect your gross sales of commodities of which you are the manufacturer to be less than \$250,000 for your first fiscal year. If you so elect not to use this regulation, you may not use it for any of your commodities. In the event gross sales of such commodities reach \$250,000 before the end of your first fiscal year, you thereupon become subject to this regulation and your election terminates.

[Section 1 amended by Amdt. 40]

CEILING PRICES ESTABLISHED

Sec. 2. Ceiling prices established by this regulation. This regulation establishes ceiling prices for commodities dealt in between July 1, 1949 and June 24, 1950, and for new commodities introduced subsequent to June 24, 1950. There are also special provisions relating to (a) rounding ceiling prices, (b) retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent, (c) reduction of ceiling prices to reflect any increase in the value of scrap or

waste material, (d) adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs, and (e) adjustment of ceiling prices for commodities manufactured in more than one of your plants.

CEILING PRICES FOR COMMODITIES DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

Sec. 3. How to determine your ceiling price for a commodity you sold or offered for sale between July 1, 1949 and June 24, 1950. (a) Your ceiling price to your largest buying class of purchaser for sale of a commodity which you sold or offered for sale at any time between July 1, 1949 and June 24, 1950, is your base period price for the commodity, plus "the labor cost adjustment" and "the materials cost adjustment". Section 47 (Definitions) explains the meaning of "your largest buying class of purchaser". Sections 4 through 6 tell how to obtain your base period price. Sections 7 through 9 tell how to calculate "the labor cost adjustment". Sections 10 through 16 tell how to calculate "the materials cost adjustment". If you do not wish to make either of these calculations you may use your base period price as your ceiling price to your largest buying class of purchaser. If you wish to calculate only one of the adjustments you may do so, in which case you will add only the amount of that one adjustment to your base period price.

(b) Your ceiling price for sale of the commodity to your largest buying class of purchaser must be consistent in every respect with your base period price, e. g., it must carry all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale.

(c) Your ceiling price for sale of the commodity to your other classes of purchasers to whom you made sales during your base period is determined by applying your price differentials last used during your base period. In the event you made no base period sales to a particular class of purchaser, you apply your customary differentials in effect during your base period, or if none, then those last in effect before your base period. If you are selling to an entirely new class of purchaser you determine your ceiling price under section 33 for that class of purchaser. For each class of purchasers you must maintain all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale which you had in effect during your base period. An explanation of what is meant by "class of purchaser" is found in section 47 (Definitions).

BASE PERIOD PRICE

Sec. 4. Base period. "Base period" refers to the period April 1 through June 24, 1950 or any previous calendar quarter ended not earlier than September 30, 1949, which you may elect to use. Whatever base period you elect must be used for all commodities in the same category. There is an exception in case

of a commodity which you did not deliver during that base period, and which you did not make the subject of a written offer for delivery during that base period, and for which you did not have a price list in effect during that base period. In that case you may use for that commodity any other base period permitted under this section.

Sec. 5. Category. "Category" refers to a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. This is the same definition as used in section 4 (c) of the General Ceiling Price Regulation. You may, however, exclude from any category any commodity or group of related commodities for which the base period you have elected to use for the category is unrepresentative because of special seasonal characteristics of that commodity or group of related commodities. In that case, treat the commodity or related group of commodities as constituting a separate category.

Sec. 6. How to obtain your base period price. Your base period price for a commodity is obtained as follows:

(a) If, during your base period, you delivered the commodity or contracted in writing to sell the commodity at a firm price, you find the highest price to your largest buying class of purchaser at which such a delivery or such a contract of sale was made.

(b) If you did not make such a delivery or contract, you find the highest price at which you made a written offer for base period delivery to your largest buying class of purchaser.

(c) Instead of the price under paragraph (a) or (b) of this section you may use your price, to your largest buying class of purchaser, which you announced in writing in a price list, catalogue, or similar statement showing your prices for one or more commodities. To use this paragraph (c) you must either have announced the prices during your base period, or have announced them previously and had them in effect during your base period. Also you must have communicated the prices to the trade or a substantial number of customers in your customary way. Further, you must have made substantial deliveries at these prices after your written announcement of the prices. If you use this paragraph (c) for any commodity you must also use it for all other commodities covered by the same announcement.

(d) If your base period price includes any excise, sales or other similar tax which is not separately stated, you must follow the instructions contained in section 36.

(e) If your base period price is expressed as a list price less discounts, you may make the adjustments of the base period price under section 3 (a) upon the basis of the net price to your largest buying class of purchaser.

Example: Your base period "list" price for commodity A is \$12 less a 20 percent discount to your largest buying class of purchaser. "The labor cost adjustment" and "the materials cost adjustment" which you are permitted to add to your base period price total \$3.24. You first take 80 percent of \$12, thus

applying the 20 percent discount. The resulting amount, \$9.60, plus \$3.24 equals \$13.44, your "net" ceiling price to your largest buying class of purchaser. You can figure your "list" ceiling price by dividing your "net" ceiling price (\$13.44) by the same percentage (80 percent), giving \$16.80. Applying the 20 percent discount to your largest buying class of purchaser gives you \$13.44, or your "net" ceiling price to that class of purchaser.

(f) If, during your base period you customarily produced the same commodity at two or more manufacturing establishments of your business and sold it at different prices depending upon the place of production, you must obtain a separate base period price and determine a separate ceiling price for each such establishment.

HOW TO CALCULATE THE LABOR COST ADJUSTMENT

SEC. 7. General description of how to calculate "the labor cost adjustments". Sections 8 and 9 tell how to calculate "the labor cost adjustment". The calculations under both sections are designed to yield an average percentage increase in your factory labor cost based upon net sales and factory payroll data for your last fiscal year ended not later than December 31, 1950. This percentage is referred to as your "labor cost adjustment factor". Under section 8, the net sales and factory payroll data are for your entire business and the labor cost adjustment factor will be applied uniformly to the base period prices of all of your commodities. Under section 9, the net sales and factory payroll data are for a unit of your business and the labor cost adjustment factor will be applied uniformly to the base period prices of all commodities produced in that unit. If the commodities produced in the several units of your business have experienced significantly different labor cost increases, it will probably be to your advantage to use section 9 so as to reflect these differences more appropriately.

SEC. 8. How to calculate "the labor cost adjustment" upon the basis of your entire business. To calculate "the labor cost adjustment" upon the basis of your entire business, you do the following:

(a) Find the dollar amounts of your net sales and of your factory payroll for your entire business for your last fiscal year ended not later than December 31, 1950. You may not include in factory payroll, labor used in general administration, sales and advertising, or research, or in making major repairs or replacement of plant or equipment or in expansion of plant or equipment. Labor used in factory supervision, packaging and handling, ordinary maintenance and repair of plant or equipment, or in materials control, testing or inspection may, however, be included.

(b) Divide the dollar amount of your factory payroll found under paragraph (a) of this section by the dollar amount of your net sales found under (a). This will show what percentage your factory payroll is of your net sales. This percentage is referred to as your "labor cost ratio".

(c) Find the dollar amount of your factory payroll, as limited in paragraph (a) of this section, for your last payroll period ended not later than the end of your base period (if your base period is April 1 through June 24, 1950, you should use your last payroll period ended not later than June 30, 1950). The term "end of your base period" is explained in section 47 (Definitions). This payroll is referred to as "your base period payroll". Compute what the dollar amount of your base period payroll would have been upon the basis of your wage rates in effect on March 15, 1951. This is referred to as "your recomputed payroll". You may add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of insurance plans, pension contributions for current work, paid vacations and similar "fringe benefits". You may also add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of required payments under the Federal Insurance Contributions Act, the Federal Unemployment Tax Act and any state or local unemployment or compensation law. You may not include in your recomputation of your base period payroll any wage increase or "fringe benefit" granted or determined after March 15, 1951, even though, for example, such wage increase or "fringe benefit" is retroactive to March 15, 1951, or any prior date, and is pursuant to a contract in effect on March 15, 1951. You may make the calculations called for by this paragraph in whatever appropriate way is best adapted to your accounting records and your basis of wage payments, e. g., hourly rates, piece-work, or any other system of wage payments used by you.

[Paragraph (c) amended by Amdts. 10 and 26]

(d) Divide the dollar amount of the difference between your recomputed payroll and your base period payroll by your base period payroll. The resulting percentage is referred to as your "wage increase factor".

(e) Multiply your labor cost ratio derived under paragraph (b) of this section by your wage increase factor derived under paragraph (d) of this section. The resulting percentage is referred to as your "labor cost adjustment factor".

(f) Multiply the base period price of the commodity being priced by your labor cost adjustment factor. The resulting amount is "the labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(g) If you use this section, it must be used for all of your commodities.

Example: (a) Your fiscal year is the calendar year. Your net sales for the twelve months ended December 31, 1950, were \$1,000,000. Your factory payroll for the year was \$300,000 (the required exclusions having been made in arriving at this figure).

(b) \$300,000 divided by \$1,000,000 is 30 percent. This is your labor cost ratio.

(c) Your factory payroll for the week ended June 24, 1950, was \$6,000 (the required exclusions having been made in arriving at this figure). At wage rates in effect March 15, 1951, the payroll would have been \$6,500. In addition you have also granted longer paid vacations and a more liberal insurance plan which amounts to the equivalent of two and one-half cents per hour. The number of hours covered by your base period payroll was 4,000. Consequently the increased "fringe benefits" add an extra \$100 per week to your factory labor cost for the March 15 period. This makes your recomputed payroll at March 15 wage rates \$6,600, or a total increase of \$600.

(d) \$600 divided by \$6,000 is 10 percent. This is your wage increase factor.

(e) 30 percent multiplied by 10 percent is 3 percent. This is your labor cost adjustment factor.

(f) If your base period price was \$100, you multiply \$100 by 3 percent, giving \$3, "the labor cost adjustment".

SEC. 9. How to calculate "the labor cost adjustment" upon the basis of a unit of your business. To calculate "the labor cost adjustment" upon the basis of a unit of your business, you do the following:

(a) Find the dollar amounts of your net sales and of your factory payroll for your last fiscal year ended not later than December 31, 1950, relating to a unit of your business for which you regularly maintain separate accounts and in which the commodity being priced is produced. You must include in net sales the value, as shown on your records, of any transfer of a commodity or material from that unit to another unit of your business. If your records do not show a value you may not use this section. The provisions of section 8 (a) as to what may be included in factory payroll apply.

(b) Using the data found under paragraph (a) of this section you make the calculations prescribed in paragraphs (b), (c), (d), (e) and (f) of section 8, for the unit of your business to which the data relate. This will give you "the labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(c) This section may be used only for commodities produced in the particular unit of your business to which the net sales and factory payroll data relate, and must be used for all commodities produced in that unit.

HOW TO CALCULATE THE MATERIALS COST ADJUSTMENT

SEC. 10. Manufacturing material. You will need to become familiar with the term "manufacturing material" in the following sections. It refers to a material entering directly into the commodity being priced or used directly in the manufacturing processes from which the commodity results, together with packaging materials, containers (other than returnable containers), purchased fuel, steam or electric energy, and sub-contracted industrial services which are directly related to the manufacture of the commodity. The term does not include materials or sub-contracted industrial services used in replacing, maintaining or expanding your plant and equipment, nor other materials or supplies the use of which is not directly de-

pendent upon the rate at which you manufacture the commodity being priced.

Sec. 11. General description of the methods available. (a) There are four alternative methods available to you for calculating "the materials cost adjustment." You should use the one best suited to your particular situation. Only manufacturing materials may be taken into account in your calculations and you will measure their change in cost to you between prescribed dates. You are permitted, however, to omit any manufacturing material which is not significant or whose cost has not decreased between the prescribed dates. This section contains only general descriptions, as an aid in understanding. The exact provisions which are in the following sections are controlling.

(b) (1) **Method 1.** Method 1 allows you to measure the increase in your manufacturing materials costs upon the basis of a unit of your business not larger than a plant, or, if you have only one plant, upon the basis of your entire business. Under this method, which is set forth in section 13, you calculate a percentage increase in your manufacturing materials costs upon the basis of net sales and materials put into production during a yearly accounting period. If you make the calculations upon the basis of your entire business, you apply the percentage increase uniformly to all of your commodities. If the calculations are upon the basis of separate units of your business, you apply the percentage increase for each unit uniformly to all of the commodities produced in that unit. There are specific limitations upon the use of this method where you have had significant substitution of materials.

(2) **Method 2.** Method 2 is for an individual commodity and is based upon the increase in your unit manufacturing materials cost for that commodity. Under this method "the materials cost adjustment" will ordinarily differ for each commodity. You should probably use this method, therefore, if the various commodities you produce have had substantially different material cost increases since the end of your base period, or vary widely from each other in the ratio between unit manufacturing materials cost and sales price. This method, however, is more burdensome because it requires a separate calculation for each commodity.

(3) **Method 3.** Method 3 is for a product line and is based upon the increase in your unit manufacturing materials cost for the best selling commodity in the product line. A percentage figure for this increase is derived which is applied to the base period price of each commodity in the product line. This method may be more appropriate than Method 2 if you have a number of closely related commodities whose material cost increases have been about the same.

(4) **Method 4.** Method 4 may also be used for a product line or it may be used for a category. It is based upon the increase in the cost of the bill of materials used in producing the goods

sold during an accounting period of three months or less. Like Methods 1 and 3 it yields a uniform materials cost adjustment factor for all commodities in the product line or category. If your records are in a form which permits you to use this method, you may find it simpler to apply than Method 1.

(c) You may select whichever one of the four methods you consider best suited to the nature of your business and most adaptable to the records you maintain. If you select the first, third, or fourth method, you must use it for each commodity in the particular unit of business involved (or for all of your commodities if your calculations are based upon your entire business), product line or category.

Sec. 12. Omission of certain manufacturing materials from your calculations. Under any of the four alternative methods which you use for calculating "the materials cost adjustment" you may omit from your calculations any manufacturing material which is not significant or whose cost to you has not decreased between the prescribed dates. Consequently, a reference to "each manufacturing material" under any of the four methods means each such material you are including in your calculations.

Sec. 13. Method 1 (Aggregate method). To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the dollar amount of your net sales for your last fiscal year ended not later than December 31, 1950, for your entire business, or for a unit of your business for which you regularly maintain accounts and in which the commodity being priced is produced. You may not, however, use your entire business for this calculation if you operate more than one plant. Nor may you use a unit of your business which includes the output of more than one plant, although you may use a unit less inclusive than a plant. If you use a unit of your business, you must include in net sales the value of any commodity or material transferred from that unit to another unit of your business. The value shall be that shown in your records. If your records do not show a value, you may not use that unit of your business for making your calculations.

(b) Multiply the physical amount of each manufacturing material which you used during the same fiscal year either in your entire business or in a unit of your business, whichever you are calculating on, by the dollars-and-cents amount of the change in net cost per unit of the material to you between the end of your base period and December 31, 1950. The term "end of your base period" is explained in section 47 (Definitions). For any material listed in Appendix B you may figure the change to March 15, 1951, and for any material listed in Appendix C you may include the increase to any current date subject to the limitations in section 21. Before starting to figure the change in net cost per unit of the material, you should read carefully the instructions contained in sections 17 through 23.

(c) Add together the resulting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. Subtract the total of the decreases from the total of the increases.

(d) Divide the final figure derived under paragraph (c) of this section by the amount of your net sales found under paragraph (a) of this section. The resulting percentage is referred to as your "materials cost adjustment factor".

(e) Multiply the base period price of the commodity being priced by your materials cost adjustment factor. This will give "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) If you use this section and your calculations are based upon your entire business, the materials cost adjustment factor which you derive must be used for all of your commodities. If your calculations are based upon a particular unit of your business, the materials cost adjustment factor which you derive must be used for all commodities produced in that unit and may not be used for commodities produced in any other unit of your business.

(g) You may not use this section if you have replaced, in any significant degree, the materials used by you during your base period with lower-priced substitute materials. (For example, if you are a manufacturer of rubber automobile tires, and you are now using a significantly larger percentage of synthetic rubber than you did in your base period, you may not use Method 1.)

Sec. 14. Method 2 (Individual commodity method). To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the physical amount of each manufacturing material which you normally used in your base period per unit of the commodity being priced.

(b) Multiply this physical amount of each of these manufacturing materials by the change in its net cost per unit to you between (1) the last day of the base period you elected for the commodity being priced and (2) December 31, 1950. For any material listed in Appendix B you may figure the change to March 15, 1951, and for any material listed in Appendix C you may figure the change to a current date subject to the limitations in section 21. Before starting to figure the change in net cost, you should read carefully the instructions contained in sections 17 through 23.

(c) Add together the resulting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

Example: The commodity you are pricing uses three different manufacturing materials. For each unit of the commodity, you require 5 pounds of material A, 10 pounds of material B, and 1 gallon of material C. Before Korea, material A cost you \$1.00 per pound, material B \$2.00 per pound and ma-

terial C \$0.50 per gallon. Your net cost per unit of material A on your last invoice before December 31, 1950 was \$1.50 and for material B it was still \$2.00. Material C is listed in Appendix B; your last invoice prior to March 15, 1951 was \$1.00 per gallon. Your increase for material A was, therefore, 5 multiplied by 50 cents (the difference between \$1.50 and \$1.00), or \$2.50. Material B has not changed in price and may, therefore, be omitted. For material C, 1 gallon multiplied by 50 cents equals 50 cents. In addition, the commodity was enameled for you by an outside contractor at a cost of \$1.00 per unit before Korea, and the price for the service as of March 15, 1951 was \$1.25, a difference of 25 cents. Your materials cost increase for the commodity is, therefore, \$2.50 for material A, 50 cents for material C, and 25 cents for the enameling service, or a total of \$3.25. This is "the materials cost adjustment".

SEC. 15. Method 3 (Product line method using best selling commodity). This method is essentially the same as Method 2 except that the calculations are made for the best selling commodity in a product line. To calculate "the materials cost adjustment" under this method, you do the following:

(a) Select the best selling commodity in the product line of which the commodity being priced is a part.

(1) "Product line" refers to a group of closely related commodities which differ in such respects as style, model or size and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials. A product line may never be broader than a category and usually will be narrower. The relationship between the commodities will normally be substantially closer in a product line than in a category. For example, stripped, standard and deluxe models of refrigerators are separate product lines, but a single category.

(2) "The best selling commodity" refers to the commodity in a product line which accounted for the greatest dollar volume of sales in the product line in your base period.

(b) Using the best selling commodity, make the calculations prescribed in section 14. This will give "the materials cost adjustment" for the best selling commodity, i. e., the amount to be added to its base period price.

(c) Divide "the materials cost adjustment" by the base period price of the best selling commodity. The resulting percentage is referred to as your "materials cost adjustment factor."

(d) Apply your materials cost adjustment factor to the base period price of each commodity in the product line. The resulting figure for each commodity is "the materials cost adjustment" to be added to the base period price of that commodity in accordance with section 3 (a).

(e) If you use this section it must be used for each commodity in the product line for which you have made your calculations.

Example: You have three commodities in a product line, whose base period prices

were \$8, \$10 and \$12, respectively. The best selling item was the \$10 commodity. "The materials cost adjustment" for that commodity calculated under section 14 was \$2, or 20 percent. "The materials cost adjustment" for the \$8 commodity is, therefore, 20 percent of \$8, or \$1.60, and for the \$12 commodity, 20 percent of \$12, or \$2.40.

SEC. 16. Method 4 (Composite bill of materials method). Under this method you make your calculations for the increase in your manufacturing materials cost for a product line or a category. To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the total net sales of all commodities in the product line or category for your last complete accounting period of three months or less ended not later than the last day of your base period (or if your base period is April 1 through June 24, 1950, ended not later than June 30, 1950). You must include in net sales the value, as shown in your records, of any transfer of a commodity in that product line or category to another unit of your business. If your records do not show a value, you may not use this section for that product line or category.

(b) Find the total physical amount of each manufacturing material used in producing the commodities in that product line or category sold in that accounting period. (Note that, in contrast to Method 1, you find here the physical bill of materials used in producing the goods sold in a short accounting period; while, under Method 1, you find the aggregate quantities of materials used, i. e., put into the production process, in an annual accounting period).

(c) Multiply this total physical amount by the dollars-and-cents change, between (1) the end of your base period and (2) December 31, 1950, in net cost to you per unit of the material used. For any material listed in Appendix B you may figure the change to March 15, 1951 and for any material listed in Appendix C you may figure the change to a current date subject to the limitations in section 21. Add together the resulting figures which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is your increase in manufacturing materials cost. Before starting to figure the change in net cost you should read carefully the instructions contained in sections 17 through 23.

(d) Divide your increase in manufacturing materials cost derived under paragraph (c) of this section by the amount of your net sales found under paragraph (a) of this section. This percentage is referred to as your "materials cost adjustment factor."

(e) Apply your materials cost adjustment factor derived under paragraph (d) of this section to the base period price of the commodity being priced. The resulting figure is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) You may use this section only if you use it for each commodity included in the product line or category.

SEC. 16a. Option to propose a method. If you have not already filed Public Form No. 8 showing computations made in accordance with the provisions of this regulation and believe that none of the four alternative methods available to you for calculating the "materials cost adjustment" can practicably be used by you, you may propose a substitute method in the manner specified in the following paragraph of this section. It is the opinion of the Director of Price Stabilization that the four methods offered provide adequate alternatives for all businesses, and a substitute plan will be considered only in exceptional cases of multi-product manufacturers whose established accounting practices and system of materials control and distribution are of such a nature as to make the use of any of the four alternative methods extremely difficult. This must be affirmatively shown in the application. Your proposed method must follow the same general techniques, definitions and limitations as the four alternative methods already provided and must achieve the same basic results.

You should submit your proposed method in writing to the Office of Price Stabilization, Washington 25, D. C., stating the reasons why you believe it appropriate and necessary, and why none of the four alternative methods can practicably be used by you, and setting forth in detail the steps to be taken under your proposed method. You may, if you prefer, submit your proposed method without actually calculating your ceiling prices under it, but you must show why the proposed method will reach the same basic results as any of the four alternative methods. Unless and until the Director of Price Stabilization approves your proposal in writing you may not use it.

[Sec. 16a added by Amdt. 26]

SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MATERIALS COST ADJUSTMENT

SEC. 17. General nature of these instructions. Section 18 will apply to your calculations irrespective of which of the four alternative methods you use. Sections 19 through 23 may be applicable to you depending upon whether you are covered by certain described situations which are briefly indicated by the section heading and opening sentence of the section.

SEC. 18. How to compute the net cost to you of a manufacturing material as of a prescribed date. Under any of the four alternative methods you may use for calculating "the materials cost adjustment," you must figure the change, between prescribed dates, in the net cost to you per unit of each manufacturing material included in your calculations. (The earlier "prescribed date" is June 24, 1950, or another date depending on the base period you elected. The later "prescribed date" is December 31, 1950, March 15, 1951 or a current date as permitted by section 21). To determine the net cost to you per unit of a manufacturing material as of a prescribed date, you use the first of the following

prices available to you. In no event may the price you use be in excess of the ceiling price under a ceiling price regulation in effect on the date of issuance of this regulation. If you use paragraphs (c), (d), (e), (f), (g) or (h) of this section, you must disregard any price based upon a departure from your normal buying practices. Such a departure would include quantities smaller than those you usually purchase or contract for, or use of a more distant or different class or supplier (other than the United States), or use of subcontracted industrial services in an amount in excess of that used in your base period. For example, you must disregard any price based upon a change in your source of supply from a manufacturer to a reseller or warehouseman or from a domestic to a foreign source of supply. Likewise, you must disregard any price which is based upon a purchase of conversion steel, except as permitted in section 44.

[Sec. 18 amended by Amdt. 10]

(a) The exchange quotation for the nearest monthly contract as of the close of business on the prescribed date (or the nearest preceding date for which such a quotation is available) for any commodity traded regularly upon a commodity exchange operating under the jurisdiction of the Commodity Exchange Authority or the Sugar Exchanges and you must use the quotation for both of the prescribed dates. Also you must use the same commodity exchange for both of the prescribed dates. If the commodity is one which is not itself quoted on such an exchange, but another grade of that commodity is so quoted, you may use the exchange quotation for such other grade provided you do so for both of the prescribed dates.

(b) The selling price for rubber as of the prescribed date established by an agency of the United States Government.

(c) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. If, however, the delivery was received more than 30 days prior to the prescribed date or was pursuant to a contract bearing a firm price entered into more than 60 days prior to the prescribed date, you may not use this paragraph (c). If within 30 days prior to each of the applicable prescribed dates, you received more than one delivery of the same manufacturing material, you must use an average price for each such date. You obtain this average price by dividing the net amount you paid for all deliveries of the material during each of the 30-day periods by the total number of units of the material delivered to you during each period. In obtaining this average price you should not include any delivery made pursuant to a contract bearing a firm price entered into more than sixty days prior to the prescribed date. The average price for each period is the price you use for each of the respective prescribed dates. The term "30 days" as used in this paragraph means either a period of 30 consecutive days or an accounting month customarily used by you, provided that it is the last accounting month terminating

not later than the applicable prescribed date. Where the applicable prescribed date is June 24, 1950 you may use an accounting month terminating not later than June 30, 1950.

[Paragraph (c) amended by Amdt. 3]

(d) The net price per unit of the material stipulated in the written contract for the material which you entered into last prior to the prescribed date, provided that it was entered into not more than 60 days prior thereto.

(e) The net price per unit of the material stipulated in the written offer for sale of the material to you made last prior to the prescribed date provided that the offer was made within 60 days prior to the prescribed date and that you still have the written offer or obtain a copy of it from the offeror.

(f) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect the appropriate change in your cost of any material.

[Paragraph (f) added by Amdt. 10]

(g) The net price per unit of the material stipulated in the written contract for the material which you entered into last prior to the prescribed date. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect an appropriate change in your cost of any material.

[Paragraph (g) added by Amdt. 10]

(h) The net price per unit of the material stipulated in the written offer for sale of the material to you made last prior to the prescribed date, provided that you still have the written offer or obtain a copy of it from the offeror. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect an appropriate change in your cost of any material.

[Paragraph (h) added by Amdt. 10]

(i) If none of the foregoing is available to you for one or both of the applicable prescribed dates, you may apply to the Director of Price Stabilization, Washington 25, D. C., for an appropriate increase in the cost of the manufacturing materials for use in your calculations. If you make such an application, you must refer specifically to this paragraph; you must describe the commodity being priced and the manufacturing material; you must propose the amount of increase per unit of the manufacturing material you consider appropriate based upon what you would have paid for the material if you had purchased it on each of the applicable prescribed dates; you must set forth in detail supporting reasons and why this paragraph is applicable. You must file this application before using the increase you propose. Although you need not await a reply from the Director of Price Stabilization, he may at any time disapprove the increase you propose, stipulate the amount

of increase which he will approve or request additional information.

[Paragraph (i) formerly Par. (f); amended by Amdt. 3, redesignated by Amdt. 10]

Sec. 19. *How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period or used in lesser quantities.* In the case of a substitute material not used by you during the base period (or used in lesser quantities or proportions) in the manufacture of the commodity being priced, you must, if you are using Methods 2, 3, or 4 for calculating "the materials cost adjustment", compute the net cost to you as of the end of your base period of the physical amounts of the materials normally used by you in your base period and the net cost to you as of December 31, 1950, March 13, 1951, or a current date, whichever date is applicable, of the physical amounts of the materials normally used by you now. The physical amounts of those materials normally used by you in your base period and now must relate to the same quantity of production of the commodities being priced in the case of Method 4, to a unit of the commodity being priced in the case of Method 2, and to a unit of the best selling commodity in the case of Method 3. Since this calculation cannot be made accurately under Method 1 (section 13), you may not use that method for any unit of your business in which you are now using significant quantities of a substitute material whose current unit cost is lower than the current unit cost of the material used by you during the base period. However, if the current unit cost of the substitute material is the same or higher than the current unit cost of the material used by you during the base period, you may use Method 1, but without making any allowance for the higher cost of the substitute material.

[Sec. 19 amended by Amdt. 3]

Sec. 20. *Inclusion of transportation costs in the computation of net cost of a manufacturing material as of a prescribed date.* If a quotation, invoice, contract, or written offer which you use under section 18 did not include transportation costs for delivery of the material to you, you may add the actual amount of the transportation costs which you paid or would have paid for delivery of the material to you, provided that you include them in your determination of the net price of the material as of both dates.

Sec. 21. *Calculation of the increase in net cost per unit of materials covered by Appendix C—*

(a) *General description of this section.* You will be concerned with this section only if a manufacturing material you propose to include in your calculations of "the materials cost adjustment" is one of the commodities listed in Appendix C or a product processed therefrom. Appendix C lists certain agricultural commodities selling below the minimum prices required to be reflected to producers by section 402 (d) (3) of the Defense Production Act of 1950, as amended, and the same commodities produced in the territories and posses-

sions of the United States. The following paragraphs of this section contain, among other things, special instructions relating to the particular dates to be used in your calculations of cost increases of these commodities.

[Paragraph (a) amended by Amdt. 31]

(b) *Calculation by manufacturers of food products.* If the commodity you are pricing is a food product you may, subject to the limitations in paragraphs (d) and (g) of this section, use a current date in figuring the change in net cost per unit of any of the commodities listed in Appendix C, or of any food products processed from these listed commodities.

[Paragraph (b) amended by Amdts. 16 and 31]

(c) *Calculation by manufacturers of non-food products.* (1) If the commodity you are pricing is a non-food product you may, subject to the limitations in paragraph (d) and (g) of this section, use a current date in figuring the change in net cost per unit of any of the commodities listed in Appendix C, but you must use March 15, 1951, as the date for figuring the change in net cost per unit of any products processed from those listed commodities.

(2) If the commodity you are pricing is made in whole or in substantial part from a product processed from a listed commodity, and you believe that the increase in cost to you, since March 15, 1951, of that processed product is due to an increase in the price of the listed commodity, you may apply to the Director of Price Stabilization for permission to adjust your ceiling price to reflect that increase in price. Your application must describe the commodity being priced and specify its ceiling price; and must contain a statement based upon a report from your supplier as to what portion of the increase in his price to you of that processed product is directly attributable to the increase in price of the listed commodity. If the Director of Price Stabilization is satisfied that the information submitted by you shows that only the amount of the increase in price of the listed commodity is reflected in the adjustment you seek, he will approve your application. If, however, he is not satisfied that you have made such a showing, he may withhold approval of your application and require that you furnish additional information. If thirty days after mailing your application you have not received a reply from the Director of Price Stabilization, you may sell at the adjusted ceiling price you propose until such time as you are notified otherwise by the Director.

[Paragraph (c) amended by Amdts. 16 and 31]

(d) *Limitations on calculations by all manufacturers; removal from listing.* After you have made your first calculations under this section, you may become entitled to increase the ceiling price of the commodity being priced, if the cost to you of a listed commodity (or product processed therefrom) has increased. However, in any event, you may not, in figuring the change in net cost of a listed

commodity (or product processed therefrom), use any date subsequent to the date of deletion of the listed commodity from Appendix C by the Director of Price Stabilization.

[Paragraph (d) amended by Amdts. 16 and 31]

(e) *Definition of "food product".* The term "food product" refers to a commodity used for, or as an ingredient in, food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound; and fats and oils used for cooking purposes or in the preparation of food for immediate consumption.

[Paragraph (e) amended by Amdt. 31]

(f) *Special provisions for cooperatives, producer-processors, etc.* (1) This subparagraph applies to you if you are a producer-processor, and you cannot otherwise determine your "materials cost adjustment" for a listed commodity under paragraphs (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you. In that case, calculate your "materials cost adjustment" as follows: For purposes of paragraphs (b) and (c) of this section, use as your net cost per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. That competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing. However, you may not increase the ceiling price after the date set out in paragraph (d) as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) before increasing your ceiling price.

(2) This subparagraph applies to you if you are a processor who purchases the listed commodity under "open" price or deferred payment contracts which relate the price you pay the producer to facts unknown both at the time the raw commodity is delivered to you and at the time of sale of the processed product, and you cannot otherwise determine your "materials cost adjustment" for a listed commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity at prices finally determined at the time of sale. In that case calculate your "materials cost adjustment" as follows: For purposes of paragraph (b) or (c) of this section, use as your net cost per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. That competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing. However, you may not increase the ceiling price after the date set out in paragraph (d) of this section as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report re-

quired by paragraph (g) of this section before increasing your ceiling price.

(3) This subparagraph applies to you if you are a producer-owned cooperative processor, and you cannot otherwise determine your "materials cost adjustment" for a listed commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you. In that case you may increase your ceiling price (as determined under the other sections of this regulation) for products processed from such commodities if the entire dollar-and-cent increase in total gross sales revenue derived from that increase in your ceiling price is passed back to producers within 30 days after the end of each normal accounting period. The amount so passed back must be in addition to the full amount you would normally have passed back to producers had you sold the processed product at the ceiling price determined under the other sections of this regulation. You may not, however, increase your ceiling price after the date set out in paragraph (d) of this section as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) of this section before increasing your ceiling price.

[Paragraph (f) amended by Amdts. 2, 16, and 31]

(g) *Required report.* You may not increase your ceiling price under the provisions of this section above that price initially determined pursuant to the provisions of this regulation unless and until you place in the mail a registered letter, addressed to the Director of Price Stabilization, Washington 25, D. C., containing the following information:

(1) If it is not necessary for you to use section 21 (f) in determining your ceiling prices, you report:

(i) Your existing ceiling price and the description of the commodity.

(ii) The paragraph number in section 18 of this regulation under which you compute your net cost for the manufacturing material, or a designation of the other section under which you compute your net cost.

(iii) The net cost per unit of material, determined under the section mentioned in subdivision (ii) of this subparagraph, used in calculating your last ceiling price under this regulation.

(iv) The net cost per unit of material, determined under the section mentioned in subdivision (ii) of this subparagraph, for the current date.

(v) The increased ceiling price.

(2) If you are a processor who uses either section 21 (f) (1) or (2) in determining your ceiling prices, you report:

(i) The name and address of your nearest competitor selected pursuant to section 21 (f) (1) or (2).

(ii) Your existing ceiling price.

(iii) Your nearest competitor's net cost per unit (for the material) last used by you in calculating under this section 21.

(iv) Your nearest competitor's net cost per unit (for the material) on the current date.

(v) The increased ceiling price.

(3) If you are a processor who uses section 21 (f) (3) in determining your ceiling prices, you report:

(i) The amount retained by you per unit of the processed commodity sold in the last normal accounting period before the end of your base period.

(ii) The amount passed back to producers per unit of the processed commodity sold in the last normal accounting period before the end of your base period.

(iii) The amount retained by you per unit of the processed commodity sold in the most recent normal accounting period.

(iv) The amount passed back to producers per unit of the processed commodity sold in the most recent normal accounting period.

[Paragraph (g) amended by Amdt. 16]

Sec. 22. *How to calculate "the materials cost adjustment" for joint products or by-products.* This section will concern you only if you manufacture joint products or by-products. If two or more commodities result from the same manufacturing operation or from common materials and you are unable to compute the unit manufacturing materials costs for each under section 14, you calculate "the materials cost adjustment" for each as follows:

(a) Establish an appropriate combined unit of production in which are represented the several commodities in the proportions in which they result from the same manufacturing operation or from common materials. (For example, if a manufacturing operation yields, for each ton of commodity A produced, 3 gallons of commodity B and 520 pounds of commodity C, your combined unit of production could be: one ton of A, three gallons of B and 520 pounds of C; or one gallon of B, $\frac{1}{3}$ ton of A and 173.3 pounds of C; or any other combination in which the proportions among the three commodities are maintained.)

(b) Find the dollar value of the combined unit of production using base period prices for each commodity, determined in accordance with section 3. (If the base period price for commodity A was \$10 per ton, for commodity B was \$1 per gallon and for commodity C was \$0.10 per pound, the dollar value of the combined unit of production would be \$65 under the first example in (a) above and \$21.67 under the second example in (a) above.)

(c) Using the same calculations as in section 14 (substituting, of course, the combined unit of production for the unit referred to therein), compute the increase in manufacturing materials cost per combined unit of production.

(d) Divide the increase in manufacturing materials cost per combined unit of production by the dollar value of that unit as determined under paragraph (b) of this section.

(e) Apply this percentage to the base period price of each of the commodities being priced. The resulting figure for each commodity is "the materials cost adjustment" to be added to the base

period price in accordance with section 3 (a).

Example: The total increase in manufacturing materials cost for the combined unit of production illustrated in paragraph (b) above, calculated in accordance with section 14, is \$13. \$13 divided by \$65 is 20 percent. Consequently, "the materials cost adjustment" for commodity A is 20 percent of \$10, or \$2 per ton; for commodity B is 20 percent of \$1, or 20 cents per gallon; and for commodity C is 20 percent of \$0.10, or 2 cents per lb.

Sec. 23. *How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.* (a) You will be concerned with this section if you are a multi-unit organization and in your operations you transfer products for further processing or assembly between units of your business for which you regularly maintain separate records. By way of illustration, such transfers may be between departments, plants, branches or divisions. This section deals specifically with a manufacturing material which you produce in one unit of your business and transfer to another unit of your business where it is used in producing the commodity being priced. Such a manufacturing material (which is referred to as a "transferred material") may also be sold to other persons. This section provides three methods for figuring the change in cost of a transferred material in your calculation of "the materials cost adjustment" for the commodity being priced. The method you use depends first on how you calculated "the labor cost adjustment" for the commodity being priced and second, on whether you also sell the transferred material to other persons.

(b) If you calculated "the labor cost adjustment" for the commodity being priced upon the basis of your entire business or of a unit of your business that included the unit in which the transferred material is produced, you may not in calculating the change in cost of that material include any increase in factory labor cost. Your calculation of the change in cost of the transferred material will therefore only take into account changes in the costs of the manufacturing materials directly related to the transferred material. Such change in cost of the transferred material will be included in your calculation of "the material cost adjustment" for the commodity being priced.

(c) If your calculation "the labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if the transferred material is one you sell to other persons, you calculate its change in cost as follows:

(1) Find its base period price (i. e., to your largest buying class of purchaser).

(2) Find its ceiling price under this regulation to your largest buying class of purchaser, or if it is not subject to this regulation, its ceiling price under the applicable ceiling price regulation.

[Subparagraph (2) amended by Amdt. 24]

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in the cost of the transferred material which you use in calculating "the materials cost adjustment" for the commodity being priced.

(d) If your calculation of "the labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if that material is not one you sell to other persons you calculate its change in cost as follows:

(1) Find the value as shown in your records at which the transferred material was transferred, last prior to the end of your base period (i. e., the base period for the commodity being priced), to the unit of your business in which the commodity being priced is produced.

(2) Using that transfer price as your base period price, determine what the ceiling price would be under this regulation, or such other regulation as would be applicable.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in cost of the material to be used in calculating "the materials cost adjustment" for the commodity being priced.

Example: You are pricing a camera the lens for which you produce. The following paragraphs illustrate the application of the three methods prescribed in section 23.

(a) You have treated the department in which the camera is assembled and the department in which the lens is produced as a single unit in computing "the labor cost adjustment" for the camera. You purchase on the outside the optical glass used in the lens. "The materials cost adjustment" for the camera may include, as far as the lens is concerned, only the change in cost of the purchased optical glass.

(b) In calculating "the labor cost adjustment" for the camera you used only the assembly department. You also sell the lens to others and calculated "the labor cost adjustment" for the lens upon the basis of the lens department. Therefore, in calculating "the materials cost adjustment" for the camera, the change in cost of the lens will be the difference between your ceiling price for the lens under this regulation to your largest buying class of purchaser, and your base period price for the lens to that class of purchaser.

(c) Assume the same facts as in (b) except that you produce the lens exclusively for your own use. You must compute what the ceiling price for the lens would be under this regulation, using the value at which the transfer between departments was made on your books last prior to the end of the base period. The difference between your computed ceiling price and your base period transfer value is the amount you use in calculating "the materials cost adjustment" for the camera.

(e) If you cannot calculate the change in cost of the transferred material under the preceding paragraphs of this section, or if the use of such paragraphs would not result in an appropriate change in cost, you may apply to the Director of Price Stabilization, Washington 25, D. C., for an appropriate change in the cost of the transferred material for use in your calculations. If you make such an ap-

plication, you must refer specifically to this paragraph; you must describe the commodity being priced and the transferred material; you must propose the amount of increase per unit of the transferred material you consider appropriate; you must set forth in detail supporting reasons and why this paragraph is applicable. You must file this application before using the increase you propose. Although you need not await a reply from the Director of Price Stabilization, he may at any time disapprove the increase you propose, stipulate the amount of increase which he will approve or request additional information.

[Paragraph (e) added by Amdt. 24]

SPECIAL PROVISIONS RELATING TO CEILING PRICES

SEC. 24. General nature of these provisions. Sections 25 through 29 relate to adjustments of your ceiling prices under certain circumstances. Section 25 relates to rounding ceiling prices. Section 26 relates to retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent. Section 27 requires that you reduce your ceiling prices to reflect any increase in the value of scrap or waste material generated in your manufacturing processes. Section 28 permits you to adjust your ceiling prices quoted on a delivered basis for certain increases in transportation costs. Section 29 provides an optional method for adjusting your ceiling prices for commodities manufactured in more than one of your plants.

SEC. 25. Rounding ceiling prices. You may round your ceiling prices determined under this regulation so that they will be expressed in the nearest cents or fraction of cent you normally employ. If you elect to do so you must similarly round the ceiling prices for all your commodities normally priced by you upon the same basis, to reflect decreases as well as increases. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding. For example, if you normally quote to the nearest quarter of a cent and your ceiling price for commodity A is 21.20 cents, you may round that ceiling price to 21¼ cents. However, if your ceiling price for commodity B is 27.30 cents you must round its ceiling price to 27¼ cents.

SEC. 26. Retention of GPCR ceiling price where the change in price is less than 1 percent. If your ceiling price for a commodity as determined under section 3 differs by less than 1 percent from that under the General Ceiling Price Regulation, you may continue to use your GPCR ceiling price. However, you may use this section only if you apply it to all your ceiling prices determined under section 3 differing by less than 1 percent from the GPCR ceiling prices, regardless of whether decreases or increases result. For example, your GPCR ceiling price for commodity A is \$10 and your ceiling price under section 3 is \$9.95. Your GPCR ceiling price for commodity B is \$8 and your ceiling price under section 3 is \$8.05. You may continue to use \$10 as your ceiling price for

commodity A, but if you do so you must continue to use \$8 as your ceiling price for commodity B.

SEC. 27. Requirement for reduction of your ceiling prices as otherwise determined for any increase in value of scrap or waste material. (a) You will be concerned with this section if in the manufacturing process relating to the commodity being priced you generate any scrap or waste material which you sell to other persons or which is transferred from one unit of your business to another, and if, between the end of your base period and March 15, 1951, there has been an increase in the value of such scrap or waste material. However, you need not make the adjustment called for in this section unless your sales of scrap or waste material are significant. They will be considered significant if, for the plant or other unit of your business in which the commodity being priced is produced, the value of your sales or transfers of scrap or waste material exceeded 3 percent of the total value of your sales or transfers of all commodities from that plant or unit during your most recent fiscal year ended not later than December 31, 1950.

(b) In the circumstances described in paragraph (a) of this section where your sales of scrap or waste material are significant you must make an appropriate reduction in the ceiling prices for each of the commodities resulting from your manufacturing process to reflect the dollars-and-cents amount by which the value of the scrap or waste material generated in the manufacturing process has increased between the end of your base period and March 15, 1951. In calculating this increase in value you should use a method comparable to the one you employed for your calculation of "the materials cost adjustment" for the commodity being priced. For instance, if you used Method 2 (section 14) you should calculate the increase in value of your scrap or waste material per unit of the commodity being priced; if you used Method 1 (section 13) you should calculate the increase in value of your scrap or waste material by an aggregate method. The resulting dollars-and-cents amount reflecting the increase in value of your scrap or waste material per unit must be subtracted from your ceiling price as otherwise determined under this regulation.

SEC. 28. Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs. If your base period price was, and therefore your ceiling price is, a delivered price, you may adjust your ceiling price to reflect any increase, between the end of your base period and March 15, 1951, in transportation costs incurred by you (not including warehousing charges). You may include in this adjustment only increases resulting from transportation charges paid by you to other persons (excluding any person who is an employee, subsidiary or affiliate of yours or of whom you are a subsidiary or affiliate). This adjustment is made in the following manner:

(a) Where your base period price for the commodity being priced included

full transportation costs from point of shipment to point of delivery, you may adjust your ceiling price by the exact amount of the increase in transportation rates to you between such points, charged by the same carrier or class of carrier for the same class of transportation. You may not include any increase due to changing the class of carrier (e.g., from water or highway to rail) or to changing your customary method or quantity of shipment.

(b) Where your base period price was uniform within defined geographical zones but you maintained an established differential between each zone, you may calculate a transportation cost increase adjustment to be applied to the ceiling price for sales to each zone. This calculation is made in the following manner:

(1) Find the average transportation charge paid by you for deliveries of the commodity being priced to each zone during your last accounting period of not less than three months, ended not later than the end of your base period. If your base period is April 1 through June 24, 1950, you should use your last accounting period of not less than three months, ended not later than June 30, 1950.

(2) Find what the average transportation charge paid by you for deliveries of that commodity to each zone would be, using the transportation rates actually in effect on March 15, 1951.

(3) The dollars-and-cents amount of the difference between the average transportation charge found under (2) and that found under (1) for each zone may be added to your ceiling price for sales to that zone.

(c) Where your base period price was uniform for all sales of the commodity being priced to any destination within the United States, you may calculate a single transportation cost increase adjustment to be applied to the ceiling price for all sales within the United States in the same manner as under paragraph (b) of this section, treating the United States as a single zone.

SEC. 29. Optional method for determining a uniform ceiling price for a commodity manufactured in more than one plant. If the commodity being priced is manufactured in more than one of your plants and is customarily sold by you at a uniform price, but in adjusting the base period price for each plant different ceiling prices result, you may compute a uniform ceiling price. To do this, you first determine the ceiling price for each plant and multiply it by the number of units of the commodity sold from that plant during the last quarter of 1950. You then divide the total dollar amount of such sales from all plants by the total number of units sold from all plants. The resulting figure is your uniform ceiling price for the commodity. If sales from any of your plants in the last quarter of 1950 were not substantial, you may use the last three consecutive months of substantial sales in 1950, provided that you use the same period for all your plants.

Example: You are producing the same commodity in two plants, and customarily charge the same price from each. However, due to

a difference in your wage rate changes, your ceiling price for plant A is \$2.00, and for plant B is \$2.10. Sales during the last quarter of 1950 were 1500 units from plant A, and 1000 units from plant B. 1500 multiplied by \$2.00 is \$3,000; 1000 multiplied by \$2.10 is \$2,100; 1500 plus 1000 is 2500; \$3,000 plus \$2,100 is \$5,100; \$5,100 divided by 2500 is \$2.04. You may therefore use the uniform ceiling price of \$2.04 for sales from both plants.

CEILING PRICES FOR NEW COMMODITIES, NEW SELLERS AND SALES TO NEW CLASSES OF PURCHASERS

SEC. 30. Ceiling prices for new commodities differing only by reason of minor changes from commodities whose ceiling prices are established under this regulation.—(a) *Ceiling price for a commodity first offered for sale between June 25, 1950, and the day prior to the effective date of this regulation.* The ceiling price for a commodity first offered for sale by you between June 25, 1950 and the day prior to the effective date of this regulation, differing from a commodity you dealt in during the period July 1, 1949 to June 24, 1950, only by reason of a minor change in design or construction which does not reduce unit manufacturing materials cost or prevent its offering fairly equivalent service, shall be the ceiling price for the previous commodity established under this regulation. If you are no longer manufacturing the previous commodity, you must establish a ceiling price for it in accordance with this regulation and use that ceiling price as the ceiling price for the commodity being priced. If the new commodity differs from the previous commodity only by reason of the use of a substitute material the new commodity must be priced under section 3.

[Paragraph (a) amended by Amdt. 6]

(b) *Ceiling price for a commodity first offered for sale on or subsequent to the effective date of this regulation.* The ceiling price for a commodity first offered for sale by you on or subsequent to the effective date of this regulation, differing from a commodity for which your ceiling price is established under this regulation only by reason of minor changes in material, design or construction which do not reduce unit manufacturing materials cost or prevent its offering fairly equivalent service, shall be the ceiling price for the previous commodity as established under this regulation. If you are no longer manufacturing the previous commodity, you must establish a ceiling price for it in accordance with this regulation and use that ceiling price as the ceiling price for the commodity being priced.

[Paragraph (b) amended by Amdt. 6]

SEC. 31. Optional method for determining ceiling prices for packaged commodities to reflect cost increases since your base period by changing size or quantity. This pricing method may be used in place of section 32 under the circumstances indicated herein. If you wish to use your base period price for a packaged commodity as your ceiling price and to reduce the size or quantity of that commodity to reflect any permissible cost increases since the end of

your base period, you may do so in the following manner:

(a) Determine your ceiling price for the commodity in its base period size or quantity.

(b) Calculate the ratio between your base period price for the commodity and your ceiling price.

(c) Apply this ratio to the base period size or quantity of the commodity. The resulting size or quantity is the minimum for which you may use your base period price as your ceiling price.

Example: Your base period price for a 10-ounce package of commodity A was 25 cents and you wish to retain that price as your ceiling price. Your ceiling price for a 10-ounce package of commodity A as determined under this regulation is 30 cents. 25 cents divided by 30 cents is 83.3 percent. 10 ounces multiplied by 83.3 percent is 8 and one-third ounces. Your ceiling price for a package of commodity A containing not less than 8 and one-third ounces is therefore 25 cents.

SEC. 32. Ceiling prices for new commodities falling within categories dealt in during your base period.—(a) *Description of the pricing method.* This section deals with a commodity which you did not sell or offer for sale between July 1, 1949, and June 24, 1950, and which you cannot price under section 30 of this regulation, but which falls within a "category" in which you dealt during your base period. You determine your ceiling price by applying to the current unit direct cost of that commodity the percentage markup over the current unit direct cost of a "comparison commodity" (using your ceiling price for the comparison commodity under this regulation), in accordance with the following instructions.

[Paragraph (a) amended by Amdt. 40 as corrected]

(b) *Current unit direct cost.* "Current unit direct cost" as used in this section means the sum of the amounts (not higher than permitted by law) which it costs you, or if you are not currently producing it, would cost you for direct labor and materials to produce the commodity at the time you use the pricing method provided by this section. Current unit direct materials cost shall be computed upon the basis of current replacement prices for materials and current unit direct labor cost shall be computed upon the basis of current wage rates for direct labor. The method used in computing current unit direct materials cost and current unit direct labor cost for the new commodity and for the comparison commodity shall be the same in every respect.

(c) *Selection of a comparison commodity.* The comparison commodity to be used must be in the same category as the commodity being priced and shall be the first of the following which is available to you:

(1) A commodity dealt in during your base period differing from the commodity being priced only by reason of a minor change in size or quantity or of packaging.

(2) A commodity dealt in during your base period that you are now manufacturing which is most nearly like the commodity being priced and which has cur-

rent unit direct cost the same or lower than that of the commodity being priced.

(3) A commodity dealt in during your base period that you are no longer manufacturing which is most nearly like the commodity being priced and whose current unit direct cost would be the same or lower than that of the commodity being priced.

(4) A commodity dealt in during your base period that you are now manufacturing which is most nearly like the commodity being priced and whose current unit direct cost is next higher to that of the commodity being priced.

(5) A commodity dealt in during your base period that you are no longer manufacturing which is most nearly like the commodity being priced and whose current unit direct cost would be next higher to that of the commodity being priced.

(d) *Calculations to determine your ceiling price.* Having selected the appropriate comparison commodity, you determine your ceiling price as follows:

(1) Determine your ceiling price for sale of the comparison commodity to your largest buying class of purchaser if you are now manufacturing it, or what it would be if you are no longer manufacturing it, under this regulation or under any supplementary regulation to this regulation, or under any general overriding regulation, whichever is applicable.

[Subparagraph (1) amended by Amdt. 40]

(2) Determine the current unit direct cost of the comparison commodity, if you are now manufacturing it, or what it would be, if you are no longer manufacturing it.

(3) Subtract the current unit direct cost derived under (2) from the ceiling price derived under (1). This will give the gross dollar margin over current unit direct cost for the comparison commodity.

(4) Divide this gross dollar margin over current unit direct cost by the current unit direct cost of the comparison commodity. This will give the percentage markup over current unit direct cost for the comparison commodity.

(5) Apply this percentage markup to the current unit direct cost of the commodity being priced. This is your ceiling price for sale of that commodity to your largest buying class of purchaser. It must be consistent in every respect with the ceiling price for the comparison commodity, i. e., it must carry your customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale. Your ceiling price for sale of the commodity to each of your other classes of purchasers shall be determined in the same manner as under section 3 (c).

Example: (i) Your comparison commodity is one you are no longer manufacturing. You find that its ceiling price under this regulation would be \$10. (ii) The current unit direct cost of the comparison commodity would be \$6. (iii) \$6 subtracted from \$10 is \$4. This is the current gross dollar margin over direct cost for the comparison commodity. (iv) \$4 divided by \$6 is 66.7%. This is the percentage margin

over direct costs for the comparison commodity. (v) The current unit direct cost for the commodity being priced is \$7.50. 66.7% of \$7.50 is \$5.00. \$7.50 plus \$5.00 is \$12.50. This is your ceiling price for the commodity being priced.

(e) *Category.* Category means a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. Section 46 of this regulation continues in effect certain provisions of section 16 of the General Ceiling Price Regulation which among other things prescribes that you must prepare and preserve a list of your categories. If the list you have prepared is not representative of your categories during your base period for this regulation, you should prepare such a list by the effective date of this regulation and thereafter preserve it. In applying the pricing provisions of this section, you should refer to it. You might, for example, have a category such as one of the following: desks, office, steel; desks, office, wood; dishwashers, domestic; ranges, domestic, electric; ranges, domestic, gas; refrigerators, household; room air conditioner to 1 h/p; vacuum cleaners, domestic; washing machines, domestic.

[Paragraph (e) amended by Amdt. 6]

(f) *Required report.* (1) Before selling any commodity for which you have determined a ceiling price under this section, except as permitted under subparagraph (2) below, you must file the report required by paragraph (g) of this section with the Director of Price Stabilization, Washington 25, D. C., and in addition you may not sell the commodity until 15 days after mailing your report; thereafter you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(2) You need not prepare or file the report required by paragraph (g) of this section with the Director of Price Stabilization, if total net sales of the commodity required to be priced under this section are not expected to exceed ten thousand dollars in value; but no sales of the commodity which would result in its total net sales equaling or exceeding ten thousand dollars in value may be made until after a report has been filed. Appropriate records and work sheets relating to the computation of your ceiling prices must be preserved as prescribed in section 46.

[Subparagraph (2) added by Amdt. 3]

(3) In case, however, the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until 15 days after the effective date of this regulation.

[Paragraph (f) amended by Amdt. 3]

(g) *Information required in report—*
(1) *For all commodities except food products.* For all commodities except food products, your report shall be made upon OPS Public Form No. 128 filled out in strict compliance with the instructions thereon. If the new commodity being priced is the first commodity in its category for which an OPS Public Form No. 128 has been submitted, you must also submit the base period prices and detailed specifications, with illustrations, when available, of all the commodities in that category which you dealt in during the base period. These prices and specifications may be submitted in the form of existing printed material or in newly prepared documents.

(2) *For food products.* Your report for food products should state the name and address of your company; a description of the commodity being priced; the comparison commodity and an explanation why you have selected the comparison commodity as such; a description of the category in which the commodity being priced and the comparison commodity fall; your ceiling price to the largest buying class of purchaser of your comparison commodity, or if you are not now manufacturing it what this ceiling price would be; a detailed breakdown of the current unit direct cost of the comparison commodity, or what it would be; the gross margin, and the percentage markup over current unit direct cost for the comparison commodity; a detailed breakdown of the current unit direct cost of the commodity being priced; the ceiling price of the commodity being priced; delivery, discount, guaranty and servicing terms and conditions and differentials in effect for sales to all classes of purchasers with respect to the comparison commodity.

[Paragraph (g) amended by Amdt. 40]

SEC. 33. *Ceiling prices for commodities in new categories, for new sellers and for sales to an entirely new class of purchaser.* (a) (1) If you are pricing a commodity which is in a different category from any dealt in by you between July 1, 1949 and June 24, 1950, or which you are selling to an entirely new class of purchaser as referred to in section 3 (c) of this regulation, your ceiling price is the same as the ceiling price under this regulation of your most closely competitive seller of the same class selling the same commodity or, lacking the same, a substantially similar commodity to the same class of purchaser. A ceiling price so determined must be in line with the level of ceiling prices otherwise established by this regulation.

[Subparagraph (1) amended by Amdts. 10 and 34]

(2) Before selling any commodity for which you have determined a ceiling price under this section, you must file the report required by paragraph (b) of this section with the Director of Price Stabilization, Washington 25, D. C., and in addition, you may not sell the commodity until 15 days after mailing your report; thereafter, you may sell the commodity at your proposed ceiling price unless and until notified by the

Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(3) In case, however, the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until 30 days from the date this regulation becomes effective for your most closely competitive seller of the same class selling the same commodity or, lacking the same, a substantially similar commodity to the same class of purchaser, or until 30 days from the date this regulation becomes effective as to you, whichever is later.

[Subparagraph (3) amended by Amdts. 6 and 34]

(b) *Required report.* Your report should state the name and address of your company; the new categories in which the commodities fall and the most comparable categories dealt in by you during the base period; the name, address and type of business of your most closely competitive seller of the same class; a description of the commodity he sells and the differences, if any, in specifications of his commodity from the one you are pricing; a statement of his ceiling price and his differentials to each of his classes of purchasers; your reasons for selecting him as your most closely competitive seller; a statement of your customary price differentials; and, if you are selling to an entirely new class of purchaser, a description of such class of purchaser. If you are starting a new business, you should include a statement whether you or the principal owner of your business are now or during the past 12 months have been engaged in any capacity in the same or a similar business at any other establishment, and, if so, the trade name and address of each such establishment. Your report should include the following: Your proposed ceiling price and the specifications of the commodity you are pricing; the manufacturing process involved; a detailed breakdown of your unit direct costs; the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation; and the types of customers to whom you will be selling.

[Paragraph (b) amended by Amdt. 34]

MISCELLANEOUS PROVISIONS

SEC. 34. *Sellers who cannot price under other sections.* (a) If you claim that you are unable to determine your ceiling price for a commodity under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all of the information called for under section

33 to the extent you are able to furnish it; and the method used by you to determine your proposed ceiling price. You may not sell the commodity until the Director of Price Stabilization notifies you, in writing, of your ceiling prices except as permitted in paragraphs (b) or (c).

[Paragraph (a) amended by Amdts. 3, 6, and 39]

(b) If the commodity is required to be priced under this section and prior to the effective date of this regulation, its ceiling price was determined under any other regulation, you may, after making the application prescribed in paragraph (a) of this section, continue to use that ceiling price until notified in writing by the Director of Price Stabilization of your ceiling price under this section.

[Paragraph (b) added by Amdt. 3; amended by Amdt. 39]

(c) If the commodity is required to be priced under this section and prior to the effective date of this regulation, its ceiling price was established under section 7 of the General Ceiling Price Regulation by letter order of the Director of Price Stabilization, you may continue to use that ceiling price unless and until otherwise directed by the Director of Price Stabilization and you are not required to make the application prescribed in paragraph (a).

[Paragraph (c) added by Amdt. 3; amended by Amdt. 39]

[Paragraph (d) added by Amdt. 6; deleted by Amdt. 39]

Sec. 35. Export sales. Your sales for export are subject to the provisions of this regulation.

Sec. 36. Excise, sales or similar taxes—

(a) *Where the tax is included in your selling price.* (1) If your base period price for a commodity includes any excise, sales or similar tax which is not separately stated, you must first ascertain the amount of such tax and exclude it from your base period price. Your base period price, with such tax so excluded may then be used in making any appropriate computations for determining your ceiling price. After completing the computations, you may then add on the appropriate amount of such tax for inclusion as part of your ceiling price. In the case of any reduction or elimination of such a tax subsequent to the end of your base period, you must reflect the appropriate amount of such reduction or elimination in your ceiling price. In the case of any increase in such a tax subsequent to the end of your base period, you may include the appropriate amount of such increase as part of your ceiling price. Likewise, in the case of any similar tax first imposed subsequent to the end of your base period, you may include the appropriate amount of such tax as part of your ceiling price.

(2) If the ceiling price for a comparison commodity you are using under section 32 of this regulation includes any excise, sales or similar tax, you must in determining your percentage markup under section 32 (d) exclude the amount of such tax. After completing your computations under section 32 (d), you may

then add on the appropriate amount of such tax for inclusion in your ceiling price for the new commodity.

(3) If subsequent to the establishment of any ceiling price which includes any excise, sales or similar tax, the amount of such tax is reduced or eliminated, you must recompute and reduce your ceiling price to reflect the appropriate amount of the reduction in or elimination of such tax.

(4) If subsequent to the establishment of any ceiling price any excise, sales or similar tax is first imposed or any such tax, which had been included in your ceiling price, is increased, you may recompute and increase your ceiling price to reflect the appropriate amount of such new tax or of the increase in such tax.

(b) *Where the tax is separately stated and collected.* If it has been your practice to state and collect any excise, sales or similar tax separately from your selling price, you may, in addition to your ceiling price determined under this regulation for the same or similar commodities for which this has been your practice, collect the amount of any such tax paid as such by you. In the case of an increase in any excise, sales or similar tax or any new such tax which is not effective until after this regulation becomes effective as to you, you may, in addition to your ceiling price, if not prohibited by the tax law, state separately and collect the amount of such increase or new tax actually paid as such by you. A tax once stated separately from your ceiling price may not thereafter be included in your ceiling price under this regulation.

[Section 36 amended by Amdt. 32]

Sec. 37. Prohibition against redetermination of ceiling prices. Once you have reported your ceiling price or proposed ceiling price for a commodity, as required by this regulation, you may not thereafter redetermine a higher ceiling price, except for the following reasons and upon compliance with the conditions specified:

(a) Increases in costs of agricultural commodities and the same commodities produced in the territories and possessions, or products processed therefrom in accordance with section 21 of this regulation.

[Paragraph (a) amended by Amdt. 31]

(b) Changes affecting the computation of ceiling prices resulting from amendment, supplement, revision or official interpretation of this regulation. In case of such a redetermination you must file an amended Public Form No. 8 and such redetermination may reflect only the factors covered by the amendment, supplement, revision or official interpretation.

(c) Extension of the effective date of this regulation pursuant to Amendment 6 of this regulation. In case of such a redetermination you must file an amended Public Form No. 8 by July 2, 1951.

(d) Where the base period price is used as the ceiling price without making the calculations of either of the adjustments (labor cost adjustment or materials cost adjustment) or where the ceiling price is the base period price plus

only one of the adjustments. Such a redetermination shall be made by filing an amended Public Form No. 8 showing the omitted calculated adjustment or adjustments and it may reflect only the adjustment or adjustments not calculated in the filed unamended Public Form No. 8.

(e) Purely arithmetical errors, however, may be corrected at any time, but the corrections must be reported to the Director of Price Stabilization.

(f) The filing of an amended Form No. 8 under this section is subject to the provisions of section 48 of this regulation.

(g) Extension of the effective date of this regulation pursuant to Amendment 20 of this regulation. In case of such a redetermination you must file an amended Public Form No. 8 by August 13, 1951.

[Paragraph (g) added by Amdt. 20]

(h) Any new excise, sales or similar tax or any increase in any such tax, in accordance with section 36 (a) of this regulation. You need not file any report of your redetermined ceiling price unless required to do so by the Director of Price Stabilization.

[Paragraph (h) added by Amdt. 32]

Sec. 38. Modification of ceiling prices by the Director of Price Stabilization. The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation. Such downward revisions may, of course, be accompanied by upward revisions—as in a case where the Director of Price Stabilization requires an apportionment of the "materials cost increase" for a unit of your business to avoid any inequities resulting from the application of sections 13 or 16.

[Sec. 38 amended by Amdt. 3]

Sec. 39. Recalculation of ceiling prices and announcement of "materials cost increase factors". The Director of Price Stabilization expects in due course to issue an amendment to this regulation providing for a recalculation of your ceiling prices hereunder. The primary purpose of this recalculation would be to reflect more accurately the materials prices established by this and other ceiling price regulations. The Director of Price Stabilization may also from time to time announce "materials cost increase factors" for certain materials in order to provide greater uniformity in the calculation of their change in price since the end of your base period. These factors will be percentage figures based on studies of some categories of important basic materials and parts. If such a factor is announced, it must be used in place of any change you have had in the price of the material covered by the factor, regardless of whether the factor is higher or lower. These "materials cost increase factors" may be announced by amendments or by supplementary regulations to this regulation.

Sec. 40. Adjustable pricing. Nothing in this regulation shall be construed to prohibit your making a contract or offer

to sell a commodity at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a commodity at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

Sec. 41. 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 (15 F. R. 9055).

Sec. 42. Supplementary regulations. The Director of Price Stabilization may issue supplementary regulations modifying or implementing this regulation as he deems appropriate.

[Section 43 amended by Amdt. 20; deleted by Amdt. 36]

Sec. 44. Use of "conversion steel" in calculating the "materials cost adjustment". This section permits you to reflect in your "materials cost adjustment" increases in cost occasioned by your use of more "conversion steel" (see definition in section 47) than you used in your base period. If you elect to use this section, you must compute this increase in cost in the manner set forth in paragraph (a) of this section. You must file the report required by paragraph (b) of this section before you make the adjustment permitted by this section and reflect it in your ceiling prices. You must also recompute this increase every three months as provided in paragraph (c) of this section. Your adjusted ceiling prices shall remain in effect until you make your next recomputation of the increase and are authorized or required to readjust your ceiling prices as provided by paragraph (c) of this section. The Director of Price Stabilization may disapprove, at any time, by order, your materials cost adjustment to the extent that it reflects an increase in your cost due to your increased use of conversion steel, if he determines that this increase is not based on lawful costs, is caused by your sale of steel, or has not been calculated properly under this section. This disapproval will not be retroactive as to any deliveries made before the date of issuance of the order of disapproval.

[Above paragraph amended by Amdt. 41]

(a) **Computation of increased costs due to use of conversion steel.** You shall compute your increased costs due to the use of conversion steel as follows:

(1) Determine the tonnage of all steel (whether conversion steel or not) which you used during the period July 1, 1949 through June 30, 1950.

(2) Determine the tonnage of conversion steel which you used during the period July 1, 1949 through June 30, 1950 and for which you did not make an additional charge during this period.

(3) Divide the tonnage found under subparagraph (2) by the tonnage found under subparagraph (1) of this paragraph.

(4) Determine the dollar amount you paid for all "conversion steel" delivered to you during the period April 1 through

June 30, 1950. You shall determine this amount by totalling the amount you paid for steel mill products which you have purchased for conversion to other steel mill products; the amount you paid for converting these steel mill products to other steel mill products; and the amount paid by you for transportation of these steel mill products to the place of conversion and to your plant after conversion.

(5) Divide the dollar amount you found under subparagraph (4) of this paragraph by the total tonnage of conversion steel delivered to you during the period April 1 through June 30, 1950.

(6) Multiply the dollar amount per ton found under subparagraph (5) of this paragraph by the ratio found under subparagraph (3) of this paragraph.

(7) Determine the tonnage of all steel, other than conversion steel, which you used during the period July 1, 1949 through June 30, 1950.

(8) Determine the tonnage of all conversion steel which you used during the period July 1, 1949 through June 30, 1950 and for which you made an additional charge during that period.

(9) Add the tonnages found under subparagraphs (7) and (8) of this paragraph.

(10) Divide the tonnage found under subparagraph (9) by the tonnage found under subparagraph (1) of this paragraph.

(11) Determine your delivered cost per ton of steel, other than conversion steel, as of the end of your base period (see section 18).

(12) Multiply your cost per ton found under subparagraph (11) by the ratio found under subparagraph (10) of this paragraph.

(13) Add your costs per ton found under subparagraphs (6) and (12) of this paragraph. The result is your average cost per ton of all steel (whether conversion steel or not) as of the end of your base period.

(14) Determine the tonnage of all steel (whether conversion steel or not) which you used during the period April 1 through June 30, 1951.

(15) Determine the tonnage of conversion steel which you used during the period April 1 through June 30, 1951.

(16) Divide the tonnage found under subparagraph (15) by the tonnage found under subparagraph (14) of this paragraph.

(17) Determine the dollar amount you paid for all "conversion steel" delivered to you during the period April 1 through June 30, 1951.

You shall determine this amount by totalling the amount you paid for steel mill products which you have purchased for conversion to other steel mill products (not in excess of the applicable ceiling price); the amount you paid for converting these steel mill products to other steel mill products (not in excess of the applicable ceiling price); and the amount paid by you for transportation of these steel mill products to the place of conversion and to your plant after conversion. However, you may not use as your total cost of any conversion steel an amount in excess of 200 percent of

the current mill price for the same steel. The term "current mill price" means the delivered price, in carload lots, which the steel mill producer, from whom you purchased the greatest tonnage of steel during the period July 1, 1949 through June 30, 1950, has in effect. If you did not purchase any steel mill products from any steel mill producer during this period, you shall use the delivered price, in carload lots, which the steel mill producer nearest to you has in effect.

(18) Divide the dollar amount you find under subparagraph (17) of this paragraph by the total tonnage of "conversion steel" delivered to you during the period April 1 through June 30, 1951.

(19) Multiply your cost per ton found under subparagraph (18) by the ratio found under subparagraph (16) of this paragraph.

(20) Determine the tonnage of all steel, other than conversion steel, which you used during the period April 1, through June 30, 1951.

(21) Divide the tonnage found under subparagraph (20) by the tonnage found under subparagraph (14) of this paragraph.

(22) Determine your delivered cost per ton of steel, other than conversion steel, as of March 15, 1951 (see section 18).

(23) Multiply your cost per ton found under subparagraph (22) by the ratio found under subparagraph (21) of this paragraph.

(24) Add your costs per ton found under subparagraphs (19) and (23) of this paragraph.

(25) Subtract your average cost per ton of steel as of the end of your base period, found under subparagraph (13), from your average cost per ton of steel found under subparagraph (24) of this paragraph. The result is the dollars and cents change in net cost per ton of all steel which you may use in calculating your materials cost adjustment under the applicable provisions of this regulation.

(b) **Report.** Before you reflect the adjustment permitted by paragraph (a) of this section in your ceiling prices you must file a report, by registered mail, with the Office of Price Stabilization, Washington 25, D. C. This report shall contain the following information (The report may be filed on a copy of Form OPS 92):

(1) A statement describing the nature of your manufacturing operations and, particularly the commodities in which conversion steel is used.

(2) A detailed statement establishing separately the amount of all steel, other than conversion steel, all conversion steel for which you made an additional charge, and all conversion steel for which you did not make an additional charge, which you used during the period July 1, 1949 through June 30, 1950 and during the period April 1 through June 30, 1951.

(3) A statement showing the total tonnage received and total dollar amount you paid for each specification of steel (whether conversion steel or not) delivered to you during the periods April 1 through June 30, 1950, and April 1 through June 30, 1951. Also state the total tonnage and the total dollar

amount you received for each specification of steel (whether conversion steel or not) which you sold during each of these periods.

(4) Your increase in cost of steel calculated in accordance with the provisions of this section.

(c) *Recomputation.* If you elect to use this section, you must recompute your increased costs, due to the use of conversion steel, on October 1, 1951, and every three months thereafter. You shall make this recomputation in accordance with the method set forth in paragraph (a) of this section, except that you shall use your experience during the three months immediately preceding the date as of which the recomputation is required, instead of using your experience during the period April 1 through June 30, 1951. If this recomputation results in a greater increase in your ceiling prices than that previously determined by you under this section, you may use this greater increase. If this recomputation results in a lesser increase in your ceiling prices than that previously determined by you under this section, you must use this lesser increase.

Within thirty days after each required recomputation you must file a report of the recomputation, by registered mail, with the Office of Price Stabilization, Washington 25, D. C. This report shall contain the information required by paragraph (b) of this section, except that it shall contain the required information for the three months period for which you made the required recomputation.

(d) *Adjustable pricing.* Where you have not computed the increase in your ceiling price permitted by this section, you may sell or deliver a commodity at a price which may be adjusted upwards in accordance with the provisions of this section. If you do so the price at which the commodity is sold or delivered must be determined in accordance with the applicable provisions of this regulation, except this section. Final settlement shall be made at a price not in excess of the ceiling price determined in accordance with the applicable provisions of this regulation, including this section. Also, your computation of the increase in price of the commodity permitted by this section must be made for the calendar quarter immediately preceding the calendar quarter in which you deliver the commodity.

[Section 44 amended by Amdt. 28]

Sec. 45. Temporary adjustments to carry out existing contracts—(a) Who may apply for adjustment. If at any time prior to the issuance date of this regulation, you entered into a bona fide contract for delivery of a commodity at a firm price subsequent to the effective date of this regulation, and if your ceiling price as determined under this regulation is lower than the contract price, you may apply to the Director of Price Stabilization for an adjustment of your ceiling price. *Provided:*

(1) The contract for future delivery was required by seasonal demands or normal business practices.

(2) The contract, if entered into subsequent to January 26, 1951, called for deliveries at a price which was lawful under ceiling price regulations in effect at that time.

(3) You acquired needed raw materials or component parts after the date of the contract at lawful prices in reliance upon and in order to fulfill the terms of the contract.

(b) *Calculation of the amount of the adjustment.* The adjusted ceiling price will be fixed in the following way:

(1) Take the total price of the quantity of raw materials or component parts acquired in reliance upon, and necessary in order to fulfill, the contract.

(2) Compute what the total price of the same quantity of raw materials or component parts would be as of the later of the two applicable prescribed dates used for your calculation of "the materials cost adjustment". In computing what that total price would be, you will, of course, apply the provisions of section 18.

(3) Subtract the figure arrived at in subparagraph (2) from the figure in subparagraph (1). The result is the total amount of the adjustment. If the figure arrived at in subparagraph (1) is no higher than that arrived at in subparagraph (2), you cannot apply for adjustment under this section.

(4) Divide the total amount of the adjustment by the number of units of the commodity called for by the contract. This gives you the adjustment per unit of the commodity. If the contract calls for the delivery of more than one commodity, the total amount of the adjustment may be distributed in any appropriate way among the several commodities.

(5) Add the adjustment per unit of the commodity under (4) to your ceiling price for that commodity. The result is your adjusted ceiling price. In no event, however, may you obtain an adjusted ceiling price higher than the contract price.

Example: You contracted in January 1951 to supply a mail order house 1,000 units of a commodity at \$10.00 per unit, delivery to be made during the months of June, July, and August of 1951. Your ceiling price under this regulation is \$9.00. In order to comply with the terms of your contract, you purchased raw material sufficient to produce 600 units at a total cost of \$4,200. The cost of acquiring the same raw material as of December 31, 1950 (the later of the two applicable dates used in your calculation of "the materials cost adjustment") would be \$3,500. The total adjustment is \$700 (\$4,200 minus \$3,500 equals \$700). The total number of units called for in the contract was 1,000. Divide \$700 by 1,000. This gives you 70¢. The adjustment per commodity becomes 70¢ and your adjusted ceiling price for the contract \$9.70. Subsequent sales to the contract purchaser and all sales to other purchasers must be at the regular ceiling price of \$9.00.

(c) *What your application must contain.* Applications for adjustment under this section must be filed on or before September 4, 1951, with the Director of Price Stabilization, Washington 25, D. C. Attached to the application should be the following:

1. A copy of the contract;

2. Copies of invoices covering the raw materials or component parts acquired in reliance upon and in order to fulfill the contract;

3. Copies of invoices or other supporting data which indicate your net cost as of the later of the two applicable dates you used in computing "the materials cost adjustment";

4. A copy of the worksheets used in the calculation of your ceiling price.

5. A report of your adjusted ceiling price and a detailed calculation showing how this price was arrived at.

[Paragraph (c) amended by Amdt. 20]

(d) *Action on your application.* You may not receive payment of any amount in excess of your ceiling price until 30 days after receipt by the Director of Price Stabilization of any application filed under this section. If the Director of Price Stabilization does not revise or modify the adjusted ceiling price reported by you or notify you that further information is required, you may after these 30 days have elapsed receive payment at the adjusted ceiling price for all deliveries made since the date of filing. The Director may, however, at any time revise or modify the adjusted ceiling price, but such revision or modification will not apply to deliveries already made. The 30-day waiting period shall include each day subsequent to the date of receipt of the application by the Director of Price Stabilization regardless of the date on which the application was received by him.

[Paragraph (d) amended by Amdt. 20]

SEC. 46. Records and reports—(a) Record-keeping requirements. (1) With respect to any commodity covered by this regulation the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect insofar as they apply to the preparation and preservation of "base period records" and such "current records" as have been made as a result of sales between January 26, 1951, and the effective date of this regulation.¹

¹ The portions of the General Ceiling Price Regulation here referred to applicable to manufacturers, are as follows:

Sec. 16. (a) Base period records. You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period. * * *

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period. * * *

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalog. * * *

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and

(2) (i) You shall prepare and preserve for the life of the Defense Production Act of 1950 and for two years thereafter all records necessary to determine whether you have computed your ceiling prices correctly, including (but not limited to) records showing base period prices and material and labor costs, and records showing costs, prices, and sales for the other applicable periods and dates referred to in the regulation.

(ii) The records to be preserved under this paragraph must include appropriate work sheets. Appendix E contains suggested work sheets for the more important calculations required under this regulation. The work sheets to be preserved may be in the form shown in the appendix; they may be in any other convenient form so long as they include all data and calculations required to determine your ceiling prices.

(3) You shall preserve for a period of two years all records showing the prices at which sales of commodities subject to the regulation have been made.

(b) *Reports*—(1) You must file with the Office of Price Stabilization, Washington 25, D. C., on or before the effective date of this regulation, one or more reports on Public Form No. 8 in accordance with the instructions which are a part of that form. Copies of the form may be obtained from any Regional or District Office of the Office of Price Stabilization. This Public Form No. 8 is shown in Appendix D. If you report a ceiling price for any commodity higher than your ceiling price under the General Ceiling Price Regulation, you must file your report by registered mail and you must wait until you receive your return postal receipt confirming receipt by the Office of Price Stabilization of your Public Form No. 8 before selling as provided in section 48.

[Paragraph (1) amended by Amdt. 35]

(2) The Director of Price Stabilization may from time to time require additional information or reports subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942.

Sec. 47. Definitions and explanations. Unless the context otherwise requires, the definitions and explanations in this section shall be controlling.

[Above sentence added by Amdt. 31]

Category. This term is defined in section 5.

classes of purchasers, which you had in effect during the base period.

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. * * *

"Base period" as used in section 16 of the General Ceiling Price Regulation means December 19, 1950 to January 25, 1951.

Class of purchaser or purchaser of the same class. Class of purchaser is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period and for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

Commodity. This term includes any item, object, material, article, product or supply.

"Conversion steel." This term means steel mill products which have been obtained by the consumer in consequence of the consumer or some other person having furnished, directly or indirectly, to one or more steel producers or converters, steel mill products in a less finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot rolled sheets in coils, for the express purpose of procuring such steel mill products.

[Above paragraph added by Amdt. 28]

Delivered. A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Director of Price Stabilization. This term also applies to any official (including officials of Regional or District offices) to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

End of your base period. This term means June 24, 1950, if your base period is April 1 through June 24, 1950, or if you elected a previous calendar quarter as your base period in accordance with section 4, it means the last day of that quarter. If, however, you have elected different base periods for different commodities or categories in accordance with sections 4 or 5, the date you will use as the end of your base period is determined as follows:

(a) If you are calculating "the labor cost adjustment" or "the materials cost adjustment" upon the basis of a unit of your business, and your base period is the same for all commodities produced in that unit, the last day of that base period is the end of your base period.

(b) If you are calculating "the labor cost adjustment" upon the basis of your entire business or of a unit of your business

and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected which covers the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of "the labor cost adjustment."

(c) If you are calculating the "materials cost adjustment" upon the basis of your entire business or a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected for the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of "the materials cost adjustment."

(d) If you are calculating "the materials cost adjustment" for a commodity under method 2 (section 14) or method 3 (section 15) the end of your base period is the last day of the particular base period you are using.

Largest buying class of purchaser. This term refers to the "class of purchaser" of a commodity which bought from you the largest dollar amount of that commodity during your base period. It does not, however, include the United States or any agency thereof, any foreign purchaser, or any person to whom the only sales made during your base period were made under a written contract of at least 6 months' duration entered into prior to the base period, unless the United States or any agency thereof, any foreign purchaser or such contract purchaser was your only class of purchaser.

Manufacturer. This term includes a producer, processor, assembler, finisher, printer or fabricator. You are not a manufacturer unless you substantially change the form of some commodity or commodities, combine two or more commodities into a different one, or create a new commodity from existing ones. If you merely package, label, market, promote, or sell a commodity or combine commodities without substantially changing their form, you are not a manufacturer. If you merely perform an industrial service for the account of others on a commodity you are not a manufacturer with respect to such a commodity. If you merely rebuild, recondition, renovate, renew or otherwise restore a used commodity, you are not a manufacturer with respect to such commodity.

[Last sentence above added by Amdt. 18]

Manufacturing material. This term is explained in section 10.

Most closely competitive seller of the same class. Your most closely competitive seller of the same class is the seller with whom you are in most direct competition. You are in direct competition with another seller who sells the same type of commodity to the same classes of purchaser in similar quantities on similar terms and with approximately the same amount of service.

Net cost or net price. Each of these terms refers to the cost or price to you of a manufacturing material less any discount (other than a customary cash

discount) or allowance you took or could have taken. It does not include separately stated charges such as freight, taxes, etc.

Net sales. This term refers to gross sales after trade discounts, less returns and allowances. In the case of sales where the selling price is a delivered price, transportation charges should not be deducted. This term does not include sales of commodities of which you are not the manufacturer.

[Last sentence above added by Amdt. 3]

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 their political subdivisions or agencies.

Plant. This term refers to a single physical location where business is conducted or industrial operations are performed, for example, a factory or a mill. If such a single physical location comprises two or more units, with separate payroll and inventory records, engaged in distinct industrial activities, each unit shall be treated as a plant.

This definition of "plant" is based on the definition of "a manufacturing establishment" in the Standard Industrial Classification which is consistent with that used by the Bureau of Census in the 1947 Census of Manufactures and subsequent surveys.

Product line. This term is explained in section 15.

Records. This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Sale at retail. Sale at retail means any sale to an ultimate consumer other than a commercial, industrial, governmental or institutional user.

Sell. This term includes sell, supply (with respect to either commodities or services), dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

Service. This term includes any service rendered or supplied, otherwise than by an employee.

Written offer or written offer for sale. Each of these terms refers to an offer for sale made by means of the seller's price list or, if he had no price list, a written offer otherwise made in the seller's customary manner. The term does not include an offer at a price intended to withhold a commodity from the market or used as a bargaining price by a seller who usually sells at a price lower than his asking price.

You. "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Your ceiling price as determined under this regulation. This term includes a ceiling price determined under CPR 22 or any supplementary regulations to CPR 22, unless the context clearly excludes from its meaning a price determined under a supplementary regulation to CPR 22.

[Above paragraph added by Amdt. 33]

No. 29—7

SEC. 48. Prohibitions. (a) On and after the effective date of this regulation, regardless of any contract or other obligation, (1) you shall not sell any commodity subject to this regulation at a price exceeding your ceiling price as determined under this regulation, and (2) no person shall buy from you in the regular course of business or trade any commodity subject to this regulation at a price exceeding your ceiling price as determined under this regulation.

(b) On and after the effective date of this regulation you shall not sell any commodity subject to this regulation unless you have complied with the report requirements of sections 21, 32, 33, or 46, whichever is applicable. The waiting periods prescribed in sections 21, 32, and 33 shall include each day subsequent to the date of mailing of the application to the Director of Price Stabilization, regardless of the date on which the application was mailed.

[Paragraph (b) amended by Amdts. 16 and 20]

(c) In the event your ceiling price for a commodity under this regulation is higher than your ceiling price under the General Ceiling Price Regulation (except when you raise your price, pursuant to section 21, above that price initially calculated under this regulation) you shall not sell that commodity at a price exceeding your ceiling price under the General Ceiling Price Regulation, except under the following conditions:

[Above paragraph amended by Amdt. 16]

(1) You must send by registered mail a report, relating to that commodity, on Public Form No. 8 (shown in Appendix D) to the Director of Price Stabilization, Washington 25, D. C. Copies of this form can be obtained from any Regional or District office of the Office of Price Stabilization.

(2) As soon as you receive your return postal receipt confirming receipt by the Office of Price Stabilization of your report on Public Form No. 8, you may deliver that commodity at your ceiling price as determined under this regulation, unless and until notified by the Director of Price Stabilization to continue using your GCPR ceiling price, or such higher ceiling price as he may permit, either because your ceiling price proposed under this regulation has been disapproved in whole or in part, or because more information is required.

[Subparagraph (2) amended by Amdts. 20 and 35]

[Subparagraph (3) deleted by Amdt. 35]

SEC. 48a. Transfers of business or stock in trade. If the business, assets or stock in trade are sold, or otherwise transferred, after the issue date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodity, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same.

The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

[Sec. 48 (a) added by Amdt. 3]

SEC. 49. Charges lower than ceiling prices. Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 50. 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 understandings.

SEC. 51. Violation—(a) Civil and criminal action. Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

[Title amended by Amdt. 3]

(b) **Violations of record-keeping and reporting requirements.** If any person subject to this regulation fails to keep the records or file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing ceiling prices for the commodities such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

[Paragraph (b) added by Amdt. 3]

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.

By: JOSEPH L. DWYER,
Recording Secretary.

APPENDIX A

This regulation does not apply to the commodities and transactions listed below. Most of such commodities and transactions are covered by some other price regulation.

(a) General exemptions: (1) Sales of commodities, the ceiling prices of which are now or are subsequently established by any numbered regulations of the Office of Price Stabilization.

(2) Sales of commodities exempt from the ceiling price provisions of the General Ceiling Price Regulation under sections 5, 6, 7, 8, and 9 of Supplementary Regulation 1 to

RULES AND REGULATIONS

the General Ceiling Price Regulation (Defense Agency Pricing).

(3) Sales of commodities, the ceiling prices of which are now or may subsequently be exempted from price control by any General Over-Riding Regulation.

(b) General commodity categories:

1. All raw agricultural products.
2. Stumpage, logs, pulpwood, and other raw forest products.

3. Gas, electricity, and steam.

4. All scrap and waste materials.

5. All repair or replacement parts when sold by the manufacturer of the assembled article in the repair of which such parts are designed to be used.

(c) The following food and kindred products:

(1) All meats, except dry sausage and sterile canned meats.

[Subparagraph (1) amended by Amdt. 3]

(2) Sausage, except dry.

(3) Lard.

(4) Rabbits and dressed and ready-to-cook poultry, including turkeys.

[Subparagraph (4) amended by Amdt. 3]

(5) Dairy products—for the purpose of this regulation, dairy products shall include milk and butterfat and products manufactured or processed in a dairy plant from either milk or butterfat when the milk solids content of the product is greater than the solids content of any other ingredient except sugar; and shall also include water ices (a product composed of water, sugar, flavoring and stabilizer) prepared in bulk, package form, or in the form of a stick confection.

[Subparagraph (5) amended by Amdt. 16]

(6) All canned, frozen, and dried seasonal (meaning products packed at time of harvest from agricultural commodities having a stable seasonal pattern) fruits, berries, and vegetables, and their juices.

(7) Canned soups and baby foods.

(8) Sales by grain millers or processors, as defined in Supplementary Regulation 18, of the following human food products and feeds or feed ingredients:

(1) These human food products: Flour, as defined in Supplementary Regulation 18 (except cake flour in packages of 5 pounds or less, and prepared flour mixes), semolina (as defined by the Federal Security Agency), farina (as defined by the Federal Security Agency), enriched farina (as defined by the Federal Security Agency), corn meal, corn grits, hominy grits, brewers' grits, pearl barley, malt and other processed barleys.

(2) Animal or poultry feeds when milled or processed from a single one of the following grains: Wheat, corn, flaxseed, oats, rye, barley and grain sorghums; and the following feed or feed ingredient by-products: distillers' dried products, distillers' dried grains, distillers' solubles, distillers' dried grains with solubles, distillers' specialty products, brewers' dried grains, malt dried grain, malt cleanings, malt hulls and malt sprouts.

[Subparagraph (8) amended by Amdt. 25]

(9) Mixed feeds as defined in General Ceiling Price Regulation, Supplementary Regulation 7.

(10) Soybean oil meal, as defined in General Ceiling Price Regulation, Supplementary Regulation 3.

(11) Cottonseed cake, meal and hulls.

[Subparagraph (11) amended by Amdt. 3]

(12) Fish scrap, fish meal, fish solubles, and specialty fish feed products.

(13) Dog and cat food with fifteen percent or less moisture.

(14) Rice as defined in Ceiling Price Regulation 12.

(15) Bakery products—bread, cakes, hand-made cookies, donuts, pies, pastries, and similar "perishable bakery products" but not including semi-perishable dry bakery products, such as crackers, packaged cookies, pretzels, etc.

(16) Sugar beet pulp and sugar and liquid sugar (as defined in the Sugar Act of 1948).

[Subparagraph (16) amended by Amdt. 3 and 9]

(17) Chewing gum.

(18) Soft drinks.

(19) Malt beverages.

(20) Wines.

(21) Distilled spirits.

(22) Frozen eggs, dried eggs and liquid eggs.

[Subparagraph (22) amended by Amdt. 3]

(23) Inedible molasses.

[Subparagraph (23) amended by Amdt. 9]

(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.

[Subparagraph (24) added by Amdt. 13]

(25) Ice.

[Subparagraph (25) added by Amdt. 19]

(26) No. 2 grade shelled peanuts (except No. 2 grade edible shelled peanuts) and all grades of shelled peanuts below the No. 2 grade. (The grades of shelled peanuts are defined by the United States Department of Agriculture.)

[Subparagraph (26) added by Amdt. 37]

(d) All tobacco products.

(e) The following textile mill products:

(1) All wool fibers which have been processed beyond the scouring stage.

(2) Wool yarn and fabrics as defined in Ceiling Price Regulation 18, together with all other yarns and fabrics containing 25% or more wool by weight, however manufactured.

(3) Soft surface floor coverings which are either entirely made of wool or which, regardless of what material is employed, are woven on a chenille, wilton, velvet or axminster loom or are produced by the manufacturing process that produces punched felt. Ceiling prices for these floor coverings are established by Supplementary Regulation 11, Revision 2, to the General Ceiling Price Regulation.

[Subparagraph (3) amended by Amdt. 15]

(f) (1) Apparel, apparel furnishings or apparel accessories, made of textile materials, leather, fur, or a combination of any of them, or made of plastic or other materials which are normally sewed as part of the assembly operation; (2) component parts manufactured exclusively for further processing into or for use as a part of apparel, apparel furnishings or apparel accessories; and (3) such footwear as is not normally made by shoe, slipper or rubber manufacturers.

The following are examples of commodities excepted under this paragraph:

(1) Men's, boys', women's, misses', children's, toddlers' and infants' outerwear, underwear, headwear, hosiery, foundation garments, lounging and leisure wear, bedwear, athletic and special sports apparel, bathing suits and trunks, theatrical and masquerade costumes, ecclesiastical and academic vestments, occupational service apparel, burial clothes, gloves, handbags, pocketbooks, purses, wallets, billfolds, coin purses, money belts, muffs, muff bags, key cases, belts, suspenders, garters, garter belts, hose supporters, arm bands, ear muffs, sun shades, scarfs, mufflers, stoles, separate collars, separate cuffs, neckties, neckwear, handkerchiefs, abdominal supporters, sanitary belts and

aprons, infants' bands, bibs, and other articles of a similar nature.

(2) Hat bodies, sewn pockets, brassiere and underwear straps, collar and cuff sets, shoulder pads, shields, waist bands, unassembled garments sold in package form, and other similar manufactured articles.

(3) Booties, spats, slipper-socks, and beach shoes.

The following are examples of commodities not included in this exception: Slide fasteners, buttons and other closures, thread, artificial flowers, cuff links, separate belt buckles, tie clips, feathers, diapers, key chains, plumes, umbrellas, parasols, canes, costume jewelry, ribbons, compacts, cigarette cases, barrettes, hair furnishings, hair nets, tobacco pouches, carrying cases, dressing cases, jewelry cases, brief cases and luggage.

[Paragraph (f) amended by Amdt. 7]

(g) The following lumber and wood products:

(1) Lumber, plywood, veneers, shooks, millwork, wood containers, clothespins, wood excelsior, wood excelsior pads, ties, posts, poles, piling, shuttle blocks, picker stick blanks, wagon and implement woodstock and wood parts such as, doubletrees, wagon tongues, neck yokes and wagon spokes.

(2) Other allied wood products including "turned wood products" (meaning any soft wood or hardwood lumber products which have been turned on a cutting machine or passed through a dowel machine) or "shaped wood products" (meaning any soft wood or hardwood lumber products which have been shaped on a pattern or cutting machine) such as unassembled furniture parts, handles, wooden skewers, wooden heels and lasts, wedges, wood shanks for shoes and shoe pegs.

(3) However, this regulation does apply to wooden products which are completed and ready for ultimate household, recreational or farm use. Such completed products are not exempt under this paragraph unless they are specifically covered by subparagraphs (1) or (2) of this paragraph. A product is considered "completed and ready for ultimate household, recreational or farm use" within the meaning of this paragraph, even though it must still be painted, lacquered, varnished or upholstered, or subjected to further processing not affecting basic utility, but necessary for consumer acceptance or purchase.

Examples of commodities not included within the exemption of this paragraph are the following wood products: Furniture, assembled furniture frames, brooms, mops, carpet sweepers, toys, games, baseball bats, bowling pins, checkers, chess men, billiard cues, drumsticks, golf tees, wooden spoons, wooden bowls, toothpicks, rolling pins, potato mashers, medical applicators, stepladders, wooden coat hangers, picture frames, caskets, coffins and wooden matches.

[Paragraph (g) amended by Amdt. 10]

(h) Books, magazines, motion pictures, periodicals, newspapers, maps, charts, and globes.

(i) The following chemicals and allied products:

(1) Crude and synthetic rubber.
(2) Synthetic textile fibers and yarns.
(3) Fermentation ethyl alcohol, acetone, and butyl alcohol.
(4) Synthetic butyl alcohol made from fermentation ethyl alcohol.
(5) Cosmetics, proprietary drug products, and drugs and medicines of the kind listed in Major Group 65, Standard Commodity Classification, Technical Paper No. 26, Volume 1, United States Government Printing Office, 1943, except those commodities (such as phenol U. S. P., aluminum sulfate and magnesium sulfate) which manufacturers generally sell principally for non-medicinal uses.

[Subparagraph (5) amended by Amdt. 10]

- (6) Household soaps and cleansers as defined in Ceiling Price Regulation 10.
- (7) Natural and synthetic glycerin.
- (8) Soap stock, raw and acidulated.
- (9) Fatty acids which occur in vegetable and animal oils in the form of glyceride esters, such as stearic, palmitic, oleic and lauric acids.

[Subparagraph (9) amended by Amdt. 10]

- (10) Shellac gum and metallic waterproofing compounds.

[Subparagraph (10) amended by Amdt. 12]

- (11) Naval stores.
- (12) All natural gums and resins.
- (13) All vegetable waxes.
- (14) All natural dyeing materials.
- (15) All essential or distilled oil.
- (16) Fats and oils for which ceiling prices are provided in Ceiling Price Regulation 6.
- (17) The following oilseeds or nuts, their oils and fatty acids or combinations of these oils so long as in normal trade practice they retain their identity:

Babassu kernels.	Olive oil, edible, sulphur and other inedible.
Babassu oil.	Ouricury kernels.
Cacao butter.	Ouricury oil.
Cashew nut shell liquid.	Palm kernel oil.
Castor beans.	Palm kernels.
Castor oil.	Palm oil.
Cocoonut oil.	Perilla seeds.
Cohune kernels.	Perilla seed oil.
Cohune oil.	Poppyseed.
Copra.	Poppyseed oil.
Coquito kernels.	Rapeseed.
Coquito oil.	Rapeseed oil.
Corozo kernels.	Rubberseed.
Corozo oil.	Rubberseed oil.
Hempseed.	Sesame oil.
Hempseed oil.	Sesame seed.
Kapok seed.	Sunflower seed.
Kapok seed oil.	Sunflower seed oil.
Muru-muru kernels.	Tucum kernels.
Muru-muru oil.	Tucum oil.
Oiticica oil.	Tung oil.

- (18) Whale oil.
- (19) Spermin oil.
- (20) Fish oils, including cod oil and shark oil.
- (21) Peanut oil.
- (22) Rice bran oil.
- (23) Oleo stock, oil and stearine.
- (24) Inedible tallows, greases, and fat-bearing and oil-bearing animal waste materials as defined in Ceiling Price Regulation 6, Amendment 2.
- (25) Wool grease.
- (26) Glue stock.
- (27) Casein.
- (28) Cotton linters.
- (29) Sodium silicofluoride.
- (30) Sulphur.
- (31) Butadiene derived from non-petroleum sources.
- (32) Carbon black of channel, furnace and thermal types.
- (33) The following commodities when derived from hardwood distillation: pyroligneous acid, acetic acid, acetate of lime, methyl alcohol and wood tar products.

[Subparagraphs 29, 30, 31, 32 and 33 added by Amdt. 23]

(34) *Polyvinyl chloride resins.* The term means any polymer or co-polymer whose main constituent is vinyl chloride in the amount of not less than fifty percent by weight and which is a raw material intended for further processing. Polyvinyl chloride resins include the above polymers or co-polymers in the forms of resins, latices, color master batches, and compounded resins in powder, or granular forms, but do not in-

clude films, sheets, rods, tubes, plastisols or applied coatings.

[Subparagraph 34 added by Amdt. 30]

- (j) Crude petroleum and petroleum fuels and lubricants, including petroleum coke when used as fuel, and natural gas.

(k) Coke, coal chemicals, coke oven gas, as defined in General Ceiling Price Regulation, Supplement 13.

(l) Bituminous coal, anthracite coal, coal briquettes, charcoal, and fuel processed from anthracite or bituminous coal.

(m) Cattle hide, kipr, and calfskins, as defined in Ceiling Price Regulation 2.

(n) Hogskins, woolskins, sheep and lamb shearings, pickled lambskins, pickled sheepskins, horsehides, deerskins, alligator skins, and snakeskins.

(o) Leather, tanned and finished and leather cut stock.

[Paragraph (o) amended by Amdt. 14]

- (p) Footwear, except rubber footwear.
- (q) The following specified building materials:

(1) Cement, including standard Portland Cement; special Portland Cement, such as high early strength masonry or mortar, low and moderate heat, oil-well, sulphate-resisting, white Portland; or any other cement generally classified as special Portland Cement; alumina cement, natural cement, puzzolan (slag-lime) cement; and masonry cement of the natural cement class; but excluding hydraulic lime.

(2) Ready-mixed Portland cement concrete.

(3) Calcined gypsum plasters, not including finished products produced therefrom.

(4) Lime (construction, metallurgical, chemical, agricultural, refractory).

(5) Sand, gravel, crushed stone and slag, both aggregates and industrial.

(6) Light weight aggregates.

(7) Asphaltic concrete and bituminous paving mixes.

(8) Roofing granules, natural and artificial.

[Paragraph (q) amended by Amdt. 3]

(r) Primary metals, metallic alloys, metallic oxides (except titanium dioxide), and metallic by-products, specifically including metal products containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

[Paragraph (r) amended by Amdts. 3, 17, and 38]

(s) All secondary metals and scrap.

(t) All metal powders, specifically including powders containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

[Paragraph (t) amended by Amdt. 17]

(u) All metallic ores.

(v) (1) All non-metallic minerals which are obtained from their natural state solely by mechanical means such as grinding, washing, leaching, classification, flotation, evaporation, dehydration and the like. The term does not include commodities which are obtained by refining or purification processes involving recrystallization or chemical methods including carbonation, ionic interchange and similar methods.

(2) The exceptions provided in subparagraph (1) of this paragraph do not apply to the following:

(1) *Dimension and Building Stones as follows:* Basalt and related stones. Granite: Building, ornamental and monumental. Greenstone: Interior, or exterior building, structural, ornamental, and monumental. Limestone: Building, ornamental, and monumental. Marble: Slabs—buildings, structural, and decorative; ornamental and monumental marble; grave vaults. Sandstone: Building, structural, ornamental,

floor and flagging (including bluestone and brownstone). Slate: Structural, electrical, grave vaults, mansoleum, roofing, floor, and flagging.

(2) *Monuments and Memorials* of granite, greenstone, limestone, marble and sandstone.

[Paragraph (v) amended by Amdts. 3 and 10]

(w) All cast, rolled, drawn, or extruded metals and alloys which have not been further fabricated, except cast iron soil pipe and fittings, cast iron water and gas pipe and fittings, and valve and pipe fittings, but specifically including metal products containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

[Paragraph (w) amended by Amdts. 3 and 17]

(x) Fabricated structural steel and steel plate and fabricated reinforcing bars, except metal lath and metal lath accessories (including cold rolled channels).

[Paragraph (x) amended by Amdt. 3]

(y) Passenger automobiles, as defined in Ceiling Price Regulation 1.

(z) Wood-cased and paper-wrapped lead pencils.

(aa) *Precious stones and precious jewelry.* A "precious stone" means a natural pearl, diamond, ruby, sapphire, or emerald. The term "precious stone" also includes any other genuine stone, including a semi-precious stone, any synthetic stone, or any cultured pearl or group of cultured pearls (combined in a single article), when the selling price for any such item by the cutter, wholesale dealer or importer is \$25.00 or more. "Precious jewelry" means any article or mounting, a component part of which is a "precious stone" (or "precious stones") as defined above, when the value of the "precious stone" (or "precious stones") exceeds the value of the total of the other component parts of the finished article.

[Paragraph (aa) amended by Amdt. 10]

(bb) Paintings, sculptures, and other works of art.

(cc) Merchant clays, as listed and described in the Bureau of Mines, U. S. Department of the Interior, current "Minerals Yearbook."

(dd) The following iron and steel products: Wire rope and strand; wire (barbed and twisted); wire fence (woven or welded); wire netting; nails (cut and wire); staples; wire bale ties; fence posts; steel screen wire cloth, welded wire concrete reinforcing mesh; hoops, baling bands, and cotton ties; formed roofing and siding; valley, ridge roll, and flashing; welded pipe and tubing; rails and track accessories.

(ee) Glass containers and closures for glass containers except rubber closures and novelty closures not used by commercial bottlers or packers.

[Paragraphs (cc), (dd), (ee) added by Amdt. 3]

(ff) Woodpulp.

[Paragraph (ff) added by Amdt. 5]

(gg) *Decorative paper gift dressings* produced for over-the-counter sale for special occasions during 1951, including but not limited to enclosure cards, tags, seals, plain and printed gift wrap papers, labels and gift money envelopes, which are usually but not necessarily pre-packaged, and usually but not necessarily bear printed price and count identification on the package. Not included are so-called Christmas and similar special occasion greeting cards.

[Paragraph (gg) amended by Amdt. 11]

APPENDIX B

With respect to the following manufacturing materials, the change in net cost may be calculated up to March 15, 1951.

RULES AND REGULATIONS

1. All commodities listed in Appendix A, as amended, under paragraph (b) and all succeeding paragraphs.

[Paragraph 1 amended by Amdt. 10]

2. Wood pulp, paper, paperboard, and converted paper and paperboard products.

3. All imported materials, when purchased from a foreign supplier, or from a seller in the United States in substantially the same form as that in which imported (except for services normally performed by importers such as sorting or packaging), or after simple processing operations only, such as wool scouring.

4. All jute products containing more than 50 per cent by weight of jute.

5. All industrial services.

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

[Paragraph 6 added by Amdt. 4]

7. Upholstery felt made of cotton linters or cotton waste, and sisal pads.

[Paragraph 7 added by Amdt. 8]

8. Paints, varnishes and lacquers.

[Paragraph 8 added by Amdt. 18]

9. Chocolate liquor.

[Paragraph 9 added by Amdt. 22]

10. All yarns and fabrics made from any natural or synthetic textile fiber or filament when such yarns and fabrics are used by converters, finishers, dyers, and throwsters.

[Paragraph 10 added by Amdt. 29]

APPENDIX C

With respect to the following agricultural commodities, and the following commodities produced in the territories and possessions of the United States, and products processed therefrom, a current date may be used in calculating the change in net cost to you, subject to the limitations imposed in section 21:

[Above paragraph amended by Amdt. 31]

Fruits:

Apples
For canning
For drying
Apricots
For canning
Dried
Avocados
Blackberries
Boysenberries
Cherries
Sweet
Sour
Cranberries
Dates
Figs for canning
Grapes, excluding raisins dried
Grapefruit
Lemons
Limes
Loganberries

Olives
For canning
Crushed for oil
Oranges and tangerines
Peaches
For canning
Clingstone
Freestone
Dried
Pears
For canning
Dried
Pineapples, Florida
Plums
For fresh consumption
For canning
Raspberries, black
Raspberries, red
Youngberries

Tree-nuts:

Almonds
Pistachios

Pecans
Walnuts

Livestock and Livestock Products:

Butterfat
Chickens
Eggs

Milk, wholesale
Turkeys
Beeswax

Field Crops:

Barley
Beans, dry edible
Buckwheat
Corn
Flaxseed
Hay
Oats

Peanuts
Peas, dry field
Rye
Sorghums for grain
Wheat

Sugar crops:

Maple sirup
Maple sugar
Sorghum sirup

Sugar beets
Sugarcane
Sugarcane sirup

Vegetables:

Artichokes
Beans, Lima
Beans, snap
Beets
Cabbage
Cantaloupe
Carrots
Cauliflower
Celery
Corn, sweet
Eggplant
Garlic

Kale
Lettuce
Onions
Peas, green
Peppers, green
Pimientos
Shallots
Spinach
Tomatoes
Watermelon
Potatoes
Sweet Potatoes

Tobacco:

Fire-cured; types 11, 14
Burley-type 31
Cigar filler and binder types 42-44, 46, 51-55
Cigar wrapper, type 61
Cigar wrapper, type 62
Dark air-cured, types 33-36
Fire cured, types 21-24
Maryland types, 32
Pennsylvania seedleaf type 41
Sun cured, type 37

Miscellaneous:

Popcorn
Honey
Hops
Peppermint Oil
Spearmint Oil
Tung nuts

[App. C amended by Amdts. 3 and 9]

APPENDIX D

This appendix contains a facsimile of OPS Public Form 8, "Manufacturer's Price Adjustment Report," required to be filed under sections 46 and 48 of this regulation. Printed copies of this form are available at OPS District and Regional Offices.

INSTRUCTIONS FOR COMPLETING OPS PUBLIC FORM NO. 8

Who Must File

Every manufacturer subject to CPR 22 must file this report by the mandatory effective date of the regulation, or such earlier effective date on or after May 28, 1951, as he may select, as required by sections 46 and 48 of the regulation.

[Above sentence amended by Amdts. 6, 20 and 21]

Where Shall the Report Be Filed

Mail to Office of Price Stabilization, Washington 25, D. C. Use registered mail if Item 8 is completed.

Why Must the Report Be Filed

This report is designed to inform OPS of adjustments of pre-Korean prices and of proposed ceiling price increases.

How Many Copies Shall Be Filed

A single copy of this report is to be filed for each category or product line, even though the actual price computations have been arrived at by a method applying to a larger unit of your business. Reporting by categories or product lines is needed to facilitate classification and analysis. Many companies will report only one product line. (See instruction for Item 1 below.)

How To Complete the Form

(Make sure to read the regulation and refer to Appendix E for worksheets.)

ITEM 1. DESCRIBE THE CATEGORY OR PRODUCT LINE COVERED BY THIS REPORT. A "category" is defined in the regulation (Section 5) as "a group of commodities which are normally classed together in your industry for purposes of production accounting or sales." Examples of categories would be: wood office desks; domestic vacuum cleaners; domestic washing machines.

A "product line" is defined in the regulation (Section 15 (a) (1)) as "a group of closely related commodities which differ in such respects as style, model, or size and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials." Examples of product lines would be: wringer type washing machines; felt mattresses; ball-point pens.

If the same product line or category was produced by more than one plant and sold at different base period prices, a separate report must be made for each plant and the plant indicated in completing this item.

ITEM 2. GIVE THE DATES OF THE BASE PERIOD USED. "Base period" refers to the period April 1 through June 24, 1950 or any previous calendar quarter ended not earlier than September 30, 1949 which you may elect to use. (See Section 4.)

ITEM 3. ESTIMATED 1950 DOLLAR SALES. Enter in this item the estimated 1950 dollar sales for all the commodities which are included in the category or product line for which the report form is being prepared.

ITEM 4. LABOR COST ADJUSTMENT FACTOR. Enter here the labor cost adjustment factor used pursuant to section 8 (e) or 9 (b) of the regulation. Note that it is the adjustment factor rather than the adjustment which is desired here. The adjustment factor is always a percentage which is applied to the sales or price figure to yield the dollars and cents labor cost adjustment. If you calculated a separate "labor cost adjustment" for each unit of your business enter the labor cost adjustment factor for the unit which produces the category or product line covered by the report.

ITEM 5. MATERIALS COST ADJUSTMENT FACTOR. If either of methods 1, 3, or 4 has been used for the commodities in this category or product line, you will have arrived at a materials cost adjustment factor under section 13 (d), 15 (c), or 16 (d). This adjustment factor is a percentage to be applied to the sales figure to arrive at the materials cost adjustment.

If you have used method 2, which provides for a separate analysis of material cost for each individual commodity, you will have no "materials cost adjustment factor" but only a dollars and cents "materials cost adjustment" (Section 14 (c)) to be added to the base period price. Give the adjustment figure for a selected commodity, which should be the best selling commodity of the category or product line. Show the actual base period price and identify the commodity.

ITEM 6. PRICE ADJUSTMENT RATIO. You may choose to preserve the price relationships established by the General Ceiling Price Regulation. In this case, you will have arrived at a "price adjustment ratio" under Supplementary Regulation 2 to this regulation. Enter here the ratio which will be applied uniformly to GCPR prices.

ITEM 7. CERTIFICATION REGARDING PROPOSED CEILING PRICE INCREASES OVER GENERAL CEILING PRICE REGULATION. All manufacturers filing this report must complete items 1-6 of the report and sign the certification even though they are not reporting any proposed ceiling price increases in item 8.

ITEM 8. PROPOSED CEILING PRICE INCREASES. (a) Identify the commodity in sufficient detail comparable to that which a fully completed invoice would show. Identify also the physical unit to which the proposed ceiling price refers (for example, pound, dozen, piece).

(b) Give here sufficient information to show the nature of the price computed: largest buying class of customer, delivery terms, cash and other discounts and other important terms and conditions of sale.

(c) Estimated sales in 1950 should be only for the specific commodity for which there is a proposed ceiling price increase, but should include sales to all customers.

(d) Insert the base period price to the largest buying class of purchaser which you determined for the commodity in accordance with Section 6 of the regulation.

(e) Indicate your GCPR price for the commodity.

(f) Indicate the proposed ceiling price as calculated under the provisions of this regulation.

(g) Divide the proposed ceiling price (column (f)) by the GCPR price (column (e)). This will indicate the percentage price increase over the GCPR price which is being proposed.

(h) If you used method 2 for calculating the materials cost adjustment separately for each commodity included in the category or product line covered by this report, then you must show here the materials cost adjustment obtained for the commodity for which a proposed ceiling price increase is shown. If you used method 1, 3 or 4 no entry is required in this column since the adjustment factor shown in Item 5 of the report will apply.

ITEM 9. CODE NUMBER. (a) When you complete this form, insert in the box in the upper right-hand corner the appropriate 6-digit code for the category or product line covered by the report. Determine the code applicable to your report from the list of codes given below.

(b) The first two digits represent the OPS price branch concerned with your category or product line and the next four digits represent the industry class in the Standard Industrial Classification now widely used by private as well as Government agencies.

(c) Your careful selection of the appropriate 6-digit code from the list will expedite the sorting, classification, and analysis of the forms upon receipt in this office.

(d) Although a number of commodity classifications not subject to CPR-22 are included in the codes, Appendix A is nevertheless controlling as to commodities and transactions exempt from CPR-22.

NOTE: If prior to May 4, 1951, the date of issuance of this amendment, you mailed to the Office of Price Stabilization, Washington 25, D. C., Public Form No. 8, you need not mail another form relating to the same category or product line solely for the purpose of inserting the code.

LIST OF CODES TO BE USED BY MANUFACTURERS IN CODING ITEM 1 (CATEGORY OR PRODUCT LINE) ON PUBLIC FORM 8

FOOD AND KINDRED PRODUCTS

- 26-2011 Meat packing.
- 31-2012 Custom slaughtering.
- 26-2013 Sausages and other prepared meat products.
- 26-2014 Sausage casings.
- 27-2015 Poultry and small game dressing and packing.
- 32-2021 Creamery butter.
- 32-2022 Natural cheese.
- 32-2023 Condensed and evaporated milk.
- 32-2024 Ice cream and ices.
- 32-2025 Special dairy products.
- 26-2031 Canned sea food.
- 26-2032 Cured fish.
- 23-2033 Canned fruits, vegetables, and soups; preserves, jams, and jellies.
- 23-2034 Dried and dehydrated fruits and vegetables.
- 23-2035 Pickled fruits and vegetables; vegetable sauces and seasonings, salad dressings.
- 23-2037 Frozen fruits, vegetables, and sea foods.
- 24-2041 Flour and other grain-mill products.
- 24-2042 Prepared feeds for animals and fowls.

- 24-2043 Cereal preparations.
- 24-2044 Rice cleaning and polishing.
- 24-2045 Blended and prepared flour.
- 24-2051 Bread and other bakery products (except biscuit, crackers, and pretzels).
- 24-2052 Biscuit, crackers, and pretzels.
- 25-2061 Cane sugar (except refining only).
- 25-2062 Cane-sugar refining.
- 25-2063 Beet sugar.
- 25-2071 Candy and other confectionery products.
- 25-2072 Chocolate and cocoa products.
- 25-2073 Chewing gum.
- 25-2081 Bottled soft drinks and carbonated waters.
- 25-2082 Malt liquors.
- 25-2083 Malt.
- 25-2084 Wines.
- 25-2085 Distilled, rectified, and blended liquors.
- 25-2091 Baking powder, yeast, and other leavening compounds.
- 22-2092 Shortening and other cooking and edible fats and oils, not elsewhere classified.
- 22-2093 Oleomargarine.
- 25-2094 Corn sirup, corn sugar, corn oil, and starch.
- 25-2095 Flavoring extracts and flavoring sirups, not elsewhere classified.
- 25-2096 Vinegar and cider.
- 25-2097 Manufactured ice.
- 25-2098 Macaroni, spaghetti, vermicelli, and noodles.
- 25-2099 Food preparations, not elsewhere classified.

TOBACCO MANUFACTURES

- 25-2111 Cigarettes.
- 25-2121 Cigars.
- 25-2131 Tobacco (chewing and smoking) and snuff.
- 25-2141 Tobacco stemming and redrying.

TEXTILE MILL PRODUCTS

- 52-2211 Scouring and combing plants.
- 52-2221 Yarn mills.
- 52-2222 Yarn throwing mills.
- 52-2233 Thread mills.
- 52-2231 Broad-woven fabric mills (cotton, silk, and synthetic fiber).
- 52-2232 Broad-woven fabric mills (woolen and worsted).
- 52-2241 Narrow fabrics and other smallwares mills (cotton, wool, silk and synthetic fiber).
- 53-2251 Full-fashioned hosiery mills.
- 53-2252 Seamless-hosiery mills.
- 53-2253 Knit underwear mills.
- 53-2254 Knit underwear mills.
- 53-2255 Knit glove mills.
- 52-2256 Knit-fabric mills.
- 52-2259 Knitting mills, not elsewhere classified.
- 52-2261 Dyeing and finishing textiles (except woolen and worsted textiles and knit goods).
- 52-2262 Dyeing and finishing woolen and worsted goods.
- 73-2271 Wool carpets, rugs, and carpet yarn.
- 73-2273 Carpets, rugs, and mats from fiber (except wool).
- 73-2274 Linoleum, asphalted-felt-base, and other hard-surface floor coverings, not elsewhere classified.
- 53-2281 Fur-felt hats and hat bodies.
- 53-2282 Wool-felt hats and hat bodies.
- 53-2283 Straw hats.
- 53-2284 Hatters' fur.
- 54-2291 Felt goods (except woven felts and hats).
- 73-2292 Lace goods.
- 73-2293 Paddings and upholstery filling.
- 52-2294 Processed waste and recovered fibers.
- 93-2295 Artificial leather, oilcloth, and other impregnated and coated fabrics (except rubberized).
- 52-2296 Linen goods.
- 52-2297 Jute goods (except felt).

- 52-2298 Cordage and twine.
- 52-2299 Textile goods, not elsewhere classified.

APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

- 53-2311 Men's, youths, and boys' suits, coats, and overcoats.
- 53-2312 Suit and coat findings.
- 53-2321 Men's, youths', and boys' shirts (except work shirts), collars, and nightwear.
- 53-2322 Men's, youths', and boys' underwear.
- 53-2323 Men's, youths', and boys' neckwear.
- 53-2325 Men's, youths', and boys' cloth hats and caps.
- 53-2326 Hat and cap materials.
- 53-2327 Men's, youths', and boys' separate trousers.
- 53-2328 Work shirts.
- 53-2329 Men's, youths', and boys' work, sport, and other clothing, not elsewhere classified.
- 53-2331 Women's and misses' blouses and waists.
- 53-2333 Women's and misses' dresses.
- 53-2334 Household apparel.
- 53-2337 Women's and misses' suits, coats (except fur coats), and skirts.
- 53-2338 Women's neckwear and scarfs.
- 53-2339 Women's and misses' outerwear, not elsewhere classified.
- 53-2341 Women's, misses', children's, and infants' underwear and nightwear.
- 53-2342 Corsets and allied garments.
- 53-2351 Millinery.
- 53-2361 Children's and infants' dresses.
- 53-2363 Children's and infants' coats.
- 53-2369 Children's and infants' outerwear, not elsewhere classified.
- 53-2371 Fur goods.
- 53-2381 Dress and semidress gloves and mittens (fabric, fabric and leather combined).
- 53-2382 Work gloves and mittens (fabric, fabric and leather combined).
- 53-2383 Suspenders, garters, and related products.
- 53-2384 Robes and dressing gowns.
- 53-2385 Raincoats and other waterproof outer garments.
- 53-2386 Leather and sheep-lined clothing.
- 53-2387 Belts.
- 53-2388 Handkerchiefs.
- 53-2389 Apparel, not elsewhere classified.
- 73-2391 Curtains and draperies.
- 73-2392 Housefurnishings (except curtains and draperies).
- 52-2393 Textile bags.
- 73-2394 Canvas products.
- 53-2395 Pleating, stitching, and tucking for the trade.
- 53-2396 Trimmings, stamped arts goods, and art needlework.
- 53-2397 Schiffli-machine embroideries.
- 53-2341 Women's, misses', children's, and chine.
- 73-2399 Fabricated textile products, not elsewhere classified.

LUMBER AND WOOD PRODUCTS (EXCEPT FURNITURE)

- 12-2411 Logging camps and logging contractors.
- 12-2421 Sawmills and planing mills, general.
- 12-2422 Veneer mills.
- 12-2423 Shingle mills.
- 12-2424 Cooperage stock mills.
- 12-2425 Excelsior mills.
- 12-2429 Special-product sawmills, not elsewhere classified.
- 12-2431 Millwork plants.
- 12-2432 Plywood plants.
- 12-2433 Prefabricated wooden buildings and structural members.
- 12-2441 Fruit and vegetable baskets.
- 74-2442 Rattan and willow ware (except furniture and fruit and vegetable baskets).

- 12-2443 Cigar boxes.
12-2444 Wooden boxes (except cigar boxes).
12-2445 Cooperage.
12-2491 Wood preserving.
12-2492 Lasts and related products.
74-2493 Mirror frames and picture frames.
74-2499 Wood products, not elsewhere classified.

FURNITURE AND FIXTURES

- 73-2511 Wood household furniture, except upholstered.
73-2512 Wood household furniture, upholstered.
73-2513 Reed and rattan furniture.
73-2514 Metal household furniture.
73-2515—Mattresses and bedsprings.
73-2519 Household furniture, not elsewhere classified.
72-2521 Wood office furniture.
72-2522 Metal office furniture.
72-2531 Public-building and related furniture.
72-2532 Professional furniture.
72-2541 Partitions, shelving, lockers, and office and store fixtures.
42-2561 Window and door screens and weather strip.
73-2562 Window shades.
73-2563 Venetian blinds.
72-2591 Restaurant furniture.
73-2599 Furniture and fixtures, not elsewhere classified.

PAPER AND ALLIED PRODUCTS

- 13-2611 Pulp mills.
13-2612 Paper and paperboard mills (except building-paper and building-board mills).
13-2613 Building-paper and building-board mills.
13-2641 Paper coating and glazing.
13-2651 Envelopes.
13-2661 Paper bags.
13-2671 Paperboard boxes: folded, set-up, and corrugated.
13-2674 Fiber cans, tubes, drums, and similar products.
13-2691 Die-cut paper and paperboard; and cardboard.
13-2693 Wall paper.
13-2694 Pulp goods, pressed and molded.
13-2699 Converted paper products, not elsewhere classified.

PRINTING, PUBLISHING, AND ALLIED INDUSTRIES

- 13-2711 Newspapers.
13-2721 Periodicals.
13-2731 Books: publishing, publishing and printing.
13-2732 Book printing.
13-2741 Miscellaneous publishing.
13-2751 Commercial printing.
13-2761 Lithographing.
13-2771 Greeting cards.
13-2781 Bookbinding.
13-2782 Blankbook making and paper ruling.
13-2783 Library and loose-leaf binder manufacturing.
13-2789 Miscellaneous work related to bookbinding.
13-2791 Typesetting.
13-2792 Engraving and plate printing.
13-2793 Photoengraving.
13-2794 Electrotyping and stereotyping.

CHEMICALS AND ALLIED PRODUCTS

- 93-2811 Sulfuric acid.
93-2812 Alkalies and chlorine.
93-2819 Industrial inorganic chemicals, not elsewhere classified.
64-2821 Cyclic (coal-tar) crudes.
93-2822 Intermediates, dyes, color lakes, and toners.
93-2823 Plastics materials and elastomers, except synthetic rubber.
92-2824 Synthetic rubber.
52-2825 Synthetic fibers.

- 93-2826 Explosives.
93-2829 Industrial organic chemicals, not elsewhere classified.
93-2831 Biological products.
93-2832 Botanical products.
93-2833 Inorganic and organic medicinal chemicals.
93-2834 Pharmaceutical preparations.
22-2841 Soap and glycerin.
22-2842 Cleaning and polishing preparations.
22-2843 Sulfonated oils and assistants.
42-2851 Paints, varnishes, lacquers, japans, and enamels.
93-2852 Inorganic color pigments.
42-2853 Whiting, putty, wood fillers, and allied paint products.
93-2861 Hardwood distillation.
93-2862 Softwood distillation.
93-2863 Gum naval stores.
93-2864 Natural dyeing materials.
93-2865 Natural tanning materials.
24-2871 Fertilizers (manufacturing and mixing).
24-2872 Fertilizers (mixing only).
22-2881 Cottonseed oil mills.
22-2882 Linseed oil mills.
22-2883 Soybean oil mills.
22-2884 Vegetable oil mills, not elsewhere classified.
22-2885 Marine animal oils.
22-2886 Grease and tallow.
22-2887 Fatty acids.
22-2889 Animal oils, not elsewhere classified.
93-2891 Printing ink.
93-2892 Essential oils.
93-2893 Perfumes, cosmetics, and other toilet preparations.
93-2894 Glue and gelatin.
93-2895 Bone black, carbon black, and lamp black.
93-2896 Compressed and liquefied gases.
24-2897 Insecticides and fungicides.
93-2898 Salt.
93-2899 Chemicals and chemical products, not elsewhere classified.

PRODUCTS OF PETROLEUM AND COAL

- 63-2911 Petroleum refining.
64-2931 Beehive coke ovens.
64-2932 Byproduct coke ovens.
42-2951 Paving mixtures and blocks.
42-2952 Roofing felts and coatings.
64-2991 Fuel briquets and packaged fuel.
63-2992 Lubricating oils and greases not made in petroleum refineries.
63-2999 Products of petroleum and coal, not elsewhere classified.

RUBBER PRODUCTS

- 92-3011 Tires and inner tubes.
92-3021 Rubber footwear.
92-3031 Reclaimed rubber.
92-3099 Rubber industries, not elsewhere classified.

LEATHER AND LEATHER PRODUCTS

- 54-3111 Leather tanning and finishing.
44-3121 Industrial leather belting and packing.
54-3131 Boot and shoe cut stock and findings.
54-3141 Footwear (except house slippers and rubber footwear).
54-3142 House slippers.
53-3151 Dress and semidress leather gloves.
53-3152 Leather work gloves and mittens.
74-3161 Suitcases, briefcases, bags, trunks, and other luggage.
53-3171 Women's handbags and purses.
74-3172 Small leather goods.
54-3192 Saddlery, harness, and whips.
54-3199 Leather goods, not elsewhere classified.

STONE, CLAY AND GLASS PRODUCTS

- 42-3211 Flat glass.
42-3221 Glass containers.
74-3229 Pressed and blown glass and glassware, not elsewhere classified.

- 74-3231 Glass products made of purchased glass.
42-3241 Cement, hydraulic.
42-3251 Brick and hollow tile.
42-3253 Floor and wall tile, except quarry tile.
42-3254 Sewer pipe.
42-3255 Clay refractories.
42-3259 Structural clay products, not elsewhere classified.
42-3261 Vitreous and semivitreous plumbing fixtures.
74-3262 Vitreous-china table and kitchen articles.
74-3263 Fine earthenware (whiteware) table and kitchen articles.
42-3264 Porcelain electrical supplies.
74-3265 China decorating for the trade.
74-3269 Pottery products, not elsewhere classified.
42-3271 Concrete products.
42-3272 Gypsum products.
42-3274 Lime.
42-3275 Mineral wool.
44-3291 Abrasive products.
42-3292 Asbestos products.
42-3293 Steam and other packing, and pipe and boiler covering.
43-3294 Natural graphite: ground, refined, or blended.
43-3295 Minerals and earths: ground or otherwise treated.
43-3296 Sand-lime brick, block and tile.
43-3297 Nonclay refractories.
43-3298 Statuary and art goods (factory production).

PRIMARY METAL INDUSTRIES

- 43-3311 Blast furnaces.
43-3312 Steel works and rolling mills.
43-3313 Electrometallurgical products.
43-3321 Gray-iron foundries.
43-3322 Malleable-iron foundries.
43-3323 Steel foundries.
43-3331 Primary smelting and refining of copper.
43-3332 Primary smelting and refining of lead.
43-3333 Primary smelting and refining of zinc.
43-3334 Primary refining of aluminum.
43-3335 Primary refining of magnesium.
43-3339 Primary smelting and refining of nonferrous metals, not elsewhere classified.
43-3341 Secondary smelting and refining of nonferrous metals and alloys.
43-3351 Rolling, drawing, and alloying of copper.
43-3352 Rolling, drawing, and alloying of aluminum.
43-3359 Rolling, drawing, and alloying of nonferrous metals, not elsewhere classified.
43-3361 Nonferrous foundries.
43-3391 Iron and steel forgings.
43-3392 Wire drawing.
43-3393 Welded and heavy-riveted pipe.
43-3399 Primary metal industries, not elsewhere classified.

FABRICATED METAL PRODUCTS (EXCEPT ORDNANCE, MACHINERY AND TRANSPORTATION EQUIPMENT)

- 43-3411 Tin cans and other tinware.
74-3421 Outlets.
74-3422 Edge tools.
74-3423 Hand tools (except edge tools, machine tools, files, and saws).
74-3424 Files.
74-3425 Hand saws and saw blades.
74-3429 Hardware, not elsewhere classified.
42-3431 Enamelled-iron and metal sanitary ware and other plumbers' supplies.
42-3432 Oil burners, domestic and industrial.
42-3439 Heating and cooking apparatus (except electric), not elsewhere classified.

- 42-3441 Fabricated structural steel and ornamental metal work.
- 42-3442 Metal doors, sash, frames, molding, and trim.
- 44-3443 Boiler shop products.
- 42-3444 Sheet-metal work.
- 74-3461 Vitreous-enameled products.
- 45-3462 Automobile stampings.
- 44-3463 Stamped and pressed metal products (except automobile stampings).
- 43-3464 Powder metallurgy.
- 44-3465 Enameling, japanning, and lacquering.
- 44-3466 Galvanizing and other hot-dip coating.
- 74-3467 Engraving on metal.
- 44-3468 Electroplating, plating, and polishing.
- 42-3471 Lighting fixtures.
- 43-3481 Nails and spikes.
- 43-3489 Wirework, not elsewhere classified.
- 43-3491 Metal shipping barrels, drums, kegs, and pails.
- 72-3492 Safes and vaults.
- 44-3493 Steel springs.
- 43-3494 Bolts, nuts, washers, and rivets.
- 43-3495 Screw-machine products.
- 43-3496 Collapsible tubes.
- 43-3497 Gold, silver, tin, aluminum, and other foil.
- 74-3499 Fabricated metal products, not elsewhere classified.

MACHINERY (EXCEPT ELECTRICAL)

- 44-3511 Steam engines, turbines, and water wheels.
- 44-3519 Diesel and semi-Diesel engines; and other internal-combustion engines, not elsewhere classified.
- 44-3521 Tractors.
- 44-3522 Agricultural machinery (except tractors).
- 44-3531 Construction, mining and similar machinery (except oil-field machinery and tools).
- 44-3532 Oil-field machinery and tools.
- 44-3541 Machine tools.
- 44-3542 Metalworking machinery (except machine tools).
- 44-3543 Machine-tool accessories, other metalworking-machinery accessories, and machinists' precision tools.
- 44-3551 Food-products machinery.
- 44-3552 Textile machinery.
- 44-3553 Woodworking machinery.
- 44-3554 Paper-industries machinery.
- 44-3555 Printing-trades machinery and equipment.
- 44-3556 Special-industry machinery, not elsewhere classified.
- 44-3561 Pumps, air and gas compressors, and pumping equipment.
- 44-3562 Elevators and escalators.
- 44-3563 Conveyors and conveying equipment.
- 44-3564 Blowers, exhaust and ventilating fans.
- 44-3565 Industrial trucks, tractors, trailers, and stackers.
- 44-3566 Mechanical power-transmission equipment (except ball and roller bearings).
- 44-3567 Industrial furnaces and ovens.
- 42-3568 Mechanical stokers, domestic and industrial.
- 44-3569 General industrial machinery and equipment, not elsewhere classified.
- 72-3571 Computing machines and cash registers.
- 72-3572 Typewriters.
- 72-3573 Vending, amusement, and other coin-operated machines.
- 72-3576 Scales and balances.
- 72-3579 Office and store machines and devices, not elsewhere classified.

- 72-3581 Domestic laundry equipment.
- 44-3582 Commercial laundry, dry-cleaning, and pressing machines.
- 72-3583 Sewing machines.
- 72-3584 Vacuum cleaners.
- 72-3585 Refrigerators, refrigeration machinery, and complete air-conditioning units.
- 45-3586 Measuring-and-dispensing pumps.
- 72-3589 Service-industry and household machines, not elsewhere classified.
- 44-3591 Valves and fittings (except plumbers' valves).
- 42-3592 Fabricated pipe and fittings.
- 44-3593 Ball and roller bearings.
- 44-3599 Machine shops (jobbing and repair).

ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

- 44-3611 Wiring devices and supplies.
- 44-3612 Carbon and graphite products for use in the electrical industry.
- 44-3613 Instruments for indicating, measuring, and recording electrical quantities and characteristics.
- 44-3614 Motors, generators, and motor-generator sets.
- 44-3615 Power and distribution transformers.
- 44-3616 Switchgear, switchboard apparatus, and industrial controls.
- 44-3617 Electrical welding apparatus.
- 44-3619 Electrical equipment for industrial use, not elsewhere classified.
- 72-3621 Electrical appliances.
- 44-3631 Insulated wire and cable.
- 44-3641 Electrical equipment for motor vehicles, aircraft, and railway locomotives and cars.
- 74-3651 Electric lamps.
- 74-3661 Radios, radio and television equipment (except radio tubes), radar and related detection apparatus, and phonographs.
- 44-3662 Radio tubes.
- 74-3663 Phonograph records.
- 44-3664 Telephone and telegraph equipment.
- 44-3669 Communication equipment, not elsewhere classified.
- 44-3691 Storage batteries.
- 44-3692 Primary batteries (dry and wet).
- 44-3693 X-ray and therapeutic apparatus and non-radio electronic tubes.
- 74-3699 Electrical products, not elsewhere classified.

TRANSPORTATION EQUIPMENT

- 45-3711 Motor vehicles.
- 45-3712 Passenger-car bodies.
- 45-3713 Truck and bus bodies.
- 45-3714 Motor-vehicle parts and accessories.
- 45-3715 Truck trailers.
- 45-3716 Automobile trailers (for attachment to passenger cars).
- 44-3721 Aircraft.
- 44-3722 Aircraft engines and engine parts.
- 44-3723 Aircraft propellers and propeller parts.
- 44-3729 Aircraft parts and auxiliary equipment, not elsewhere classified.
- 44-3731 Ship building and repairing.
- 74-3732 Boat building and repairing.
- 44-3741 Locomotives and parts.
- 44-3742 Railroad and street cars.
- 45-3751 Motorcycles, bicycles, and parts.
- 74-3799 Transportation equipment, not elsewhere classified.

PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

- 72-3811 Laboratory, scientific, and engineering instruments (except surgical, medical, and dental).

- 44-3821 Mechanical measuring and controlling instruments.
- 72-3831 Optical instruments and lenses.
- 72-3841 Surgical and medical instruments.
- 72-3842 Surgical and orthopedic appliances and supplies; and personal safety devices, not elsewhere classified.
- 72-3843 Dental equipment and supplies.
- 72-3851 Ophthalmic goods.
- 74-3861 Photographic equipment and supplies.
- 74-3871 Watches, clocks, and parts (except watchcases).
- 74-3872 Watchcases.

MISCELLANEOUS MANUFACTURING INDUSTRIES

- 74-3911 Jewelry (precious metal).
- 74-3912 Jewelers' findings and materials.
- 74-3913 Lapidary work.
- 74-3914 Silverware and plated ware.
- 74-3931 Pianos.
- 74-3932 Organs.
- 74-3933 Piano and organ parts and materials.
- 74-3939 Musical instruments, parts, and materials, not elsewhere classified.
- 73-3941 Games and toys (except dolls, and children's vehicles).
- 73-3942 Dolls.
- 74-3943 Children's vehicles.
- 74-3949 Sporting and athletic goods, not elsewhere classified.
- 72-3951 Pens, mechanical pencils, and pen points.
- 72-3952 Lead pencils and crayons.
- 72-3953 Hand stamps, stencils, and brands.
- 72-3954 Artists' materials.
- 72-3955 Carbon paper and inked ribbons.
- 74-3961 Costume jewelry and costume novelties (except precious metal).
- 74-3962 Feathers, plumes, and artificial flowers.
- 74-3963 Buttons.
- 74-3964 Needles, pins, hooks and eyes, and similar notions.
- 74-3971 Fabricated plastics products, not elsewhere classified.
- 74-3981 Brooms and brushes.
- 42-3982 Cork products.
- 13-3983 Matches.
- 74-3984 Candles.
- 93-3985 Fireworks and pyrotechnics.
- 74-3986 Jewelry cases and instrument cases.
- 74-3987 Lamp shades.
- 72-3988 Morticians' goods.
- 72-3991 Beauty-shop and barber-shop equipment.
- 54-3992 Furs, dressed and dyed.
- 72-3993 Signs and advertising displays.
- 74-3994 Hair work.
- 74-3995 Umbrellas, parasols, and canes.
- 74-3996 Tobacco pipes and cigarette holders.
- 72-3997 Soda-fountain and beer-dispensing equipment.
- 44-3998 Models and patterns (except paper patterns).
- 74-3999 Miscellaneous fabricated products, not elsewhere classified.

ORDNANCE AND ACCESSORIES

- 44-1911 Guns, howitzers, mortars, and related equipment.
- 44-1921 Artillery ammunition.
- 44-1922 Ammunition loading and assembling.
- 44-1929 Ammunition, not elsewhere classified.
- 44-1931 Tanks and tank components.
- 44-1941 Sighting and fire-control equipment.
- 74-1951 Small arms.
- 74-1961 Small arms ammunition.
- 44-1999 Ordnance and accessories, not elsewhere classified.

[Item 9 added by Amdt. 1]

RULES AND REGULATIONS

OPS Public Form No. 8

UNITED STATES GOVERNMENT
OFFICE OF PRICE STABILIZATION
WASHINGTON 25, D. C.Form approved
Budget Bureau No. 94-5112MANUFACTURER'S PRICE ADJUSTMENT REPORT
Pursuant to Ceiling Price Regulation 22

See the reverse side of this form for instructions.

The individual company information reported on this form is for use in connection with the defense mobilization program. Persons who have access to individual company information are subject to penalties for unauthorized disclosure.

Name of Firm	Address (Street and No.)	(City, Zone)	(State)	(Code for Item 1)
1. Describe the Category or Product Line Covered by This Report		2. Give the Dates of the Base Period Used From _____ To _____		3. Estimated 1950 Dollar Sales \$ _____
5. Materials Cost Adjustment Factor (Complete this part if method 1, 3, or 4 is used) Method 1 <input type="checkbox"/> Method 3 <input type="checkbox"/> Method 4 <input type="checkbox"/> Adjustment Factor _____		4. Labor Cost Adjustment Factor _____		
		(Complete this part if method 2 is used) Adjustment Computed for Selected Commodity Base Period Selling Price for This Commodity Name of Commodity		
6. Price Adjustment Ratio _____ (for use only under Supplementary Regulation 2 to CPR 22)				
7. Certification Regarding Proposed Ceiling Price Increases Over General Ceiling Price Regulation I certify that no ceiling price calculated under the regulation for commodities covered by 1 above exceeds the GCPR ceiling price, except as listed in 8 below and I understand that an increase proposed below shall be effective 15 days after OPS receives this report, but not prior to May 28, 1951, unless I am notified by OPS that the price has been disapproved or that more information is required. Notice: A willful false return is a criminal offense.				

Signature of officer or authorized agent of firm

Title

Date

8. Proposed ceiling price increases

Name and specification of item (include physical unit price)	Class of customer and terms of sale	Estimated 1950 dollar sales	Base period price	GCPR price	Proposed price	Proposed price as a percentage of GCPR price Col. (f) ÷ (e)	Materials cost ad- justment (method 2 only)	(For OPS use only)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	

This form may be reproduced without change. (Attach continuation sheets as necessary. Identify columns with same letters used above.)

APPENDIX E

This appendix contains three "worksheets" for certain of the calculations required in determining ceiling prices under this regulation. No actual copies of such worksheets will be printed for distribution by OPS. They are shown only to indicate the content and arrangement of data appropriate for certain important calculations, for a record of these calculations for your own use, for examination by OPS representatives, and for submittal on request to OPS. Any other arrangement which presents the same data and calculations is acceptable.

The worksheets comprise: Worksheet 1, "Labor Cost Adjustment Worksheet," for use in connection with Sections 8 and 9; Worksheet 2, "Materials Cost Adjustment Worksheet for Methods 1 and 4," for use in connection with Sections 13 and 16; and Worksheet 3, "Materials Cost Adjustment Worksheet for Methods 2 and 3," for use in connection with Sections 14 and 15.

Note that the worksheets do not cover all necessary calculations under the regulation for which systematic working papers are necessary. For example, the final determination of a ceiling price will require also computation of actual adjustments (based on the adjustment factors), the addition of these to base period prices, and the application of customary differentials to determine prices to different classes of customers. Moreover, the worksheets are designed for the more usual situation and will not necessarily fit all special computations provided for by the regulations.

[F. R. Doc. 52-1757; Filed, Feb. 8, 1952;
11:27 a. m.][CPR 22, Supplementary Regulation 6,
Interpretation 1][CPR 22, Supplementary Regulation 17,
Interpretation 1]CPR 22, SR 6—CEILING PRICES FOR MANU-
FACTURERS FOR THE SALE OF PAINTS,
VARNISHES, AND LACQUERSCPR 22, SR 17—ADJUSTMENTS UNDER
SECTION 402 (b) (4) DEFENSE PRODUCTION
ACT OF 1950 AS AMENDEDINT. 1—APPLICABILITY OF SR 17 (OR SR 18)
TO MANUFACTURERS COVERED BY SR 6

Manufacturers of paints, varnishes and lacquers who have established ceiling prices under Supplementary Regulation 6 to CPR 22 have asked whether they may adjust their ceiling prices under Supplementary Regulation 17 (or Supplementary Regulation 18) of CPR 22, how such an adjustment may be made and what reports must be filed with the Office of Price Stabilization.

A manufacturer of paints, varnishes and lacquers who elects not to remain under the GCPR must establish ceiling prices under SR 6 to CPR 22. If he so desires, such a manufacturer may apply for an adjustment of his ceiling prices under SR 17 (or SR 18) to CPR 22. However, in order to do so he first must have determined his ceiling prices under SR 6 and must have filed either a Form 8 under section 4 or the written report under section 5 of SR 6.

Thereafter he must recalculate his ceiling prices for the commodities sold by him from January 1 through June 24, 1950, in the manner set forth in section 2 of SR 17, using the methods provided by CPR 22. In short, he applies to his SR 17 base period price, his SR 17 labor cost, materials cost and overhead adjustments. He may not use his SR 6 Appendix A or 115 percent factors in calculating such SR 17 ceiling price. Furthermore, once he has adjusted his SR 17 ceiling prices he may not apply to such ceiling prices his SR 6 Appendix A or 115 percent factors.

The SR 6 manufacturer who elects to price under SR 17 need not abandon his SR 6 filings, whether he filed a Form 8 under section 4 or the written report under section 5. Furthermore such a manufacturer need not file ceiling prices calculated under CPR 22 itself. The filing of either the Form 8 under section 4 or the written report under section 5, in addition to the Form 100 and other records required by section 24 (b) of SR 17, would meet the filing requirements of SR 17.

(Sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Chief Counsel,
Office of Price Stabilization.

FEBRUARY 8, 1952.

[F. R. Doc. 52-1758; Filed, Feb. 8, 1952;
11:28 a. m.]

[Ceiling Price Regulation 60, Collation 1]

CPR 60—CASTINGS

COLL. 1—INCLUDING AMENDMENTS 1-4

Ceiling Price Regulation 60 is republished to incorporate the texts of Amendments 1 through 4, inclusive. Ceiling Price Regulation 60 was issued July 30, 1951 (16 F. R. 7592, 8890). Statements of Consideration for Ceiling Price Regulation 60, and for Amendments 1-4, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

Sec.

1. Sales and sellers covered by this regulation.
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AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 P. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 13 contained in Ceiling Price Regulation 60, July 30, 1951 (16 F. R. 7592, 8890), except as otherwise noted in brackets following text affected.

Effective dates. CPR 60. The effective date of this regulation is November 10, 1951, or such earlier date between August 1, 1951, and November 10, 1951, as you may select. If you select such an earlier date, this regulation becomes effective as to you on that date for all of your deliveries of castings covered by the regulation. (16 F. R. 7592, 8890.)

[Effective date of CPR 60 amended by Amdts. 1, 2, and 3]

Amendment 1, September 5, 1951, 16 F. R. 9079.

Amendment 2, October 1, 1951, 16 F. R. 10068.

Amendment 3, October 26, 1951, 16 F. R. 10886.

Amendment 4, December 10, 1951, 16 F. R. 12430.

SECTION 1. Sales and sellers covered by this regulation. (a) This regulation applies to you if you produce and sell to another person die castings, gray iron castings, high alloy steel castings, malleable iron castings, manganese steel castings, nonferrous castings, railroad specialty castings, or carbon or low alloy steel castings and if you are located in the 48 states of the United States, its Territories or Possessions, or the District of Columbia.

(b) If your net sales of castings in the calendar year 1950 exceeded \$100,000 you must determine ceiling prices under the provisions of this regulation for all of your sales of castings except sales pursu-

ant to short orders as provided in section 2 (c) of this regulation. This regulation also establishes the ceiling prices you may charge for equipment which you furnish in connection with castings sold by you.

[Paragraph (b) amended by Amdt. 3]

(c) If your net sales of castings in the calendar year 1950 did not exceed \$100,000 your sales of castings are exempt from price control under the conditions and for the period specified in section 2 (a) of this regulation.

(d) If your net sales of castings in any calendar year subsequent to 1950 do not exceed \$100,000, you may file a request to have your sales of castings exempted from price control in accordance with the provisions of section 2 (b) of this regulation.

(e) This regulation also applies to any person who in the regular course of trade or business buys from you castings covered by this regulation.

SEC. 2. Exemptions.—(a) *Based on total net sales.* (1) If your total net sales of castings during the calendar year 1950 did not exceed \$100,000, you need not determine ceiling prices for your sales of castings under the provisions of this or any other regulation heretofore or hereafter issued by OPS. "Total net sales" means the total amount charged by you for castings less returns and allowances. You must, however, file the following reports with the Office of Price Stabilization, Washington 25, D. C.:

(i) On or before September 1, 1951, a statement showing your total net sales of castings during the calendar year 1950;

(ii) Within 15 days after the end of each calendar quarter beginning with the third quarter of 1951, a statement showing your total net sales of castings during the quarter involved.

(2) If you do not file the reports required by subparagraph (1) of this paragraph, OPS may by letter order terminate the exemption granted therein and on and after the date specified in any such order you will be required to comply with all of the provisions of this regulation. You may, however, at any time thereafter file an application for exemption in accordance with paragraph (c) of this section.

(3) The exemption granted in subparagraph (1) of this paragraph will automatically terminate if your total net sales of castings during any calendar quarter ending after September 1, 1951, exceed \$30,000 and on and after the 15th day of the month following the end of such quarter you must comply with all of the provisions of this regulation. You may, however, at any time thereafter file an application for exemption in accordance with paragraph (c) of this section.

(b) *Applications for exemption.* If your total net sales of castings during any calendar year beginning after December 31, 1950, do not exceed \$100,000, you may file an application for exemption from price control with respect to your sales of castings. Any such application must be filed with the Office of Price Stabilization, Washington 25, D. C., within 30 days after the end of the calendar year involved and must contain the fol-

lowing information: Your name and address; the location of your foundry; a description of the kind of castings produced by you; and your total net sales of castings during the calendar year involved.

The OPS will grant an exemption pursuant to this paragraph by letter order and may require the applicant to file the reports described in paragraph (a) (1) of this section and may provide that any exemption so granted will terminate, or be terminated, in accordance with paragraph (a) (2) and (3) of this section.

(c) *Sales pursuant to short orders.* You are exempt from the provisions of this regulation and any other ceiling price regulation heretofore or hereafter issued by the Office of Price Stabilization to the extent that you sell castings pursuant to any of the orders listed in subparagraphs (1), (2), and (3) of this paragraph. If, after the effective date of this regulation, the total amount which you charge during any calendar quarter beginning on or after October 1, 1951, for castings sold pursuant to orders described in subparagraphs (1), (2), and (3) equals the highest total amount which you charged for such sales during any calendar quarter in the year 1950, the exemption set forth herein shall not apply to any of your subsequent sales during the calendar quarter involved.

(1) *Die castings and permanent mold castings.* An order for a particular casting, which order requires less than 6 hours production on the die casting or permanent mold machine and for which your selling price does not exceed \$500.00.

(2) *Gray iron, carbon and low alloy steel, malleable iron, aluminum base alloy, zinc and lead base alloy castings.* An order for a particular casting, which order requires less than 6 hours of molding time, and the production of no more than 50 molds, and for which your selling price does not exceed \$300.00.

(3) *All other castings other than those listed in subparagraphs (1) and (2) of this paragraph.* An order for a particular casting, which order requires less than 6 hours of molding time and the production of no more than 50 molds, and for which your selling price does not exceed \$400.00.

[Paragraph (c) added by Amdt. 3]

SEC. 2a. General pricing provisions. This section sets forth certain general rules for determining your ceiling prices under the provisions of this regulation.

(a) *How to calculate metal costs.* If you are not a producer of nonferrous castings doing your own alloying, sections 3 and 4 of this regulation require you to determine your ceiling prices for castings on the basis of your metal costs as of certain specified dates. You must calculate such metal costs in accordance with the provisions of this paragraph.

(1) In calculating metal costs, you may elect to use either a weighted average cost for metal during the 30 day period immediately preceding the date specified in section 3 or 4 or a cost calculated on the basis of the last delivery of metal to you prior to such date. If you elect to use a weighted average cost, you must determine that cost in accord-

ance with subparagraph (2) of this paragraph. If you elect to use a metal cost calculated on the "last delivery" basis, you must do so in accordance with subparagraph (3) of this paragraph. You must, however, use the same method of calculating metal costs for all castings produced by you, and you may not change your method after you have made the election permitted herein and have put the regulation into effect.

(2) In calculating a weighted average metal cost, you must observe the following rules:

(i) You must use the prices shown on the invoices covering deliveries to your plant from your usual sources of supply during the 30 day period immediately preceding the applicable date specified in section 3 or 4. If you did not receive any such delivery of a metal to be used in the casting being priced, you must use the highest price published during the period in a recognized trade journal and applicable to deliveries to your plant from your usual source of supply. You may not, however, include in your weighted average cost any price in excess of the ceiling price established by the applicable OPS regulation, if any, in effect on the date specified in section 3 or 4.

(ii) If, as of January 25, 1951, you customarily included transportation costs as part of your metal costs, you must include transportation costs actually paid by you in connection with the deliveries referred to in sub-division (i) of this subparagraph or, in the case of a metal which you did not receive, the transportation cost which you would have had to pay if you had received delivery in the period involved.

(iii) If you use metal produced by you from raw materials in different forms (i. e. pig, ingot, scrap, etc.) you must calculate a weighted average cost for each form in accordance with subdivisions (i) and (ii) of this subparagraph and must determine your metal cost on the basis of the proportion of each form used by you (i. e. your mix) during the 30 day period immediately preceding the applicable date specified in section 3 or 4.

(3) In calculating metal cost on a "last delivery" basis, you must observe the following rules:

(i) You must use the price shown on the invoice covering the last delivery to your plant from your usual source of supply during the 30 day period immediately preceding the applicable date specified in section 3 or 4. If you did not receive during such period any such delivery of a metal to be used in the casting being priced, you must use the highest price published during the period in a recognized trade journal and applicable to deliveries to your plant from your usual source of supply. You may not, however, use any price in excess of the ceiling price established by the applicable OPS regulation, if any, in effect on the date specified in section 3 or 4.

(ii) If, as of January 25, 1951, you customarily included transportation costs as part of your metal costs, you must include transportation costs actually paid by you in connection with the deliveries referred to in sub-division

(i) of this subparagraph or, in the case of a metal which you did not receive, the transportation cost which you would have had to pay if you had received delivery in the period involved.

(iii) If you use metal produced by you from raw materials in different forms (i. e. pig, ingot, scrap, etc.) you must determine the cost for each form in accordance with subdivisions (i) and (ii) of this subparagraph and you must calculate your metal cost on the basis of the proportion of each form (i. e. your mix) during the 30 day period immediately preceding the applicable date specified in section 3 or 4.

(b) *Rounding.* You may round the ceiling prices determined in accordance with the provisions of this regulation so that they will be expressed in the nearest cent or fraction of a cent you normally employ. If you elect to round the ceiling price of any casting, you must similarly round the ceiling prices for all of your castings to reflect decreases as well as increases. In no event may the increase resulting from rounding be greater than 2 percent of your ceiling price prior to rounding except in the case of die castings where the increase may not exceed \$1.00 per thousand or 5 percent of the ceiling price before rounding, whichever is less. For example, if you normally quote prices in terms of a quarter of a cent and your ceiling price for casting A is 21.20 cents, you may round that price to 21.25 cents. On the other hand, if your ceiling price is 27.30 cents for casting B and you have rounded your ceiling price for any other casting, you must round the ceiling price for casting B to 27.25 cents.

(c) *Retention of prices on base date price lists.* If your ceiling price for a price list casting as determined in accordance with section 3 (a) differs by less than 2 percent from the price set forth on your base date price list, you may use such price as your ceiling price. You may do so, however, only if you use as your ceiling price all prices set forth in your base date price lists which differ by less than 2 percent from the ceiling price determined in accordance with section 3 (a), regardless of whether increases or decreases result. For example, assume that the price for casting A on your base date price list is 20 cents per pound and your ceiling price under section 3 is 19½ cents per pound. Assume also that the price for casting B on your base date price list is 25 cents per pound and your ceiling price under section 3 is 25¼. You may continue to use 20 cents per pound as your ceiling price for casting A, but if you do so you must use 25 cents per pound as your ceiling price for casting B.

[Section 2a added by Amdt. 3]

Sec. 3. Ceiling prices for castings determined by using base date price lists. This section sets forth provisions for determining your ceiling prices for price list castings and modified price list castings. A "price list casting" is one which is the same as a casting which was included on a price list issued by you before January 25, 1951, and which you had in effect on that date. A "modified price list casting" is one which has the same basic

design and specifications as a price list casting and which is intended to serve substantially the same purpose, but which nevertheless differs in some respects from such price list casting.

(a) *Price list castings.* (1) Your ceiling price for a price list casting is the applicable price set forth on your price list in effect on January 25, 1951 adjusted in accordance with subparagraphs (2) and (3) of this paragraph. If your base date price lists sets forth only a charge for conversion to which you customarily added a factor for metal in pricing a casting, your ceiling price is the applicable charge on your base date price list, adjusted in accordance with subparagraph (3) of this paragraph, plus a factor for metal determined in accordance with subparagraph (2) (iii) of this paragraph. You must also comply with paragraph (c) of this section.

[Subparagraph (1) amended by Amdt. 3]

(2) The applicable price shown on your base date price list must be adjusted to reflect the changes in your cost of the metal to be used in the casting being priced between the date of issuance of such price list and July 30, 1951. These changes must be made in accordance with the practice customarily followed by you in changing your prices to reflect changes in metal costs and must be calculated as follows:

[Subparagraph (2) amended by Amdt. 3]

(i) Determine the metal cost factor included in the price on your base date price list by using metal costs as of the date of issuance of your base date price list calculated in accordance with paragraph (a) of section 2a of this regulation. If, however, you are a producer of nonferrous castings and do your own alloying, determine the metal cost factor on the basis of the price for the alloy ingot involved which you used in calculating the price on your price list.

[Subdivision (i) amended by Amdt. 3]

(ii) Subtract the amount determined in subdivision (i) of this subparagraph from the price set forth on your base date price list.

(iii) Determine a new metal cost factor by using metal costs as of July 30, 1951, calculated in accordance with paragraph (a) of section 2a of this regulation. If, however, you are a producer of nonferrous castings and do your own alloying, you must determine your new metal cost factor by using the ceiling price for the alloy ingot involved established as of July 30, 1951, by the applicable OPS regulation. In determining such ceiling price you may assume that you purchased the alloy at one time in the quantity necessary to produce the number of castings ordered by your customer.

[Subdivision (iii) amended by Amdt. 3]

(iv) Add the amount determined in accordance with subdivision (iii) of this subparagraph to the result of the calculation in subdivision (ii) of this subparagraph.

(3) If the applicable price on your price list is based upon labor rates higher than those which were in effect in your

plant on January 25, 1951, you must adjust the price to reflect the labor rates which were in effect on that date. If the applicable price on your price list is based on labor rates lower than those which were in effect in your plant on January 25, 1951, you may adjust the price to reflect the labor rates which were in effect on that date. You must make any adjustment pursuant to this subparagraph in exactly the same manner as you would have on January 25, 1951, but you may not include any increases in labor rates occurring after that date and you must use the same ratio of overtime to straight time hours you used in calculating the labor cost factor included in the price on your price list.

[Subparagraph (3) added by Amdt. 3]

(b) *Modified price list castings.* (1) Your ceiling price for a modified price list casting is the price, determined in accordance with paragraph (a) of this section, for the unmodified price list casting, adjusted to reflect any increase or decrease in cost resulting from the change in design or specification. You must calculate such change in cost in accordance with subparagraph (2) of this paragraph. You must also comply with paragraph (c) of this section.

(2) To calculate the change in cost resulting from the modification in design or specification you must:

(i) Determine the increase or decrease in direct labor costs resulting from such modification on the basis of the labor rates in effect in your foundry on January 25, 1951.

(ii) Determine the increase or decrease in metal costs resulting from such modification on the basis of the price paid by you as shown on the last delivery to you prior to July 30, 1951. This price may not exceed the ceiling price established in the applicable OPS regulation. You may include any transportation cost, on a per unit basis, paid by you in connection with such delivery.

(iii) Add or subtract the net increase or decrease in costs to or from the price as determined in accordance with paragraph (a) of this section, for the unmodified price list casting.

(c) *Extras, discounts, and terms.* The ceiling price determined in accordance with paragraph (a) or (b) of this section must be adjusted to reflect any applicable extra charges, quantity discounts, or class of purchaser differentials which you had in effect on January 25, 1951, and must carry all delivery terms, cash discounts guarantees and servicing terms, and other applicable conditions of sale which you had in effect on that date.

Sec. 4. Ceiling prices for castings determined by using a base date formula. If you cannot determine a ceiling price for a casting under section 3 of this regulation, your ceiling price is the price determined in accordance with the formula used by you on January 25, 1951, for calculating a price for the same or a similar casting made by the same production method in the same plant. Such ceiling price must be determined in accordance with the following provisions:

[Above paragraph amended by Amdt. 3]

(a) *Factors to be used in applying your formula.* In determining a ceiling price by using a formula, you must apply such formula in exactly the same manner as you would have on the base date. You must not include any costs which you did not customarily include in pricing castings and you must calculate the various factors entering into your ceiling price in accordance with the following provisions of this paragraph:

(1) *Metal costs.* (i) You must calculate the metal cost factor in exactly the same manner as you would have on January 25, 1951, but you must use metal costs as of July 30, 1951, determined in accordance with paragraph (a) of section 2a of this regulation.

[Subdivision (1) amended by Amdts. 3 and 4]

(ii) If you are a producer of nonferrous castings and you do your own alloying, you must determine your metal cost factor by using the ceiling price for the alloy ingot involved established as of July 30, 1951, by the applicable OPS regulation. In determining such ceiling price you may assume that you purchased the alloy at one time in the quantity necessary to produce the number of castings ordered by your customer.

(2) *Labor costs.* You must calculate the labor cost factors in exactly the same manner as you would have on January 25, 1951, by using the straight time and overtime rates for each class of labor in effect in your plant on that date. If you customarily used machine hour, per piece, or average rates in pricing castings you must use the same methods. You may not change your method of classifying labor as direct or indirect. If your base date formula contained labor cost factors including both straight time and overtime labor, you must calculate your labor cost factors by using the same ratio of overtime to straight time hours reflected in your base date formula, and you may not include any increase in labor costs resulting from an increase in the number of overtime hours in excess of the amount computed by using the ratio of overtime to straight time hours reflected in your base date formula. If your base date formula included separate factors for straight time and overtime labor, you may not include any increases in labor costs resulting from an increase in the number of overtime hours in excess of an amount computed by using the ratio of overtime hours to straight time hours reflected in your payroll for the four full pay periods immediately preceding the base date.

(3) *Other costs.* You must calculate other cost factors in exactly the same manner you would have on January 25, 1951. You may not, however, include any increases in such costs occurring after that date.

[Subparagraphs (2) and (3) amended by Amdt. 3]

(4) *Additional operations and subcontracted services.* (i) If it was your practice, as of the base date, to perform in your plant on castings produced by you additional operations such as machining, galvanizing and plating, you may include in your ceiling price a factor for any such service you now

perform. You must compute such factor in exactly the same manner as you would have on January 25, 1951, by using the material and labor rates in effect for you on that date. If you now subcontract any such operations, you may not include in your ceiling price any amount in excess of that calculated in accordance with the preceding sentence.

(ii) If you subcontract any services (including but not limited to, machining, galvanizing, or plating), and it was your practice as of January 25, 1951, to subcontract and include the cost of such services in pricing castings, you may include a factor for such costs in determining your ceiling price. Such factor must be determined in exactly the same manner employed by you on the base date. You may use the price paid by you for any subcontracted service provided it does not exceed the ceiling price established by the applicable OPS regulation. If it was your practice, as of the base date, to include in your price transportation costs incurred in procuring subcontracted services you may now include any such costs actually paid by you. If it was your practice, as of the base date, to include a markup with respect to subcontracted services, you may now include such a markup at the rate in effect on such date.

(5) *Overhead or burden and profit.* You must calculate the factors for overhead or burden and profit in exactly the same manner as you would have on January 25, 1951, by using the same rates that you would have on that date.

(b) *How to determine your ceiling prices for castings which are the same as castings produced during the three months ended July 31, 1951.* In determining your ceiling price for a casting which is the same as a casting you produced during the period May 1-July 31, 1951, inclusive, you must apply your formula (as determined in accordance with paragraph (a) of this section) on the basis of your actual production experience with respect to the casting during that period. If, however, it was your practice as of January 25, 1951, to employ standard factors or rates for certain cost elements, you may use such factors or rates in effect on that date in determining your ceiling price.

Furthermore, if it was your practice as of January 25, 1951, to price your castings by using standard rates or factors to develop average data with respect to time and material and such rates or factors were developed from time studies or average experience over a period of more than three months, you may apply your formula on the basis of such standard rates and factors in effect on that date, rather than on the basis of your production experience during the period May 1-July 31, 1951. You must, however, apply such standard rates or factors on the basis of the operations actually involved in producing the casting being priced.

[Paragraph (b) amended by Amdt. 3]

(c) *How to determine your ceiling price for all other castings—(1) Use of estimates on first order.* In determining a ceiling price for a casting which is not the same as a casting you produced during the period May 1-July 31,

1951, inclusive, you may, in connection with the first order pursuant to which you make deliveries after the effective date of this regulation, apply your formula (as determined in accordance with paragraph (a) of this section) on the basis of estimates of the time and material which will be required. Such estimates must be made in accordance with your practice as of the base date and must be based upon your general production experience.

(2) *Recomputation.* You must recompute your ceiling price for any casting covered by this paragraph in accordance with the following provisions:

(i) Recomputation must be made after completion of production for the first order described in subparagraph (1) of this paragraph, or if such order involves production (other than production of samples or trial releases) extending over more than 30 calendar days, after completion of such 30 days' production.

(ii) In recomputing your ceiling price, you must apply your formula (determined in accordance with paragraph (a) of this section) on the basis of your actual experience in producing castings for the first order or during the 30 day period described in subdivision (i) of this subparagraph. If it was your practice of January 25, 1951, to employ standard factors or rates for certain cost elements, you may use the same factors or rates in recomputing your ceiling price.

(iii) If it was your practice as of January 25, 1951, to price your castings by using standard rates or factors to develop average data with respect to time and material and such rates or factors were developed from time studies or average experience over a period of more than three months, and if you used such factors in determining your ceiling price in accordance with subparagraph (1) of this paragraph, you need not make the recomputation provided for herein, but you cannot recompute any ceiling price for a casting covered by this paragraph unless you recompute your ceiling prices for all such castings. If, however, after completion of production for the first order or during the 30 day period described in subdivision (i) of this subparagraph you change the operations involved in producing a particular casting, you must redetermine your ceiling price in accordance with subparagraph (1) of this paragraph on the basis of the changed operations.

(iv) The price resulting from the recomputation or recalculation provided for herein is your ceiling price for all sales or deliveries of the castings involved after completion of production for the first order or after completion of the 30 day period described in subdivision (i).

[Paragraph (c) amended by Amdt. 3]

(d) *Extras, discounts, and terms.* The ceiling price determined in accordance with the foregoing provisions of this Section must be adjusted to reflect any applicable extra charges, quantity discounts, or class of purchaser differentials which you had in effect on January 25, 1951, and must carry all delivery terms, cash discounts, guarantees and servic-

ing terms, and other applicable conditions of sale which you had in effect on that date.

Sec. 5. Ceiling prices for equipment furnished in connection with the sale of castings. This section sets forth the conditions under which you may charge a buyer for equipment (including but not limited to patterns, dies, molds, tools, or fixtures) furnished by you in connection with your sales of castings and provisions for determining your ceiling price for such equipment.

(a) *Conditions under which you may charge for equipment.* You may charge a buyer for equipment furnished by you in connection with your sale of castings only if:

(1) It was your practice as of January 25, 1951, to charge a buyer for such equipment;

(2) You have not included any factor for such equipment in determining your ceiling price for castings under Section 3 or 4;

(3) You make such charge in exactly the same manner as you would have on January 25, 1951 (i. e. as a flat sum or on a prorated basis) and you separately state the amount of such charge in billing the buyer; and

(4) You follow your practice as of January 25, 1951, with respect to retention or transfer of ownership of such equipment.

(b) *Ceiling price.* Your ceiling price for equipment furnished by you in connection with your sales of castings is the price determined in accordance with the formula you had in effect on January 25, 1951, for pricing the same kind of equipment. You must apply such formula in exactly the same manner as you would have on January 25, 1951, and you must use the applicable factors for materials and labor costs and the rates for overhead or burden and profit which you had in effect on that date. In calculating your ceiling price for equipment you may not include any elements which you would not have included on January 25, 1951, or any increases in costs occurring after that date.

Sec. 6. Ceiling prices for new sellers. (a) If you are a producer of castings (other than a transferee described in section 7) who was not in business on January 25, 1951, or if for any other reason you cannot determine a ceiling price under the provisions of section 3 or 4 of this regulation, you must apply to the Office of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price or pricing formula.

(1) Any application pursuant to this section must contain the following information: Your name and address; the location of your foundry; a description of the casting or kind of castings you propose to produce; a proposed ceiling price or pricing formula; and a detailed statement of the factors used by you in calculating such price or formula.

(2) Any ceiling price or pricing formula established by OPS pursuant to the provisions of this section will be in line with the ceiling prices otherwise established in this regulation.

(3) If you have filed an application pursuant to this section, you may sell

the castings covered by such application at the prices proposed by you, but you must advise your customer that you have filed an application and agree to refund the amount, if any, by which such prices exceed the ceiling prices established by OPS.

[Subparagraph (3) amended by Amdt. 3]

(b) If you are required to file an application pursuant to paragraph (a) of this section and do not do so, OPS may issue an order establishing a ceiling price or pricing formula for you. Any ceiling price provided for by such order will be in line with the ceiling prices otherwise established in this regulation and will apply to all deliveries for which a ceiling price was not otherwise established by this regulation, including deliveries completed prior to the date of the order. The issuance of such an order will not relieve you of your obligation to comply with the requirements of this regulation or of the various penalties for your failure to do so.

Sec. 7. Transfers of business. If the business or assets of a producer of castings are sold after the issuance date of this regulation and the transferee carries on the production of castings in the foundry included in such transfer, the ceiling price of the transferee for castings produced in such foundry shall be the same as those to which his transferor would have been subject if no such transfer had taken place and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to, the transferee all records of the transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

Sec. 8. Definitions. When used in this regulation, the term:

(a) "Applicable OPS regulation" means the regulation issued by OPS establishing ceiling prices for the commodity referred to.

(b) "Base date" means January 25, 1951.

(c) "Casting" includes any product produced from molten metal or alloy which is formed in a mold or die and on which no further operations are performed, except cleaning, snagging, rough grinding, inspecting, testing, rough drilling, or machining only for the purpose of inspecting or cleaning. It also includes any such product upon which further operations are performed, but only if the product is designed solely to meet the buyer's specifications.

(d) "Factor" means the dollars and cents amount of any element used in determining a price.

(e) "Formula" means a method of determining prices on the basis of costs.

(f) "OPS" means the Office of Price Stabilization.

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

(h) "Price list" means any document setting forth dollars and cents prices for castings issued by the producer thereof and distributed to his customers.

(i) "You" means any person who is a producer of castings subject to this regulation.

(j) "Metal cost" means only the cost of the metal or metal alloy used in producing a casting adjusted to reflect furnace loss during the melting operation.

[Paragraph (j) added by Amdt. 3]

(k) "Price list" means any document or letter setting forth dollars and cents prices, per pound or per piece, applicable to a particularly or general category of castings and on the basis of which you priced the casting involved without reference to individual computation of production costs.

[Paragraph (k) added by Amdt. 3]

(l) "Usual source of supply" means a source from which you normally obtained metal in the quantities normally purchased by you. Any departure from your normal buying practices means that you did not obtain metal from your usual source of supply. Such a departure would include purchases of quantities smaller than those you normally purchased or contracted for, a delivery from a more distant or different class of supplier, or a change from a domestic to a foreign source.

[Paragraph (l) added by Amdt. 3]

Sec. 9. Record-keeping requirements.

(a) You must prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter all records necessary to determine whether you have computed your ceiling prices correctly, including but not limited to:

(1) A copy of your price lists, if any, which you had in effect on January 25, 1951;

(2) Records showing your formulas, if any, in effect on January 25, 1951, and the formulas, if any, used in computing your ceiling prices under this regulation. Such records should include the factors used in applying such formulas and all appropriate work sheets and documents substantiating such factors; and

(3) Records showing the extra charges, quantity discounts, class of purchaser differentials, delivery terms, cash terms, guarantees and service terms, and other terms and conditions of sale which you had in effect on January 25, 1951.

(b) Every person making a sale or purchase of castings must 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 buyer; the quantity of each casting sold or purchased; the location of the foundry in which the castings were produced; the price charged or paid; the extras, if any, charged and paid; the price, if any, charged or paid for equipment; the terms of sale; and the disposition of transportation charges.

Sec. 10. Excise, sales, or similar taxes. Any person may collect, in addition to

the ceiling prices established by this regulation, any excise, sales, or similar tax imposed upon him by reason of his sales of castings covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling prices the amount of the tax collected.

Sec. 11. Prohibitions—(a) *Against transactions above ceiling prices.* Regardless of any contract or other obligations, on and after the effective date of this regulation you must not sell or deliver castings at prices above the ceiling prices established in this regulation, and you must not offer, solicit, attempt or agree to sell or deliver castings at prices above such ceiling prices.

No person may buy or receive castings in the regular course of trade or business at prices above the ceiling prices established in this regulation and no person may offer, solicit, attempt, or agree to buy or receive castings at prices above such ceiling prices.

Lower prices than those set forth in this regulation may be charged, demanded, paid, or offered.

(b) *Against tie-in transactions.* You must not sell castings on condition (1) that the buyer purchase from any person any commodity or service, or (2) that the buyer sell to any person any commodity or service. No person who buys castings in the regular course of trade or business shall participate in any such tie-in transaction. Nothing in this paragraph, however, shall be construed to prohibit any person from delivering a casting pursuant to a toll or conversion agreement which requires the recipient to deliver scrap to the producer of the casting.

(c) *Against dividing orders.* You must not take any action which would require a buyer to divide an order for castings so that you might charge a price in excess of the ceiling price established in this regulation. No person who buys castings in the regular course of trade or business shall participate in any such action.

(d) *Against evasion.* You must not evade or circumvent the provisions of this regulation by direct or indirect methods in conjunction with the sale, purchase, delivery, or transfer of castings, alone or in conjunction with any other commodity or service, or by way of any commission, service, transportation, or other charge, or discount, premium, or other trade understanding, or otherwise. No person who buys castings in the regular course of trade or business shall participate in any such evasion.

Sec. 12. Penalties. Persons violating any of the provisions of this regulation shall be subject to the criminal penalties, civil enforcement actions, and suits for damages provided for in the Defense Production Act of 1950.

Sec. 13. Petitions for amendment. Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1.

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

MICHAEL V. DiSALLE,
Director of Price Stabilization.

By: JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-1759; Filed, Feb. 8, 1952;
11:28 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 89]

GCPR SR 89—CEILING PRICES FOR SALES BY WHOLESALERS AND DEALERS OF BALER AND BINDER TWINE

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 89 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Pending issuance of tailored regulations covering the manufacture and distribution of domestic baler and binder twine, this supplementary regulation is being issued to provide wholesalers and dealers of such commodities with a method, adapted to the practices of the industry, of recalculating their ceiling prices to reflect changes in their suppliers' prices. With respect to such distributors, this regulation replaces Supplementary Regulation 29 to the GCPR.

The general distribution pattern of the baler and binder twine industry has been for manufacturers to sell to wholesalers who in turn sell to other wholesalers or to dealers, although dealers may, in some instances, buy direct from manufacturers. The dealers sell to farmers who use the twine in the operation of their farm equipment. In establishing prices manufacturers have historically issued a dealer's price list. The price list establishes a list price for sales in one-bale lots to dealers and sets forth the various discounts and other terms of sale applicable to purchases by dealers. Among the discounts are two variable discounts which are offered for pre-season shipment and pre-season payment. While use of baler and binder twine is generally limited to the summer months, manufacturers produce the twine on a year round basis in order to meet the heavy demand during those months. The variable pre-season discounts are offered to enable the manufacturers to space their production efficiently and to permit orderly distribution over the entire year. They customarily start on November 1 of each year, at which time the largest discounts are offered. They decrease at a fixed rate until July 1 when neither discount is any longer applicable. In addition to these pre-season discounts, manufacturers offer fixed cash and quantity discounts.

The manufacturer's list price for dealers is also used as a basis for prices to wholesalers and all of the discounts

offered to dealers are made available to wholesalers in addition to the discounts offered them as wholesalers. As a general rule both wholesalers and dealers have fixed their selling prices with reference to their supplier's list prices. While a few wholesalers, because of geographic location or class of trade to whom they sell, resell at prices and on terms different from those offered by manufacturers, most wholesalers issue price lists similar to those issued by the manufacturers and, in order to be competitive with manufacturers, pass on to their purchasers all of the discounts offered by the manufacturers to the same class of purchaser. Most dealers in their sales to farmers sell at prices based roughly on the supplier's list price plus a markup, although there is no uniform pattern in their markups.

After the issuance of Ceiling Price Regulation 22, domestic manufacturers of baler and binder twine established ceiling prices under that regulation which reflected an increase over their ceiling prices under the GCPR. Although manufacturers generally increased their selling prices in June, their increases were not the full amount which would have been permissible under their CPE 22 ceilings. Subsequently, on November 1, 1951, they again increased their selling prices still within the limits of their ceiling prices previously established under CPR 22. At that time the maximum pre-season discounts were made available by manufacturers to their purchasers.

This supplementary regulation permits wholesalers and dealers of domestically manufactured baler or binder twine to recalculate their GCPR ceiling prices whenever their suppliers have increased their selling prices within the limits of their ceiling prices previously established under CPR 22 or SR 29 to the GCPR or which they may establish under this regulation. Whenever suppliers decrease their selling prices because of a decrease in their ceiling prices under such regulations, it is mandatory that wholesalers and dealers recalculate their ceiling prices. Sellers who purchase from manufacturers or wholesalers and resell to persons other than farmers are defined as wholesalers. Sellers who purchase from wholesalers or manufacturers and resell to the farmers are defined as dealers. To the extent that particular sellers are both wholesalers and dealers they must establish their ceiling prices separately for their sales as wholesalers and as dealers. Ceiling prices must be recalculated separately for each type or brand of baler or binder twine purchased from each supplier and for each f. o. b. point at which the seller wishes to sell.

The general industry practice of pricing with reference to the supplier's price list for sales to dealers is recognized. "List price" is defined as the price to dealers, exclusive of all discounts, for baler and binder twine, when sold for delivery on the basis of a one-bale lot. Five methods are provided for recalculation of ceiling prices by wholesalers, all of which are based on a relationship to their supplier's current list price. As

to three of the methods, the selection of the one to be used depends upon whether the wholesaler, during the pre-Korean quarter, April 1, 1950 through June 24, 1950, sold at a price the same as, lower than, or higher than his supplier's list price and whether the wholesaler's list price included freight. The recalculated ceiling price bears the same relationship to the list price of the wholesaler's supplier as his pre-Korean list price bore to his supplier's list price during that period. For some wholesalers who sold at list prices lower than their supplier's list prices in the pre-Korean quarter, that period may not be a representative one for use in establishing a relationship between the wholesaler's list price and that of his supplier. Consequently, two additional methods are provided whereby such a wholesaler may establish his ceiling price if he files a report showing that during the period November 1, 1949 through March 31, 1950, more than 50 percent of his unit sales were made at prices based upon a list price the same as or higher than his supplier's list price.

The wholesaler's recalculated ceiling price applies to sales to dealers for delivery on the basis of a one-bale lot and does not include discounts. Ceiling prices for classes of purchasers other than dealers are computed by applying the differentials in effect between April 1, 1950 and June 24, 1950. All fixed discounts, terms and conditions of sale which the wholesaler offered during the pre-Korean quarter, April 1, 1950 through June 24, 1950, must be applied to the recalculated ceiling price. To insure the continuation of the pre-season discounts and any other discounts which customarily vary in amount during the year, the regulation further provides that the ceiling price for a twine must carry the same variable discounts which the wholesaler had in effect for a particular class of purchaser between November 1, 1949 and October 31, 1950.

Dealers may recalculate their ceiling prices by applying to their current supplier's list price a "permitted percentage markup," which is determined on the basis of the dealer's markup over his supplier's list price during the pre-Korean quarter. Dealers, like the wholesalers, must apply their pre-Korean discounts, terms and conditions of sale to their recalculated ceiling prices.

Wholesalers or dealers who, during the period April 1, 1950 and June 24, 1950, made a charge for handling which was stated separately on their invoices are permitted to continue to make the same dollars-and-cents charge last made during that period.

Wholesalers and dealers who are unable to recalculate their ceiling prices under the methods provided may apply to the Director of Price Stabilization to have a revised ceiling price established for them in line with the ceiling prices otherwise established by the supplementary regulation.

Consideration has been given to the pricing of inventories in the hands of wholesalers and dealers. Without intending or purporting to affect the ceiling prices of twine sold by wholesalers or dealers prior to the effective date of

this supplementary regulation, wholesalers and dealers are permitted, upon making their first recalculation of a ceiling price under this supplementary regulation, to apply that recalculated price to their entire inventory on hand at the time of that first recalculation. In the event of further recalculations under the regulation, the subsequently recalculated ceiling prices may not be put into effect until the total number of bales of twine in inventory at the time of the recalculation is sold at prices no higher than those in effect before recalculation.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In promulgating this supplementary regulation the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

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

REGULATORY PROVISIONS

Sec.

1. What this supplementary regulation does.
2. Sellers covered by this supplementary regulation.
3. When wholesalers and dealers are permitted or required to recalculate their ceiling prices.
4. How wholesalers recalculate their ceiling prices for sales to dealers.
5. How wholesalers recalculate their ceiling prices for sales to purchasers other than dealers.
6. Notification by wholesalers of new list prices.
7. How dealers recalculate their ceiling prices.
8. How to recalculate ceiling prices where purchases are made from multiple suppliers.
9. Recalculation of ceiling prices where supplier has no list price for the type or brand of twine sold.
10. Recalculation of ceiling prices by sellers who are both wholesalers and dealers.
11. Wholesalers and dealers who cannot recalculate under other sections.
12. Discounts, terms, conditions of sale, and handling charges.
13. Records.
14. Definitions.

AUTHORITY: Sections 1 to 14 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. What this supplementary regulation does. This supplementary regulation modifies the General Ceiling Price Regulation ceiling prices for sales by wholesalers and dealers of domestically manufactured baler and binder twine by permitting such sellers to recalculate their ceiling prices when their suppliers' prices have been increased pursuant to Ceiling Price Regulation 22 (Manufacturers General Ceiling Price

Regulation), Supplementary Regulation 29 to the General Ceiling Price Regulation or pursuant to this supplementary regulation and by requiring such sellers to recalculate their ceiling prices when their suppliers have decreased their prices pursuant to such regulations. Except as modified by this supplementary regulation, the provisions of the General Ceiling Price Regulation remain in effect. This supplementary regulation supersedes Supplementary Regulation 29 to the General Ceiling Price Regulation insofar as it applies to wholesalers and dealers of domestically manufactured baler and binder twine. It applies in the forty-eight states and in the District of Columbia.

Sec. 2. Sellers covered by this supplementary regulation. This supplementary regulation covers sales by wholesalers and dealers of domestically manufactured baler and binder twine.

The term "wholesaler" refers to a person who in the regular course of business buys domestically manufactured baler or binder twine and, without substantially changing its form, resells it to persons other than farmers or other commercial or industrial users.

The term "dealer" refers to a person who in the regular course of business buys domestically manufactured baler or binder twine and, without substantially changing its form, resells it to farmers or other commercial or industrial users.

Sec. 3. When wholesalers and dealers are permitted or required to recalculate their ceiling prices. If you are a wholesaler or a dealer purchasing domestically manufactured baler or binder twine from a manufacturer who has changed his price pursuant to CPR 22 or from a wholesaler who has changed his price pursuant to SR 29 to the GPCR or this supplementary regulation you determine your ceiling price under the applicable section for each type or brand of baler or binder twine you sell. For purposes of calculating your ceiling prices it will be necessary for you to become familiar with the terms "list price" and "f. o. b. point" as these terms are used in this supplementary regulation. These terms are explained in section 14.

(a) **Increases.** If your supplier has increased his list price for a twine pursuant to such regulations you may recalculate your ceiling price for sale of that type or brand of twine when purchased from that supplier after the increase is put into effect. The ceiling price arrived at as a result of your first recalculation made under this supplementary regulation shall be your ceiling price for your entire inventory of that type or brand of twine unsold at the date of that recalculation. At the time of each subsequent recalculation of your ceiling price for a particular type or brand of twine you must ascertain the total number of bales of that type or brand of twine which you own or for which you have commitments to purchase and which are unsold. You may not sell any of that type or brand of twine at your newly recalculated ceiling price until you have sold that number of

bales of that type or brand of twine at prices no higher than the selling prices (including differentials for different classes of purchasers, discounts, terms, conditions of sale and handling charges) which you had in effect on the day preceding the date of your recalculation.

(b) **Decreases.** If your supplier has decreased his list price for a twine and all or any part of that decrease was made pursuant to such regulations, you must recalculate your ceiling price for sale of that type or brand of twine purchased from that supplier after the decrease is put into effect.

Sec. 4. How wholesalers recalculate their ceiling prices for sales to dealers. If you are a wholesaler selling to dealers your ceiling price for sales to dealers will depend upon whether during the period April 1, 1950 through June 24, 1950 your list price (see definitions, section 14) was the same as, lower than, or higher than the list price of your supplier during that period and whether your list price included freight charges. For each f. o. b. point (see definitions, section 14) at which you wish to sell you must determine your ceiling price separately in accordance with the appropriate method set out in this section.

(a) If during the period April 1, 1950 through June 24, 1950 your list price last in effect was the same as the list price of your supplier last in effect during that period and was expressed as f. o. b. the same point as your supplier, your ceiling price is the same as your present supplier's current list price and must be expressed as f. o. b. the same point as your present supplier. To this ceiling price you shall apply the provisions of section 12 with regard to discounts, terms and conditions of sale.

(b) If during the period April 1, 1950 through June 24, 1950 your list price last in effect was higher or lower than the list price of your supplier last in effect during that period and was expressed as f. o. b. the same point as your supplier, you must compute your ceiling price in accordance with this paragraph unless you are able to avail yourself of the provisions of paragraph (c) of this section. The manner in which you compute your ceiling price under this paragraph is as follows:

(1) Ascertain your list price last in effect during that period.

(2) Ascertain the list price of your supplier last in effect during that period.

(3) Divide the list price found in (1) by the list price found in (2), multiply the result by 100 percent, thus finding a percentage relationship between your list price and that of your supplier.

(4) Ascertain the current list price of your present supplier.

(5) Multiply the list price found in (4) by the percentage found in (3). This figure is your ceiling price and must be expressed as f. o. b. the same point as your present supplier. To this ceiling price you shall apply the provisions of section 12 with regard to discounts, terms and conditions of sale.

(c) If during the period April 1, 1950 through June 24, 1950 your list price last in effect was lower than the list price of your supplier last in effect during that

period and was expressed as f. o. b. the same point as your supplier, you may establish your ceiling price under this paragraph instead of paragraph (b) of this section if during the period November 1, 1949 through March 31, 1950, more than 50 percent of the total number of bales of baler and binder twine you sold were sold at prices based upon a list price which was the same as or higher than your supplier's list price and which was expressed as f. o. b. the same point as your supplier. If you meet the requirements of this paragraph, your ceiling price is the same as your present supplier's current list price and must be expressed as f. o. b. the same point as your present supplier. To this ceiling price you shall apply the provisions of section 12 with regard to discounts, terms and conditions of sale. If you establish your ceiling price under this paragraph, you may not sell at that ceiling price until you file a report with the Textile Branch, Office of Price Stabilization, Washington 25, D. C., by registered mail, return receipt requested, and have received the return receipt. The report must contain the following:

(1) Your proposed ceiling price, f. o. b. points, and the discounts, terms and conditions of sale to be offered by you.

(2) Your present supplier's current list price and f. o. b. points.

(3) Your list price last in effect during the period April 1, 1950 through June 24, 1950, the f. o. b. points, discounts, terms and conditions of sale offered by you, and your supplier's list price and f. o. b. points last in effect during that period.

(4) A statement showing separately for baler and for binder twine the number of bales you sold during the period November 1, 1949 through March 31, 1950.

(5) A statement showing separately for baler and for binder twine the number of bales you sold at prices based upon a list price which was the same as or higher than your supplier's list price during the period November 1, 1949 through March 31, 1950 and the percentage relationship which the total of such sales bore to your total sales of baler and binder twine during that period, indicating that such percentage exceeded 50 percent in that period.

(6) A statement showing separately for baler and for binder twine your total sales by dollar volume made during the period November 1, 1949 through March 31, 1950.

(7) A statement showing separately for baler and for binder twine the total sales by dollar volume made at prices based upon a list price which was the same as or higher than your supplier's list price during the period November 1, 1949 through March 31, 1950.

(d) If during the period April 1, 1950 through June 24, 1950 your list price last in effect was expressed f. o. b. a shipping point other than the f. o. b. point of your supplier, you must compute your ceiling price in accordance with this paragraph unless you are able to avail yourself of the provisions of paragraph (c) of this section. The manner in which you com-

pute your ceiling price under this paragraph is as follows:

(1) Ascertain your list price last in effect during that period.

(2) Subtract from the list price found in (1) the actual freight you paid from your supplier's f. o. b. point to your shipping point during that period.

(3) Ascertain the list price of your supplier last in effect during that period.

(4) Divide the amount found in (2) by the list price found in (3), multiply the result by 100 percent, thus finding a percentage relationship between your list price (exclusive of freight) and your supplier's list price.

(5) Ascertain the current list price of your present supplier.

(6) Multiply the list price found in (5) by the percentage found in (4).

(7) Add to the amount found in (6) the present actual freight from your present supplier's f. o. b. point to your shipping point. This total is your ceiling price and must be expressed f. o. b. your shipping point. To this ceiling price you shall apply the provisions of section 12 with regard to discounts, terms and conditions of sale.

(e) If during the period April 1, 1950, through June 24, 1950 your list price last in effect was the same as or lower than the list price of your supplier last in effect during that period and was expressed f. o. b. a shipping point other than the f. o. b. point of your supplier, you may establish your ceiling price under this paragraph instead of paragraph (d) of this section if during the period November 1, 1949 through March 31, 1950, more than 50 percent of the total number of bales of baler and binder twine you sold were sold at prices based upon a list price which was higher than your supplier's list price and which was expressed f. o. b. a shipping point other than the f. o. b. point of your supplier. If you meet the requirements of this paragraph, your ceiling price is the total of your present supplier's current list price plus the present actual freight from your present supplier's f. o. b. point to your shipping point. Your ceiling price must be expressed as f. o. b. your shipping point. To this ceiling price you shall apply the provisions of section 12 with regard to discounts, terms and conditions of sale. If you establish your ceiling price under this paragraph, you may not sell at that ceiling price until you file a report with the Textile Branch, Office of Price Stabilization, Washington 25, D. C., by registered mail, return receipt requested, and have received the return receipt. The report must contain the following:

(1) Your proposed ceiling price, f. o. b. points, and the discounts, terms and conditions of sale to be offered by you.

(2) Your present supplier's current list price, f. o. b. points and the actual freight charge from your supplier's f. o. b. point to your shipping point.

(3) Your list price last in effect during the period April 1, 1950 through June 24, 1950, f. o. b. points, and the discounts, terms and conditions of sale offered by you during that period, and your supplier's list price and f. o. b. points last in effect during that period.

(4) A statement showing separately for baler and for binder twine the number of bales you sold during the period November 1, 1949 through March 31, 1950.

(5) A statement showing separately for baler and for binder twine the number of bales you sold at prices based upon a list price which was higher than your supplier's list price during the period November 1, 1949 through March 31, 1950 and the percentage relationship which the total of such sales bore to your total sales of baler and binder twine during that period, indicating that such percentage exceeded 50 percent in that period.

(6) A statement showing separately for baler and binder twine your total sales by dollar volume made during the period November 1, 1949 through March 31, 1950.

(7) A statement showing separately for baler and binder twine the total sales by dollar volume made at prices based upon a list price which was higher than your supplier's list price during the period November 1, 1949 through March 31, 1950.

SEC. 5. How wholesalers recalculate their ceiling prices for sales to purchasers other than dealers. Your ceiling price for sales to classes of purchasers other than dealers is determined by applying to your ceiling price to dealers the price differentials, whether expressed in terms of a separate price, a discount or otherwise, which you had in effect during the period April 1, 1950, through June 24, 1950. Differentials which were not expressed in percentages during that period must be translated into percentages before applying them to your ceiling price to dealers to determine your ceiling price to other classes of purchasers. To this ceiling price you shall apply the provisions of section 12 with regard to discounts, terms, and conditions of sale.

SEC. 6. Notification by wholesalers of new list prices. If you are a wholesaler, whenever you recalculate your ceiling price for a twine pursuant to this supplementary regulation and make a change in your list price pursuant to that recalculation, you must attach to your first invoice to each purchaser subsequent to such change a notice of your new list price f. o. b. all points at which you have established ceiling prices under this supplementary regulation.

SEC. 7. How dealers recalculate their ceiling prices. If you are a dealer of domestically manufactured baler or binder twine and your manufacturer-supplier changes his ceiling price pursuant to CPR 22 or your wholesaler-supplier changes his price pursuant to SR 29 to the GCPR or to this supplementary regulation, whichever regulation is applicable, you recalculate your ceiling price by applying to your supplier's current list price your "permitted percentage markup." "Permitted percentage markup" means the percentage markup which your selling price, f. o. b. your place of business, for the last representative sale made during the period April 1, 1950 through June 24, 1950, yielded over the list price which your supplier had in effect at the time you made the sale. A

representative sale is one made at the price at which you sold a customary quantity of twine to your largest number of purchasers during that period. In recalculating your ceiling price you must apply your "permitted percentage markup" to your supplier's current list price expressed f. o. b. the same point as the list price you used in computing your "permitted percentage markup." You shall apply to your ceiling price the provisions of section 12 with regard to discounts, terms, and conditions of sale.

SEC. 8. How to recalculate ceiling prices where purchases are made from multiple suppliers—(a) Wholesalers. If during the period April 1, 1950 through June 24, 1950 you sold or offered for sale the same type or brand of domestically manufactured baler or binder twine which you purchased from two or more suppliers, you shall use, for the purpose of establishing a ceiling price under this supplementary regulation for that type or brand of twine, the list price of the supplier from whom you received your last invoice for that twine prior to June 24, 1950. If you currently purchase from two or more suppliers at different list prices you must determine your ceiling price separately for each type or brand of twine purchased from each supplier having a different list price. Accordingly you may have different ceiling prices for the same type or brand of twine when purchased from different suppliers.

(b) **Dealers.** If during the period April 1, 1950 through June 24, 1950 you sold or offered for sale a domestically manufactured baler or binder twine which you purchased from two or more suppliers, your "permitted percentage markup" shall be determined separately for each type or brand of twine on the basis of the list price of the supplier from whom you received your last invoice prior to your representative sale. If you currently purchase from two or more suppliers at different list prices you must apply your "permitted percentage markup" and determine your ceiling price separately for each type or brand of twine purchased from each different supplier. Accordingly you may have different ceiling prices for the same twine when purchased from different suppliers.

SEC. 9. Recalculation of ceiling prices where supplier has no list price for the type or brand of twine sold. Wherever your supplier has no list price for the same twine you sold or are selling, you shall use, in establishing your ceiling price, your supplier's list price for the baler or binder twine which is most nearly like the baler or binder twine you sold or are selling.

SEC. 10. Recalculation of ceiling prices by sellers who are both wholesalers and dealers. Sellers who act as both a wholesaler and dealer in their selling operations must establish their ceiling prices separately for their sales as a wholesaler and as a dealer.

SEC. 11. Wholesalers and dealers who cannot recalculate under other sections. If you are a wholesaler or dealer of domestically manufactured baler or binder twine and claim that you are unable to recalculate your ceiling price under any

other section of this supplementary regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for a revision of your ceiling price. This application shall contain, to the extent available, the following information: an explanation of why you are unable to recalculate your ceiling price under any other section of this supplementary regulation; a description of the twine, including the type of twine, brand name, if any, and feet per pound; the nature of your business, such as retailer of farm implements and equipment, wholesaler of hardware and farm equipment, etc., and classes of purchasers to whom the commodity is to be sold; if you are a wholesaler, the list prices applicable to each f. o. b. point which you, and each f. o. b. point which your suppliers, had in effect during the period April 1, 1950 through June 24, 1950, together with all the discounts, terms and conditions of sale offered by you and your suppliers; your supplier's current list price and all applicable discounts; if you are a dealer, your supplier's list price, if any, upon which your "permitted percentage markup" might have been computed under section 7; your proposed ceiling price and the method used by you to determine it; the discounts, terms and conditions of sale you will offer to each class of purchaser; a copy of the price list for twine, if any, you will issue; the f. o. b. point at which you wish to have your ceiling price established and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this supplementary regulation.

You may not sell the twine at a price higher than your existing ceiling price until the Director of Price Stabilization, in writing, notifies you of your revised ceiling price.

Sec. 12. Discounts, terms, conditions of sale, and handling charges. Your ceiling price for each class of purchaser must carry the same discounts, allowances, premiums, extras and other terms and conditions of sale which were last in effect for that class of purchaser during the period April 1, 1950 through June 24, 1950, except that with respect to variable discounts (i. e., discounts which vary during the year in accordance with a customary pattern) your ceiling price must carry the same variable discounts in effect for that class of purchaser during the period November 1, 1949 to October 31, 1950, inclusive, so that on any particular calendar day between November 1 and the following October 31 the variable discounts you offer will be no less than those offered by you on the same calendar day between November 1, 1949 and October 31, 1950. All discounts which were expressed in dollars-and-cents during that period must be translated into percentages of the price to which they applied and must be maintained at such percentages.

If during the period between April 1, 1950 and June 24, 1950 you made a charge for handling which you stated separately on your invoices, you may currently make a charge for handling.

Such charge shall be no more than the dollars-and-cents charge you last made during that period and shall be separately stated on your invoices.

SEC. 13. Records. (a) If you are a wholesaler or dealer establishing ceiling prices under this supplementary regulation you must preserve and keep available for examination by the Office of Price Stabilization for the life of the Defense Production Act, as amended, and for two years thereafter, the following records:

(1) The base period records required to be preserved by section 16 (a) of the General Ceiling Price Regulation.

(2) If you established ceiling prices under Supplementary Regulation 29 to the General Ceiling Price Regulation, the records required by section 7 of that supplementary regulation.

(3) The price lists, invoices or other records showing your list prices, f. o. b. points, discounts, terms and conditions of sale and handling charges during the period April 1, 1950 through June 24, 1950 and showing the variable discounts you offered during the period November 1, 1949 through October 31, 1950. In addition, the price lists, invoices or other records showing your supplier's list prices and f. o. b. points during the period April 1, 1950 through June 24, 1950.

(4) If you are a dealer, the invoices or other records showing the selling price, the quantity and class of purchaser, upon which you determined your "permitted percentage markup" under section 7 of this supplementary regulation.

(5) The price lists, invoices or other records showing your supplier's current list prices and all f. o. b. points you used in recalculating your ceiling prices under this supplementary regulation.

(6) If you establish a ceiling price under paragraph (c) or (e) of section 4 of this supplementary regulation, sufficient records to substantiate the reports required to be filed under those paragraphs.

(7) For each twine for which you recalculate your ceiling price under this supplementary regulation, record on your ceiling price list for the category, prepared in accordance with section 16 (a) (3) of the General Ceiling Price Regulation, your new ceiling price for the twine recalculated under this supplementary regulation.

(b) In addition to the records required by paragraph (a) of this section, you are required to preserve and keep available for examination by the Office of Price Stabilization for a period of two years the following records:

(1) The records required to be preserved by section 16 (b) of the General Ceiling Price Regulation covering sales made by you between January 26, 1951 and the effective date of this supplementary regulation.

(2) Copies of the price lists you issue, your invoices and other records covering all sales of twine made by you on and after the effective date of this supplementary regulation.

(3) A record of the total number of bales of a particular type or brand of twine on hand at the time of each recalculation (subsequent to the first recalculation) of your ceiling price for that type or brand.

Sec. 14. Definitions.—(a) *Dealer.* This term is defined in section 2.

(b) *F. o. b. point.* This term refers to a seller's factory, warehouse, place of business, a freight equalization point or any other point at which a list price is established.

(c) *List price.* This term refers to the price to dealers, exclusive of all discounts, for baler or binder twine, when sold for delivery on the basis of a one-bale lot. This list price may be found in the price list customarily announced in writing and communicated to the trade or to a substantial number of customers by a manufacturer or wholesaler of baler and binder twine.

(d) *Wholesaler.* This term is defined in section 2.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall be effective on the 13th day of February 1952.

NOTE: The record-keeping and reporting requirements of this supplementary 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.

FEBRUARY 8, 1952.

[F. R. Doc. 52-1760; Filed, Feb. 8, 1952;
11:29 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 22 to Schedule A]

[Rent Regulation 2, Amdt. 20 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS

SCHEDULE A—DEFENSE-RENTAL AREAS

GEORGIA, MISSOURI, NEW JERSEY, AND
OREGON

These amendments are issued as a result of joint certifications pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective February 11, 1952, Rent Regulation 1 and Rent Regulation 2 are amended to that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 6th day of February 1952.

WILLIAM G. BARR,
Acting Director of
Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
<i>Georgia</i>				
(77) Colquitt County...	A	Colquitt.....	May 1, 1951	Feb. 11, 1952
<i>Missouri</i>				
(173) Sedalia.....	B	Johnson and Pettis.....	Mar. 1, 1942	Dec. 1, 1942
	C	do.....	Jan. 1, 1952	Feb. 11, 1952
<i>New Jersey</i>				
(190) Northeastern New Jersey.	B	Bergen County, except the boroughs of Allendale, Hoboken, and Ramsey, the village of Ridgewood, and the township of Mahwah; Morris County, except the township of Jefferson; and the counties of Essex, Hudson, Middlesex, Monmouth, Passaic, Somerset, and Union.	Mar. 1, 1942	July 1, 1942
	C	Morris County, except the township of Jefferson.	Sept. 1, 1950	Feb. 11, 1952
	A	In Morris County, the township of Jefferson.	do.....	Do.
<i>Oregon</i>				
(255) Umatilla County..	B	Umatilla County, except the city of Pendleton....	Mar. 1, 1942	Oct. 1, 1942
	C	In Umatilla County, precincts 28, 29, 31, 32, 33, and 34.	Dec. 1, 1950	Feb. 11, 1952

[F. R. Doc. 52-1671; Filed, Feb. 8, 1952; 8:49 a. m.]

[Rent Regulation 3, Amdt. 39 to Schedule A]

RR 3—HOTELS

SCHEDULE A—DEFENSE-RENTAL AREAS

GEORGIA, MISSOURI, NEW JERSEY, AND OREGON

This amendment is issued as a result of joint certifications pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective February 11, 1952, Rent Regulation 3 is amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 6th day of February 1952.

WILLIAM G. BARR,
Acting Director of
Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(77) Colquitt County...	Georgia.....	Colquitt.....	May 1, 1951	Feb. 11, 1952
(173) Sedalia.....	Missouri.....	Johnson and Pettis.....	Jan. 1, 1952	Do.
(190) Northeastern New Jersey.	New Jersey.....	Morris.....	Sept. 1, 1950	Do.
(255) Umatilla County..	Oregon.....	In Umatilla County, precincts 28, 29, 31, 32, 33, and 34.	Dec. 1, 1950	Do.

[F. R. Doc. 52-1672; Filed, Feb. 8, 1952; 8:49 a. m.]

[Rent Regulation 3, Amdt. 1 to Schedule B]

RR 3—HOTELS

SCHEDULE B—SPECIFIC PROVISIONS

BILOXI-PASCAGOULA AND JOLIET DEFENSE-RENTAL AREAS

Effective February 9, 1952, Rent Regulation 3 is amended so that the items of Schedule B read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 6th day of February 1952.

WILLIAM G. BARR,
Acting Director of
Rent Stabilization.

1. Provisions relating to the Biloxi-Pascagoula Defense-Rental Area (Item 162 of Schedule A):

Decontrol of daily rates. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, maximum daily rates established by this regulation on controlled rooms in hotels shall, on and after February 9, 1952, no longer be applicable in the Biloxi-Pascagoula Defense-Rental Area.

2. Provisions relating to the Joliet Defense-Rental Area (Item 86 of Schedule A):

Decontrol of daily rates. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, maximum daily rates established by this regulation on controlled rooms in hotels shall, on and after February 9, 1952, no longer be applicable in the Joliet Defense-Rental Area.

[F. R. Doc. 52-1673; Filed, Feb. 8, 1952; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers,
Department of the Army

PART 204—DANGER ZONE REGULATIONS

ATLANTIC OCEAN OFF MONTAUK POINT, N.Y.

Pursuant to the provisions of Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.15 is hereby prescribed to govern the use of an antiaircraft artillery firing range, First Army, in the Atlantic Ocean off Camp Hero Military Reservation, Montauk, New York, as follows:

§ 204.15 *Atlantic Ocean off Camp Hero Military Reservation, Montauk, N. Y.; antiaircraft artillery firing range, First Army*—(a) The danger zones—(1) 90-mm. gun area. A fan-shaped area southeast, south, and southwest of Montauk Point, New York, described as follows: Beginning at a point on the east shore of Montauk Point at latitude 41°04'27"; thence southeasterly to latitude 41°04'00", longitude 71°50'00"; thence southeasterly to latitude 41°00'28", longitude 71°37'36"; thence southwesterly to latitude 40°55'02", longitude 71°40'20"; thence southwesterly to latitude 40°51'30", longitude 71°53'24"; thence northwesterly to latitude 40°54'28", longitude 72°00'00"; thence northeasterly to latitude 41°01'22", longitude 71°54'36"; thence northeasterly to a point on the southeast shore of Long Island at longitude 71°53'28"; and thence northeasterly along the shore to the point of beginning.

(2) 120-mm. gun area. An area which includes the 90-mm. gun area and extends that area 6,275 yards to the southeast, south, and southwest, the additional area being described as follows: Beginning at latitude 41°00'28", longitude 71°37'36"; thence southeasterly to latitude 40°59'20", longitude 71°33'42"; thence southwesterly to latitude 40°52'30", longitude 71°37'08"; thence southwesterly to latitude 40°48'04", longitude 71°53'52"; thence northwesterly to latitude 40°51'48", longitude 72°02'04"; thence northeasterly to latitude 40°54'28", longitude 72°00'00"; and thence southeasterly and northeasterly along the boundary of the 90-mm. gun area to the point of beginning.

(3) Navigation lane. That portion of the danger zones between the shore and a line connecting the following points: Latitude 41°04'00", longitude 71°50'00"; latitude 41°02'10", longitude 71°51'50"; and latitude 41°01'22", longitude 71°54'36".

(b) The regulations. (1) Firing in the danger zones will take place between 9:00 a. m. and 4:00 p. m. on certain days throughout the year other than Saturdays, Sundays, and national holidays, as listed in a public notice to be issued by the enforcing agency not later than the fifteenth day of the month preceding each month in which firing is scheduled to take place. Such firings as are con-

ducted prior to 9:00 a. m. on the days indicated in such notice will be occasional individual rounds fired at fixed points for testing purposes in accordance with established Department of the Army safety regulations, and will involve no restrictions on navigation.

(2) Except as provided in subparagraph (5) of this paragraph, no vessel shall enter or remain in the danger zones during the times of firing unless special permission is granted by the enforcing agency or by one of the representatives of the enforcing agency policing the area in patrol boats.

(3) On days when firing is to take place a large red flag will be displayed from the observation tower on the Camp Hero Military Reservation. This flag will be displayed from and after 7:00 a. m. and will be removed when firing ceases for the day. Mariners will also be advised locally by ship-to-ship radio operating on a frequency of 2738 kilocycles when firing ceases for the day, and as far in advance as possible when it is determined that no firing will take place on any day for which firing is scheduled.

(4) Prior to and during each firing practice the danger zones will be patrolled by Army-controlled aircraft and vessels. They will insure that no watercraft are within the danger zones and will warn any watercraft found therein that firing practice is to take place. Any such watercraft shall, upon being so warned, immediately leave the designated danger zone and shall remain outside the danger zone until the conclusion of the firing practice.

(5) The regulations in this section shall not deny traverse, during firing practice, by any vessel of that portion of the danger zones described in paragraph (a) (3) of this section as the navigation lane. Vessels using the navigation lane shall pass directly through and shall not delay their progress.

(6) The regulations in this section shall be enforced by the Commanding General, First Army, Governors Island, New York 4, New York, and such agencies as he may designate.

[Regs., Jan. 9, 1952, 800.2121-ENGWO] (40 Stat. 892; 33 U. S. C. 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-1639; Filed, Feb. 8, 1952;
8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 231—GRAZING

FEES, PAYMENTS AND REFUNDS

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), as amended by the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), § 231.5 (b) (1) of Regulation G-5 of the regulations governing the occupancy, use, protection, and administration of

the national forests, is hereby amended to read as follows:

§ 231.5 Fees, payments and refunds.

(b)

(1) An additional charge of 2 cents per head will be made for sheep or goats which are allowed to enter the national forests for the purpose of lambing or kidding, unless the animals are lambed or kidded under pasture conditions where drop herds are not a part of the lambing or kidding practice.

(Sec. 1, 30 Stat. 35, as amended; 16 U. S. C. 551. Interprets or applies Sec. 1, 33 Stat. 628; 16 U. S. C. 472)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, D. C., this 5th day of February 1952.

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

[F. R. Doc. 52-1652; Filed, Feb. 8, 1952;
8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 988]

[Docket No. 195-A4]

HANDLING OF MILK IN KNOXVILLE, TENNESSEE, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Knoxville, Tennessee, on September 27-28, 1951, pursuant to notice thereof which was issued on September 22, 1951 (16 F. R. 9698).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator,

Production and Marketing Administration, on November 26, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on November 30, 1951 (16 F. R. 12100; F. R. Doc. 51-14218).

Within the period reserved, no exceptions were filed by interested parties to the findings, conclusions, and actions recommended by the Assistant Administrator.

The material issues and the findings and conclusions of the recommended decision (16 F. R. 12100; F. R. Doc. 51-14218) are hereby approved and adopted as the material issues and findings and conclusions of this decision as if set forth in full herein.

This decision filed at Washington, D. C. this 6th day of February 1952.

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

[F. R. Doc. 52-1695; Filed, Feb. 8, 1952;
8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATIONS

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Florida, in alphabetical order, add the county "Okaloosa."

In Schedule B, under Florida, delete the county "Okaloosa."

(Sec. 3, Public Law 760, 81st Cong.)

Done at Washington, D. C., this 5th day of February 1952.

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

[F. R. Doc. 52-1654; Filed, Feb. 8, 1952;
8:47 a. m.]

DEPARTMENT OF STATE

[Public Notice 106]

CHIEF, CHINESE ASSISTANCE SECTION, SPECIAL SERVICES BRANCH, DIVISION OF EXCHANGE OF PERSONS

DELEGATION OF AUTHORITY WITH RESPECT TO EMERGENCY AID TO CHINESE AND KOREAN STUDENTS AND SCHOLARS

FEBRUARY 1, 1952.

Pursuant to the authority contained in section 4 of Public Law 73, 81st Congress, the Chief, Chinese Assistance Section, Special Services Branch, Division of Exchange of Persons is authorized to approve, amend or terminate grants for payment of necessary expenses of tuition, subsistence, transportation, and emergency medical care to selected Chinese and Korean students, teachers, professors and scholars in fields of specialized knowledge and skill under the program of Emergency Aid to Chinese and Korean Students and Scholars ad-

ministered by the Office of Educational Exchange under authority vested by law in the Secretary of State.¹

This delegation of authority supercedes Public Notice 59, dated September 12, 1950 (15 F. R. 6203, Sept. 15, 1950).

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

[F. R. Doc. 52-1688; Filed, Feb. 8, 1952;
8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910) and Part 525 of the regulations issued thereunder, as amended, (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038, 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates and the effective and expiration dates of the certificates are as follows:

Goodwill Home and Rescue Mission, 42 Eagles Street, Newark, New Jersey; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher; certificate is effective January 17, 1952, and expires December 31, 1952.

The New York Association for the Blind, Occupational Department, 111 East Fifty-ninth Street, New York, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 5 cents per hour, whichever is higher; certificate is effective January 16, 1952, and expires November 30, 1952.

Altro Work Shops, Inc., 1021 Jennings Street, New York 60, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher;

certificate is effective February 1, 1952, and expires January 31, 1953.

Delaware County Branch Pennsylvania Association for the Blind, 100-06 West Fifteenth Street, Chester, Pennsylvania; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents per hour, whichever is higher; certificate is effective February 1, 1952, and expires January 31, 1953.

Lycoming County Branch Pennsylvania Association for the Blind, 1246 Vine Avenue, Williamsport, Pennsylvania; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1952, and expires January 31, 1953.

Department of Alabama Veterans of Foreign Wars, c/o Veterans Hospital, Montgomery, Alabama; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and at a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 1, 1952, and expires December 31, 1952.

Department of Alabama Veterans of Foreign Wars, c/o Veterans Hospital, Tuscaloosa, Alabama; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 1, 1952, and expires December 31, 1952.

Department of Alabama Veterans of Foreign Wars, c/o Veterans Hospital, Tuskegee, Alabama; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 1, 1952, and expires December 31, 1952.

Jefferson County Association for the Blind, 4244 Third Avenue, South, Birmingham, Alabama; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evalua-

tion period in the workshop; certificate is effective January 1, 1952, and expires December 31, 1952.

Council Thrift and Workshop, 2073 Northwest Seventh Avenue, Miami, Florida; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective February 1, 1952, and expires January 31, 1953.

Goodwill Industries of Akron, Inc., 119 North Howard Street, Akron, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 45 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1952, and expires January 31, 1953.

Chicago Metropolitan Unit of Illinois Association for the Crippled, 116 South Michigan Avenue, Chicago 3, Illinois; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 1, 1952, and expires December 31, 1952.

Minnesota Homecrafters, Incorporated, 3938 Minnehaha Avenue, Minneapolis 6, Minnesota; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1952, and expires October 31, 1952.

Minnesota Homecrafters, Incorporated, 1324 East First Street, Duluth 5, Minnesota; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1952, and expires October 31, 1952.

Goodwill Industries of Corpus Christi, 1302 Leonard Street, Corpus Christi, Texas; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the

¹ See Title 22, Chapter I, Part 67, *supra*.

workshop; certificate is effective January 1, 1952, and expires December 31, 1952.

Society of St. Vincent de Paul, 717 South Burlington Avenue, Los Angeles 5, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 75 cents per hour whichever is higher, and a rate of not less than 45 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952, and expires January 24, 1953.

Lighthouse for the Blind, Inc., 131 Elliott Avenue West, Seattle 99, Washington; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective January 25, 1952, and expires January 24, 1953.

The Volunteers of America, 1637 Market Street, San Diego, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952, and expires January 24, 1953.

Oakland Center—California Industries for the Blind, 3601 Telegraph Avenue, Oakland 9, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1952, and expires January 31, 1953.

The Volunteers of America, 28 West Main Avenue, Spokane 8, Washington; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 46 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952, and expires January 24, 1953.

The Volunteers of America, 2300 East Fourteenth Street, Oakland 1, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952, and expires January 24, 1953.

Society of St. Vincent de Paul, 1815 Mission Street, San Francisco, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 75 cents per hour, whichever is higher, and a rate of not less than 45 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective, January 25, 1952, and expires January 24, 1953.

Goodwill Industries of Southern California, 342 San Fernando Road, Los Angeles 31, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952, and expires January 24, 1953.

Goodwill Industries of San Bernardino and Riverside Counties, 899 Third Street, San Bernardino, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952, and expires January 24, 1953.

The Volunteers of America, 1517 Broadway Street, Tacoma 2, Washington; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 75 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952, and expires January 24, 1953.

Society of St. Vincent de Paul, 530 Sixth Street, Oakland 7, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952, and expires January 24, 1953.

Goodwill Industries, 485 Sixth Street, Oakland 7, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952, and expires January 24, 1953.

Goodwill Industries of San Francisco, 986 Howard Street, San Francisco 3, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 66 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952, and expires January 24, 1953.

Goodwill Industries of Orange County, 417 West Fourth Street, Santa Ana, California; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952, and expires January 24, 1953.

St. Vincent de Paul Salvage Bureau, 1001 Fairview Avenue North, Seattle 9, Washington; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 62½ cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952, and expires January 24, 1953.

Goodwill Industries, Santa Cruz Branch, 204 Union Street, Santa Cruz, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952, and expires January 24, 1953.

National Society of the Volunteers of America, 1921 First Avenue, Seattle 1, Washington; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 62½ cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1952 and expires January 24, 1953.

Richmond Goodwill Industries, Inc., Nineteenth and Marshall Streets, Richmond, Virginia; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new

client during his initial 4-week evaluation period in the workshop; certificate is effective January 1, 1952, and expires December 31, 1952.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be canceled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 31st day of January 1952.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 52-1641; Filed, Feb. 8, 1952;
8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4052, et al.]

MID-WEST AIRLINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Mid-West Airlines, Inc., for renewal of its temporary certificate of public convenience and necessity.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on February 26, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 6, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-1674; Filed, Feb. 8, 1952;
8:49 a. m.]

[Docket No. 1499]

PAN AMERICAN WORLD AIRWAYS, INC.;
ALASKA MAIL RATES

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft,

the facilities used and useful therefor, and the services connected therewith, of Pan American World Airways, Inc., over its routes between the United States and Alaska and between points in Alaska.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that further hearing in the above-entitled proceeding pursuant to order serial number E-6093 is assigned to be held on February 11, 1952 at 9:30 a. m., e. s. t. in Room C-120, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredericks.

Dated at Washington, D. C., February 7, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-1732; Filed, Feb. 8, 1952;
8:51 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[Organization Order DTA 1, as Amended
February 1, 1952]

ESTABLISHMENT AND FUNCTIONS

Pursuant to section 703 of the Defense Production Act of 1950, as amended, and Executive Order 10161, and as that commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission, it is hereby ordered, that Organization Order DTA 1, as amended, is further amended to read as follows:

1. There is hereby established under the jurisdiction of the commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission a Defense Transport Administration at the head of which shall be an Administrator. Said commissioner shall be ex-officio the Administrator.

2. The Defense Transport Administration shall administer and perform the functions and exercise the powers vested in said commissioner by Executive Order 10161 of September 9, 1950 (15 F. R. 6105), "Delegating Certain Functions of the President Under the Defense Production Act of 1950" and by any other Executive order or delegation of authority heretofore or hereafter issued.

3. The internal organization of the Defense Transport Administration shall consist of the following: (1) Office of the Administrator; (2) Office of the Deputy Administrator; (3) Office of the Executive Assistant; (4) Office of the General Counsel; (5) Railroad Transport Division; (6) Street and Highway Transport Division; (7) Inland Water Transport Division; (8) Warehousing and Storage Division; (9) Port Utilization Division; (10) Equipment and Materials Division; (11) Manpower Division; (12) Tax Amortization and Defense Loans Division; (13) Information and Liaison Officer; and (14) Administrative Officer.

This order shall be effective forthwith.

Issued at Washington, D. C., this 1st day of February 1952.

JAMES K. KNUDSON,
Commissioner of the Interstate
Commerce Commission who is
responsible for supervision of
Bureau of Service.

[F. R. Doc. 52-1741; Filed, Feb. 8, 1952;
9:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43,
Special Order 15, Amdt. 3]

MIDDISHADE CLOTHES

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 15 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's clothing and tuxedo trousers manufactured or distributed by Middishade Clothes and having the brand name "Middishade."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 26, 1951.

Amendatory provisions. Special Order 15 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in the manufacturer's application dated March 9, 1951," insert the words "as supplemented and amended by its applications dated March 14, 1951, June 20, 1951, September 17, 1951, and November 26, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's or distributor's supplemental application dated November 26, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 7, 1952.

Effective date. This amendment shall become effective February 6, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 6, 1952.

[F. R. Doc. 52-1661; Filed, Feb. 6, 1952;
11:47 a. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 72, Amdt. 4]

INTERWOVEN STOCKING CO.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 72 under section 43 of Ceiling Price Regulation 7

corrects a clerical error in the special order.

Amendatory provisions. Special Order 72 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1 delete the selling price to retailers of "\$5.75", and substitute therefor "\$5.75 through \$6.10".

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1623; Filed, Feb. 5, 1952;
4:56 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 81, Amdt. 3]

UNION UNDERWEAR CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 81, issued on June 25, 1951, under section 43 of Ceiling Price Regulation 7, established ceiling prices at retail for men's and boys' underwear, manufactured by Union Underwear Company, Inc., 350 Fifth Avenue, New York 1, New York, having the brand name "Fruit of the Loom." Union Underwear Company, Inc. has applied for an extension of time to comply with the preticketing requirements of the special order. Its request is based on an inability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles manufactured on and after March 21, 1952, and delivered before June 30, 1952, these articles must be preticketed with the statement "OPS—Sec. 43—CPR 7" and indicating either the retail ceiling price or the article's model, style or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating the retail ceiling price of each article. After June 30, 1952, no sales at retail may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions. Special Order 81 issued on June 25, 1951, under section 43 of Ceiling Price Regulation 7 is amended by deleting paragraph 3 and substituting the following new paragraph 3:

3. (a) On and after June 30, 1952, unless a prior date is established under another regulation or order, Union Underwear Company, Inc., prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

(b) With respect to articles manufactured on and after March 21, 1952, and delivered prior to June 30, 1952, Union Underwear Company, Inc., must label, tag, or ticket each article before or immediately after its manufacture is completed, either with the mark or statement required by subparagraph (a) of this paragraph or with a mark or statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7
Model No. -----

(c) Union Underwear Company, Inc., must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price for each article.

(d) Prior to June 30, 1952, upon receiving any article listed in paragraph 1 of this special order which has a label, tag, or ticket which does not state the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by Union Underwear Company, Inc., determine the ceiling price for each such article and mark or tag it in accordance with the provisions of Section 51 of Ceiling Price Regulation 7.

(e) On and after June 30, 1952, no retailer may offer or sell any article listed in paragraph 1 of this special order under the terms of this special order unless it is marked in accordance with this paragraph. On and after June 30, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

(f) Unless, on or before April 1, 1952, Union Underwear Company, Inc., certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1624; Filed, Feb. 5, 1952;
4:56 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 100, Amdt. 2]

VANITY FAIR MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 100 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for slips, pettiskirts, gowns, pajamas, negligees, culottes, camisoles, chemises, panties, and bandeaux manu-

factured or distributed by Vanity Fair Mills, Inc., and having the brand name "Vanity Fair."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated December 15, 1951.

Amendatory provisions. Special Order 100 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in the manufacturer's or distributor's application dated March 14, 1951," insert the words "as supplemented and amended by its applications dated July 12, 1951, September 5, 1951, and December 15, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's or distributor's supplemental application dated December 15, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than February 25, 1952.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1625; Filed, Feb. 5, 1952;
4:56 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 112, Amdt. 2]

WORCESTER ROYAL PORCELAIN CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 112 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for stemware manufactured or distributed by The Worcester Royal Porcelain Co., Inc., and having the brand name "Stuart Crystal."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated July 23, 1951.

Amendatory provisions. Special Order 112 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in the manufacturer's or distributor's application dated May 11, 1951," insert the words "as supplemented and amended by its application dated July 18, 1951, and July 23, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's or distributor's supplemental application dated July 23, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than February 26, 1952.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1626; Filed, Feb. 5, 1952;
4:56 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 116, Amdt. 1]

JOHNSON BROTHERS

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 116 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for earthenware, manufactured or distributed by Johnson Brothers and having the brand name "Johnson Brothers".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated September 4, 1951.

Amendatory provisions. Special order 116 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in the manufacturer's or distributor's application dated May 31, 1951," insert the words "as supplemented and amended by its application dated September 4, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's or distributor's supplemental application dated September 4, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than February 26, 1952.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1627; Filed, Feb. 5, 1952;
4:56 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 159, Amdt. 2]

KENDALL MILLS DIVISION OF THE KENDALL CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 159 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for diapers, nursery pads, nursery

fluffs, nursery bibs, nursery cotton (packages) and nursery masks manufactured or distributed by Kendall Mills Division of The Kendall Company and having the brand name "Curity".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated December 31, 1951.

Amendatory provisions. Special Order 159 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in the manufacturer's or distributor's application dated March 8, 1951," insert the words "as supplemented and amended by its applications dated August 31, 1951, and December 31, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's or distributor's supplemental application dated December 31, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than February 25, 1952.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1628; Filed, Feb. 5, 1952;
4:57 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 225, Amdt. 2]

FORSTMANN WOOLEN CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 225, issued on August 3, 1951, under section 43 of Ceiling Price Regulation 7, established ceiling prices at retail for men's hosiery and sweaters manufactured by Forstmann Woolen Co., Passaic, New Jersey, having the brand name "Forstmann". Forstmann Woolen Co. has applied for an extension of time to comply with the preticketing requirements of the special order. Its request is based on an inability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles manufactured on and after March 25, 1952, and delivered before June 30, 1952, these articles must be preticketed with the statement "OPS—Sec. 43—CPR 7" and indicating either the retail ceiling price or the article's model, style or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating

the retail ceiling price of each article. After June 30, 1952, no sales at retail may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions. Special Order 225 issued on August 3, 1951, under section 43 of Ceiling Price Regulation 7 is amended by deleting paragraph 3 and substituting the following new paragraph 3:

3. (a) On and after June 30, 1952, unless a prior date is established under another regulation or order, Forstmann Woolen Co. prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

(b) With respect to articles manufactured on and after March 25, 1952, and delivered prior to June 30, 1952, Forstmann Woolen Co. must label, tag, or ticket each article before or immediately after its manufacture is completed, either with the mark or statement required by subparagraph (a) of this paragraph or with a mark or statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7
Model No. -----

(c) Forstmann Woolen Co. must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price for each article.

(d) Prior to June 30, 1952, upon receiving any article listed in paragraph 1 of this special order which has a label, tag, or ticket which does not state the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by Forstmann Woolen Co. determine the ceiling price for each such article and mark or tag it in accordance with the provisions of section 51 of Ceiling Price Regulation 7.

(e) On and after June 30, 1952, no retailer may offer or sell any article listed in paragraph 1 of this special order under the terms of this special order unless it is marked in accordance with this paragraph. On and after June 30, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

(f) Unless, on or before April 3, 1952, Forstmann Woolen Co. certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with

the provisions of this paragraph, this special order may be revoked."

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization,

FEBRUARY 5, 1952.

[F. R. Doc. 52-1629; Filed, Feb. 5, 1952;
4:57 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 232, Amdt. 2]

PROCTOR ELECTRIC CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 232, issued on August 3, 1951, under section 43 of Ceiling Price Regulation 7, established ceiling prices at retail for small electrical housewares appliances manufactured by Proctor Electric Company, Third Street and Hunting Park Avenue, Philadelphia 40, Pennsylvania, having the brand names "Proctor" and "Mary Proctor". Proctor Electric Company has applied for an extension of time to comply with the preticketing requirements of the special order. Its request is based on an inability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles manufactured on and after March 25, 1952, and delivered before June 30, 1952, these articles must be preticketed with the statement "OPS—Sec. 43—CPR 7" and indicating either the retail ceiling price or the article's model, style or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating the retail ceiling price of each article. After June 30, 1952, no sales at retail may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions. Special Order 232 issued on August 3, 1951, under section 43 of Ceiling Price Regulation 7 is amended by deleting paragraph 2 and substituting the following new paragraph 2:

2. (a) On and after June 30, 1952, unless a prior date is established under another regulation or order, Proctor Electric Company prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

(b) With respect to articles manufactured on and after March 25, 1952, and delivered prior to June 30, 1952, Proctor Electric Company must label, tag, or ticket each article before or immediately after its manufacture is completed,

either with the mark or statement required by subparagraph (a) of this paragraph or with a mark or statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7
Model No. -----

(c) Proctor Electric Company must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price for each article.

(d) Prior to June 30, 1952, upon receiving any article listed in paragraph 1 of this special order which has a label, tag, or ticket which does not state the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by Proctor Electric Company, determine the ceiling price for each such article and mark or tag it in accordance with the provisions of section 51 of Ceiling Price Regulation 7.

(e) On and after June 30, 1952, no retailer may offer or sell any article listed in paragraph 1 of this special order under the terms of this special order unless it is marked in accordance with this paragraph. On and after June 30, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

(f) Unless, on or before April 3, 1952, Proctor Electric Company certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization,

FEBRUARY 5, 1952.

[F. R. Doc. 52-1630; Filed, Feb. 5, 1952;
4:57 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 235, Amdt. 1]

PYRAMID RUBBER CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 235, issued on August 7, 1951, under Section 43 of Ceiling Price Regulation 7, established ceiling prices at retail for nursery units, nipples, bottles, caps and discs, cleanser, and combination layette packages manufactured by The Pyramid Rubber Company, 226 South Prospect Street, Ravenna, Ohio, having the brand name "Evenflo." The Pyramid Rubber Company has applied for an extension of time to comply with the preticketing requirements of the special order. Its request is based on an in-

ability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles manufactured on and after March 25, 1952, and delivered before June 30, 1952, these articles must be preticketed with the statement "OPS—Sec. 43—CPR 7" and indicating either the retail ceiling price or the article's model, style or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating the retail ceiling price of each article. After June 30, 1952, no sales at retail may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions. Special Order 235 issued on August 7, 1951, under section 43 of Ceiling Price Regulation 7 is amended by deleting paragraph 2 and substituting the following new paragraph 2:

2. (a) On and after June 30, 1952, unless a prior date is established under another regulation or order, The Pyramid Rubber Company, prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

(b) With respect to articles manufactured on and after March 25, 1952, and delivered prior to June 30, 1952, The Pyramid Rubber Company must label, tag, or ticket each article before or immediately after its manufacture is completed, either with the mark or statement required by subparagraph (a) of this paragraph or with a mark or statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7
Model No. -----

(c) The Pyramid Rubber Company must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price for each article.

(d) Prior to June 30, 1952, upon receiving any article listed in paragraph 1 of this special order which has a label, tag, or ticket which does not state the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by the Pyramid Rubber Company determine the ceiling price for each such article and mark or tag it in accordance

with the provisions of Section 51, Ceiling Price Regulation 7.

(e) On and after June 30, 1952, no retailer may offer or sell any article listed in paragraph 1 of this special order under the terms of this special order unless it is marked in accordance with this paragraph. On and after June 30, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

(f) Unless, on or before April 3, 1952, The Pyramid Rubber Company certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1610; Filed, Feb. 5, 1952;
3:43 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 333, Amdt. 2]

WILMINGTON HOSIERY MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 333 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and boys' hosiery and slipper socks manufactured or distributed by Wilmington Hosiery Mills, Inc., and having the brand name "Springfoot Sox."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated August 16, 1951, and November 20, 1951.

Amendatory provisions. Special Order 333 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in the manufacturer's or distributor's application dated March 30, 1951," insert the words "as supplemented and amended by its applications dated April 26 and April 27, 1951, August 16, 1951, and November 20, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's or distributor's supplemental applications dated August 16, 1951, and November 20, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than February 26, 1952.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1631; Filed, Feb. 5, 1952;
4:57 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 383, Amdt. 1]

J. & J. CASH, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 383 issued on August 10, 1951, under section 43 of Ceiling Price Regulation 7, established ceiling prices at retail for woven and printed names, initials and emblems manufactured by J. & J. Cash, Incorporated, South Norwalk, Connecticut, having the brand name "Cash's". J. & J. Cash, Incorporated, has applied for an extension of time to comply with the preticketing requirements of the special order. Its request is based on an inability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles manufactured on and after March 21, 1952, and delivered before June 30, 1952, these articles must be preticketed with the statement "OPS—Sec. 43—CPR 7" and indicating either the retail ceiling price or the article's model, style or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating the retail ceiling price of each article. After June 30, 1952, no sales at retail may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions. Special Order 383 issued on August 10, 1951, under section 43 of Ceiling Price Regulation 7 is amended by deleting paragraph 3 and substituting the following new paragraph 3:

3. (a) On and after June 30, 1952, unless a prior date is established under another regulation or order, J. & J. Cash, Incorporated, prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

(b) With respect to articles manufactured on and after March 21, 1952, and delivered prior to June 30, 1952, J. & J. Cash, Incorporated, must label, tag, or ticket each article before or immediately after its manufacture is completed, either with the mark or statement required by subparagraph (a) of this para-

graph or with a mark or statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7
Model No. -----

(c) J. & J. Cash, Incorporated, must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price for each article.

(d) Prior to June 30, 1952, upon receiving any article listed in paragraph 1 of this special order which has a label, tag, or ticket which does not state the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by J. & J. Cash, Incorporated, determine the ceiling price for such article and mark or tag it in accordance with the provisions of section 51, Ceiling Price Regulation 7.

(e) On and after June 30, 1952, no retailer may offer or sell any article listed in paragraph 1 of this special order under the terms of this special order unless it is marked in accordance with this paragraph. On and after June 30, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

(f) Unless, on or before April 1, 1952, J. & J. Cash, Incorporated, certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1632; Filed, Feb. 5, 1952;
4:58 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 414, Amdt. 2]

VAN RAALTE CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 414 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for women's nylon hosiery, underwear, and gloves manufactured by Van Raalte Company, Inc., and having the brand name (a) "Van Raalte".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the

amended applications dated December 17, 1951, and December 27, 1951.

Amendatory provisions. Special Order 414 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your suppliers application filed with the Office of Price Stabilization" insert the words "dated July 10, 1951, and July 11, 1951, as supplemented and amended by your supplier's applications dated October 3, 1951, December 17, 1951, and December 27, 1951".

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental applications dated December 17, 1951, and December 27, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 6, 1952.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1611; Filed, Feb. 5, 1952;
3:44 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 442, Amdt. 3]

WESTINGHOUSE ELECTRIC CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 442, issued on August 13, 1951, under section 43 of Ceiling Price Regulation 7, established ceiling prices at retail for roaster-oven, broiler, time clock, irons, grills, waffle irons, coffee maker, griddles, hot plates, small heaters, warming pads, toaster, grinders, and mixers manufactured by Westinghouse Electric Corporation, 246 East Fourth Street, Mansfield, Ohio, having the brand name "Westinghouse". Westinghouse Electric Corporation has applied for an extension of time to comply with the preticketing requirements of the special order. Its request is based on an inability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles manufactured on and after March 25, 1952, and delivered before June 30, 1952, these articles must be preticketed with the statement "OPS—Sec. 43—CPR 7", and indicating either the retail ceiling price or the article's model, style or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating the retail ceiling price of each article. After June 30, 1952, no sales at retail may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions. Special Order 442 issued on August 13, 1951, under section 43 of Ceiling Price Regulation 7 is amended by deleting paragraph 2 and substituting the following new paragraph 2:

2. (a) On and after June 30, 1952, unless a prior date is established under another regulation or order, Westinghouse Electric Corporation prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

(b) With respect to articles manufactured on and after March 25, 1952, and delivered prior to June 30, 1952, Westinghouse Electric Corporation must label, tag, or ticket each article before or immediately after its manufacture is completed, either with the mark or statement required by subparagraph (a) of this paragraph or with a mark or statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7
Model No. -----

(c) Westinghouse Electric Corporation must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price for each article.

(d) Prior to June 30, 1952, upon receiving any article listed in paragraph 1 of this special order which has a label, tag, or ticket which does not state the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by Westinghouse Electric Corporation determine the ceiling price for each such article and mark or tag it in accordance with the provisions of Section 51 of Ceiling Price Regulation 7.

(e) On and after June 30, 1952, no retailer may offer or sell any article listed in paragraph 1 of this special order under the terms of this special order unless it is marked in accordance with this paragraph. On and after June 30, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

(f) Unless, on or before April 3, 1952, Westinghouse Electric Corporation certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1633; Filed, Feb. 5, 1952;
4:58 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 503, Amdt. 2]

ELGIN NATIONAL WATCH CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 503 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for watches manufactured or distributed by Elgin National Watch Company and having the brand names "Elgin", "Lord Elgin", "Railroad", "Elgin Deluxe", "Transportation", "Lady Elgin", and "Elgin Automatic."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated December 8, 1951, and January 18, 1952.

Amendatory provisions. Special Order 503 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1 (a), after the words "in the manufacturer's or distributor's application dated May 8, 1951," insert the words "as supplemented and amended by its applications dated August 17, 1951, December 8, 1951, and January 18, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's or distributor's supplemental applications dated December 8, 1951, and January 18, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than February 26, 1952.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1634; Filed, Feb. 5, 1952;
4:58 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 559, Amdt. 1]

WESTINGHOUSE ELECTRIC CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 559 issued on August 22, 1951, under section 43 of Ceiling Price Regulation 7, established ceiling prices at retail for electric blankets, comforters, and

sheets manufactured by Westinghouse Electric Corporation, 246 East Fourth Street, Mansfield, Ohio, has applied for an extension of time to comply with the preticketing requirements of the special order. Its request is based on an inability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles manufactured on and after March 15, 1952, and delivered before June 30, 1952, these articles must be preticketed with the statement "OPS—Sec. 43—CPR 7" and indicating either the retail ceiling price or the article's model, style or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating the retail ceiling price of each article. After June 30, 1952, no sales at retail may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions. Special Order 599 issued on August 22, 1951, under section 43 of Ceiling Price Regulation 7 is amended by deleting paragraph 2 and substituting the following new paragraph 2:

2. (a) On and after June 30, 1952, unless a prior date is established under another regulation or order, Westinghouse Electric Corporation, prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

(b) With respect to articles manufactured on and after March 25, 1952, and delivered prior to June 30, 1952, Westinghouse Electric Corporation must label, tag, or ticket each article before or immediately after its manufacture is completed, either with the mark or statement required by subparagraph (a) of this paragraph or with a mark or statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7
Model No. -----

(c) Westinghouse Electric Corporation, must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price for each article.

(d) Prior to June 30, 1952, upon receiving any article listed in paragraph 1 of this special order which has a label, tag, or ticket which does not state the

retail ceiling price of each article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by Westinghouse Electric Corporation, determine the ceiling price for each such article and mark or tag it in accordance with the provisions of section 51 of Ceiling Price Regulation 7.

(e) On and after June 30, 1952, no retailer may offer or sell any article listed in paragraph 1 of this special order under the terms of this special order unless it is marked in accordance with this paragraph. On and after June 30, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

(f) Unless, on or before April 9, 1952, Westinghouse Electric Corporation, certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1612; Filed, Feb. 5, 1952;
3:44 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 611, Amdt. 2]

WILLIAMS HOLLINS & CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 611, issued on September 11, 1951, under Section 43 of Ceiling Price Regulation 7, established ceiling prices at retail for men's half hose and ankle socks sold at wholesale by Williams Hollins & Company, Inc., 347 Madison Avenue, New York 17, N. Y., having the brand name "Viyalla." Williams Hollins & Company, Inc., has applied for an extension of time to comply with the preticketing requirements of the special order. Its request is based on an inability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles manufactured on and after March 21, 1952, and delivered before June 30, 1952, these articles must be preticketed with the statement "OPS—Sec. 43—CPR 7" and indicating either the retail ceiling price or the article's model, style or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating the retail ceiling price of each article. After June 30, 1952, no sales at retail

may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions. Special Order 611 issued on September 11, 1951, under Section 43 of Ceiling Price Regulation 7 is amended by deleting paragraph 3 and substituting the following new paragraph 3:

3. (a) On and after June 30, 1952, unless a prior date is established under another regulation or order, Williams Hollins & Company, Inc., prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

(b) With respect to articles manufactured on and after March 21, 1952, and delivered prior to June 30, 1952, Williams Hollins & Company, Inc., must label, tag, or ticket each article before or immediately after its manufacture is completed, either with the mark or statement required by subparagraph (a) of this paragraph or with a mark or statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7
Model No. -----

(c) Williams Hollins & Company, Inc., must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price for each article.

(d) Prior to June 30, 1952, upon receiving any article listed in paragraph 1 of this special order which has a label, tag, or ticket which does not state the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by Williams Hollins & Company, Inc., determine the ceiling price for each such article and mark or tag it in accordance with the provisions of section 51 of Ceiling Price Regulation 7.

(e) On and after June 30, 1952, no retailer may offer or sell any article listed in paragraph 1 of this special order unless it is marked in accordance with this paragraph. On and after June 30, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

(f) Unless, on or before April 1, 1952, Williams Hollins & Company, Inc., certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1613; Filed, Feb. 5, 1952;
3:44 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 703, Amdt. 2]

HOLEPROOF HOSIERY CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 703, issued on October 9, 1951, under section 43 of Ceiling Price Regulation 7, established ceiling prices at retail for infant's, children's, men's and women's slippersocks and men's hosiery manufactured by Holeproof Hosiery Company's Men's Hosiery Division, 201 Rose Lane, Marietta, Ga., having the brand names "Holeproof" and "Nappers". Holeproof Hosiery Company, Men's Hosiery Division has applied for an extension of time to comply with the preticketing requirements of the special order. The request is based on an inability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles manufactured on and after March 25, 1952, and delivered before June 30, 1952, these articles must be preticketed with the statement "OPS—Sec. 43—CPR 7" and indicating either the retail ceiling price or the article's model, style or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating the retail ceiling price of each article. After June 30, 1952, no sales at retail may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions. Special Order 703 issued on October 9, 1951, under section 43 of Ceiling Price Regulation 7 is amended by deleting paragraph 5 and substituting the following new paragraph 5:

5. (a) On and after June 30, 1952, unless a prior date is established under another regulation or order, Holeproof Hosiery Company, Men's Hosiery Division, prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

(b) With respect to articles manufactured on and after March 25, 1952, and delivered prior to June 30, 1952, Holeproof Hosiery Company, Men's Hosiery Division must label, tag, or ticket each

article before or immediately after its manufacture is completed, either with the mark or statement required by subparagraph (a) of this paragraph or with a mark or statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7
Model No. -----

(c) Holeproof Hosiery Company, Men's Hosiery Division must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price for each article.

(d) Prior to June 30, 1952, upon receiving any article listed in paragraph 1 of this special order which has a label, tag, or ticket which does not state the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by Holeproof Hosiery Company, Men's Hosiery Division, determine the ceiling price for each such article and mark or tag it in accordance with the provisions of section 51 of Ceiling Price Regulation 7.

(e) On and after June 30, 1952, no retailer may offer or sell any article listed in paragraph 1 of this special order under the terms of this special order unless it is marked in accordance with this paragraph. On and after June 30, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

(f) Unless, on or before April 3, 1952, Holeproof Hosiery Company, Men's Hosiery Division certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1635; Filed, Feb. 5, 1952;
4:59 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 710, Amdt. 2]

DUOFOLD, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 710, issued on October 9, 1951, under section 43 of Ceiling Price Regulation 7, established ceiling prices at retail for men's, boys', women's, misses', and children's underwear, manufactured by Duofold, Inc., Mohawk, New York, having the brand name "Duofold." Duofold, Inc., has applied for an extension of time

to comply with the preticketing requirements of the special order. Its request is based on an inability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles manufactured on and after March 25, 1952, and delivered before June 30, 1952, these articles must be preticketed with the statement, "OPS—Sec. 43—CPR 7," and indicating either the retail ceiling price or the article's model, style, or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating the retail ceiling price of each article. After June 30, 1952, no sales at retail may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions. Special Order 710, issued on October 9, 1951, under section 43 of Ceiling Price Regulation 7, is amended by deleting paragraph 5 and substituting the following new paragraph 5:

5. (a) On and after June 30, 1952, unless a prior date is established under another regulation or order, Duofold, Inc., prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

(b) With respect to articles manufactured on and after March 25, 1952, and delivered prior to June 30, 1952, Duofold, Inc., must label, tag, or ticket each article before or immediately after its manufacture is completed, either with a mark or statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7
Model No. -----

(c) Duofold, Inc., must supply each retailer to whom it delivered articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price for each article.

(d) Prior to June 30, 1952, upon receiving any article listed in paragraph 1 of this special order which has a label, tag, or ticket which does not state the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by Duofold, Inc., determine the ceiling price for each such article and mark or tag it in accordance with the provisions of section 51 of Ceiling Price Regulation 7.

(e) On and after June 30, 1952, no retailer may offer or sell any article listed

In paragraph 1 of this special order under the terms of this special order unless it is marked in accordance with this paragraph. On and after June 30, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

(f) Unless, on or before April 3, 1952, Duofold, Inc., certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1636; Filed, Feb. 5, 1952;
4:59 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 738, Amdt. 1]

JOHN OSTER MFG. CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 738, issued on November 19, 1951, under section 43 of Ceiling Price Regulation 7, established ceiling prices at retail for electrical hair dryers, mixers, massage machines, hair clippers, knife sharpeners, and liquefier-blenders, manufactured by John Oster Manufacturing Company, 1 Main Street, Racine, Wisconsin, having the brand names "Oster" and "Race". John Oster Manufacturing Company has applied for an extension of time to comply with the preticketing requirements of the special order. Its request is based on an inability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles manufactured on and after March 25, 1952, and delivered before June 30, 1952, these articles must be preticketed with the statement "OPS—Sec. 43—CPR 7" and indicating either the retail ceiling price or the article's model, style or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating the retail ceiling price of each article. After June 30, 1952, no sales at retail may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions. Special Order 736 issued on November 19, 1951, under section 43 of Ceiling Price Regulation 7 is amended by deleting paragraph 2 and substituting the following new paragraph 2:

2. (a) On and after June 30, 1952, unless a prior date is established under

another regulation or order, John Oster Manufacturing Company, prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7

Price \$-----

(b) With respect to articles manufactured on and after March 25, 1952, and delivered prior to June 30, 1952, John Oster Manufacturing Company must label, tag, or ticket each article before or immediately after its manufacture is completed, either with the mark or statement required by subparagraph (c) of this paragraph, or with a mark or statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7

Model No. -----

(c) John Oster Manufacturing Company must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or lot number of each article and the retail ceiling price for each article.

(d) Prior to June 30, 1952, upon receiving any article listed in paragraph 1 of this special order which has a label, tag, or ticket which does not state the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by John Oster Manufacturing Company determine the ceiling price for each such article, and mark or tag it in accordance with the provisions of section 51 of Ceiling Price Regulation 7.

(e) On and after June 30, 1952, no retailer may offer or sell any article listed in paragraph 1 of this special order under the terms of this special order unless it is marked in accordance with this paragraph. On and after June 30, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

(f) Unless, on or before April 3, 1952, John Oster Manufacturing Company certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1637; Filed, Feb. 5, 1952;
4:59 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 755, Amdt. 1]

LIBERTY ELECTRIC CO., INC.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. Special Order 755, issued on December 13, 1951, under section 43 of Ceiling Price Regulation 7, established ceiling prices at retail and wholesale for electric hot plates and space heaters manufactured by Liberty Electric Co., Inc., having the brand name "Liberty." Liberty Electric Co., Inc., has applied for an extension of time to comply with the preticketing requirements of the special order. Its request is based on an inability to preticket in the manner set forth in the special order by the date specified.

On the basis of the application and after due consideration, the Director has determined to issue this amendment extending the applicant's time to preticket the articles covered by the special order. However, with respect to articles manufactured on and after March 21, 1952, and delivered before June 30, 1952, those articles must be preticketed with the statement "OPS—Sec. 43—CPR 7" and indicating either the retail ceiling price or the article's model, style or lot number. On and after June 30, 1952, applicant must preticket all articles under the special order with a statement indicating the retail ceiling price of each article. After June 30, 1952, no sales at retail may be made under the terms of the special order unless the article is marked or tagged with the retail ceiling price.

Amendatory provisions. Special Order 755 issued on December 13, 1951, under section 43 of Ceiling Price Regulation 7 is amended by deleting paragraph 2 and substituting the following new paragraph 2:

2. (a) On and after June 30, 1952, unless a prior date is established under another regulation or order, Liberty Electric Co., Inc., prior to the delivery of any article listed in paragraph 1 of this special order, must mark each such article with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7

Price \$-----

(b) With respect to articles manufactured on and after March 21, 1952, and delivered prior to June 30, 1952, Liberty Electric Co., Inc., must label, tag, or ticket each article before or immediately after its manufacture is completed, either with the mark or statement required by subparagraph (a) of this paragraph or with a mark or statement which contains the article's model, style, or lot number and is in the following form:

OPS—Sec. 43—CPR 7

Model No. -----

(c) Liberty Electric Co., Inc., must supply each retailer to whom it delivers articles listed in paragraph 1 under this special order and preticketed in accordance with subparagraph (b) of this paragraph, with a price list containing a description including the model, style, or

lot number of each article and the retail ceiling price for each article.

(d) Prior to June 30, 1952, upon receiving any article listed in paragraph 1 of this special order which has a label, tag, or ticket which does not state the retail ceiling price of such article, but which states the model, lot, or style number of the article, a retailer must, by reference to the price list supplied to him by Liberty Electric Co., Inc., determine the ceiling price for each such article and mark or tag it in accordance with the provisions of section 51 of Ceiling Price Regulation 7.

(e) On and after June 30, 1952, no retailer may offer or sell any article listed in paragraph 1 of this special order under the terms of this special order unless it is marked in accordance with this paragraph. On and after June 3, 1952, unless the article is marked or tagged with the retail ceiling price, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

(f) Unless, on or before April 1, 1952, Liberty Electric Co., Inc., certifies in writing to the Uniform Pricing Section, Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C., that it is complying with the provisions of this paragraph, this special order may be revoked.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1638; Filed, Feb. 5, 1952;
4:59 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 805, Amdt. 1]

UNITED STATES RUBBER CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 805 under section 43 of Ceiling Price Regulation 7, issued on January 25, 1952, effective January 26, 1952, established ceiling prices for sales at retail of rubber soled shoes manufactured by United States Rubber Company. The applicant requests the addition of the brand names "Strollers" and "Sunaires" to the brand name of "U. S. Kedettes", because those two brand names were inadvertently omitted from the special order. This amendment, therefore adds the brand names "Strollers" and "Sunaires" to the brand name "U. S. Kedettes" included in the special order.

Amendatory provisions. Special Order 805 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 1, add to the brand name of rubber soled shoes the brand names "Strollers" and "Sunaires" and described in the manufacturer's application dated October 29, 1951, as amended by its application dated January 29, 1952.

Effective date. This amendment shall become effective February 5, 1952.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

FEBRUARY 5, 1952.

[F. R. Doc. 52-1614; Filed, Feb. 5, 1952;
3:44 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1781]

UNITED FUEL GAS CO.

ORDER PERMITTING SUBSTITUTION OF PROPOSED TARIFF FOR SUSPENDED SHEETS AND SUSPENDING PROPOSED NEW SHEETS

The Commission, pursuant to the authority contained in section 4 of the Natural Gas Act, by order issued September 4, 1951, suspended and deferred the use of United Fuel Gas Company's (United Fuel) proposed FPC Gas Tariff, Second Revised Volume No. 1, until February 6, 1952, and until such further time as such tariff might be made effective in the manner prescribed by the Natural Gas Act, and ordered that a hearing concerning the lawfulness of United Fuel's FPC Gas Tariff, Second Revised Volume No. 1 be held upon a date to be fixed by further order of the Commission.

On January 28, 1952, as amended by telegram dated January 31, 1952, United Fuel filed with this Commission proposed First Revised Sheet Nos. 12 and 13 to its FPC Gas Tariff, Second Revised Volume No. 1, and requested permission, pursuant to § 154.66 of the Commission's regulations under the Natural Gas Act (18 CFR 154.66), that such filing of January 28, 1952, replace and supersede Original Sheet Nos. 12 and 13 of its FPC Gas Tariff, Second Revised Volume No. 1, which was suspended by Commission order issued September 4, 1951.

The filing of January 28, 1952, reduces the increase in the charge for natural-gas service, as applied for in said suspended United Fuel FPC Gas Tariff, Second Revised Volume No. 1, from approximately \$8,700,000 to \$6,500,000, or by approximately \$2,200,000, based upon sales made during the year 1951.¹

United Fuel's suspended rate increase application averred that the rate increase therein applied for was necessitated principally by the impact upon its purchased gas costs, of the rate increase application filed with the Commission by its supplier, Tennessee Gas Transmission Company (Tennessee). By order issued January 21, 1952, in the Matter of Tennessee Gas Transmission Company, Docket No. G-1764, the Commission accepted for filing Tennessee's FPC gas tariff as filed January 11, 1952, making effective rates to be charged by Tennessee for natural-gas service lower

¹The rate increase application under suspension proposed an annual increase in charges of \$7,752,542, based on sales made during the twelve-month period ending June 30, 1951, and \$9,718,749, based upon the estimated sales during the twelve-month period ending June 30, 1952.

than those originally applied for by Tennessee in its rate increase application. As a result, United Fuel now seeks, by means of said First Revised Sheet Nos. 12 and 13, to reduce its suspended rate increase application to reflect the changes in its purchased gas costs which it claims result from said order of January 21, 1952, in Docket No. G-1764.

The Commission finds:

(1) Special permission should be granted for the filing of said proposed First Revised Sheet Nos. 12 and 13 to United Fuel's FPC Gas Tariff, Second Revised Volume No. 1, as requested.

(2) It is necessary and proper in the public interest and to aid in carrying out the provisions of the Natural Gas Act, that the hearing heretofore ordered by the Commission with respect to the lawfulness of United Fuel's FPC Gas Tariff, Second Revised Volume No. 1, shall concern the lawfulness of said tariff as amended by said First Revised Sheet Nos. 12 and 13, and that First Revised Sheet Nos. 12 and 13, and the rate schedules contained therein, should be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision therein.

The Commission orders:

(A) United Fuel be and it hereby is permitted to file First Revised Sheet Nos. 12 and 13 to its FPC Gas Tariff, Second Revised Volume No. 1, to replace Original Sheet Nos. 12 and 13 contained in United Fuel's FPC Gas Tariff, Second Revised Volume No. 1, which tariff was suspended by order of the Commission issued September 4, 1951.

(B) Pursuant to the authority contained in section 4 of the Natural Gas Act, the public hearing heretofore ordered to be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, and classifications, subject to the jurisdiction of the Commission, contained in the aforesaid United Fuel's FPC Gas Tariff, Second Revised Volume No. 1 and suspended by order of the Commission issued September 4, 1951, shall concern the lawfulness of said tariff as amended by said First Revised Sheet Nos. 12 and 13.

(C) Pending such hearing and decision thereon, said First Revised Sheet Nos. 12 and 13, as filed on January 28, 1952, to United Fuel's FPC Gas Tariff, Second Revised Volume No. 1, subject to the jurisdiction of the Commission, be and they are hereby suspended and the use thereof deferred until February 6, 1952, and until such further time thereafter as said United Fuel's FPC Gas Tariff, Second Revised Volume No. 1, as amended by said First Revised Sheet Nos. 12 and 13, might be made effective in the manner prescribed by the Natural Gas Act.

Date of issuance: February 5, 1952.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-1642; Filed, Feb. 8, 1952;
8:45 a. m.]

[Docket No. G-1821]

COLORADO-WYOMING GAS CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 4, 1952.

On October 22, 1951, Colorado-Wyoming Gas Company (Applicant), a Delaware corporation with its principal place of business at Denver, Colorado, filed an application, as supplemented December 3, 1951, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of lateral lines and meter stations to supply natural gas at wholesale to the towns of Gilcrest and Milliken, Colorado, the installation of an 8-inch loop line to improve service to the Cheyenne, Wyoming, area, direct sales to certain industrial customers, and the replacement of approximately two miles of 4-inch line in its Golden lateral in Colorado with 8-inch pipe.

Said application, as supplemented, is on file with the Commission and open to public inspection, and public notice of the filing thereof has been given, including publication in the FEDERAL REGISTER on November 6, 1951 (16 F. R. 11286).

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, and the Commission's rules of practice and procedure, a public hearing be held on February 25, 1952, commencing at 10:00 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(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 Commission's rules of practice and procedure.

Date of issuance: February 5, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-1643; Filed, Feb. 8, 1952;
8:45 a. m.]

[Project No. 2016]

CITY OF TACOMA, WASHINGTON

NOTICE OF OPINION NO. 221 AND ORDER
ISSUING LICENSE (MAJOR)

FEBRUARY 5, 1952.

Notice is hereby given that, on November 28, 1951, the Federal Power Commission issued its opinion and order, entered November 27, 1951, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-1644; Filed, Feb. 8, 1952;
8:45 a. m.]

[Project No. 2058]

WASHINGTON WATER POWER CO.

NOTICE OF ORDERS

FEBRUARY 5, 1952.

Notice is hereby given that, on December 3, 1951, the Federal Power Commission issued its order, entered November 27, 1951, amending license (Major), and on January 10, 1952, issued its order, entered January 8, 1952, modifying order amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-1645; Filed, Feb. 8, 1952;
8:46 a. m.]

UNITED NATURAL GAS CO.

NOTICE OF ORDER AMENDING AND CORRECTING
ORDER APPROVING AND DIRECTING
DISPOSITION OF CERTAIN AMOUNTS

FEBRUARY 5, 1952.

Notice is hereby given that, on February 4, 1952, the Federal Power Commission issued its order, entered January 31, 1952, amending and correcting order (17 F. R. 239) approving and directing disposition of amounts classified in adjustments accounts in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-1646; Filed, Feb. 8, 1952;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26777]

DRINKING CUPS TO AND WITHIN THE
SOUTHWEST

APPLICATION FOR RELIEF

FEBRUARY 6, 1952.

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: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3905 and 3928.

Commodities involved: Drinking cups, paper, pulpboard, or woodpulp, carloads.

Territory: From points in the United States and Canada to the Southwest; between points in the Southwest; and from points in the Southwest to points in Kansas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3905 Supp. 41; F. C. Kratzmeir's tariff I. C. C. No. 3928, Supp. 18.

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 ap-

plicants 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. 52-1664; Filed, Feb. 8, 1952;
8:47 a. m.]

[4th Sec. Application 26778]

SAND FROM MICHIGAN TO TENNESSEE

APPLICATION FOR RELIEF

FEBRUARY 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariffs I. C. C. Nos. 4367 and 4300.

Commodities involved: Sand, carloads. From: Muskegon and Muskegon Heights, Mich.

To: Memphis and Chattanooga, Tenn. Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 4367, Supp. 21; L. C. Schuldt's tariff I. C. C. No. 4300, Supp. 37.

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. 52-1665; Filed, Feb. 8, 1952;
8:47 a. m.]

[4th Sec. Application 26779]

FLAVORING SYRUP FROM NEW ORLEANS, LA.,
TO JACKSON, TENN.

APPLICATION FOR RELIEF

FEBRUARY 6, 1952.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1167, pursuant to fourth-section order No. 16101.

Commodities involved: Flavoring syrup, in packages or in bulk in barrels, carloads.

From: New Orleans, La.

To: Jackson, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-1686; Filed, Feb. 8, 1952;
8:47 a. m.]

[4th Sec. Application 26780]

CHEESE BETWEEN POINTS IN THE SOUTH APPLICATION FOR RELIEF

FEBRUARY 6, 1952.

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. 1275.

Commodities involved: Cheese, carloads.

From: West Point, Miss., Glasgow, Lawrenceburg, Russellville, and Sparta, Ky.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, 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. 1275, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with re-

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spect 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. 52-1687; Filed, Feb. 8, 1952;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1384]

RAYTHEON MANUFACTURING CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of February A. D. 1952.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$5 Par Value, of Raytheon Manufacturing Company, a security listed and registered on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to February 26, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 52-1648; Filed, Feb. 8, 1952;
8:46 a. m.]

[File No. 7-1385]

COLORADO FUEL & IRON CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Washington, D. C., on the 5th day of February A. D. 1952.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Colorado Fuel & Iron Corporation, a security listed and registered on the Los Angeles Stock Exchange, on the New York Stock Exchange, and on the San Francisco Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to February 26, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 52-1647; Filed, Feb. 8, 1952;
8:46 a. m.]

[File Nos. 52-28, 54-183, 70-2402]

ELMER E. BAUER ET AL.

NOTICE OF FILING OF APPLICATIONS REGARDING FEES AND EXPENSES AND NOTICE OF AND ORDER FOR HEARING

FEBRUARY 5, 1952.

In the matter of Elmer E. Bauer, trustee of Pittsburgh Railways Company, debtor, and Philadelphia Company, File No. 52-28; Philadelphia Company, File No. 54-183; Philadelphia Company, Allegheny County Steam Heating Company, Cheswick and Harmar Railroad Company, Duquesne Light Company, Equitable Real Estate Company, Equitable Sales Company, File No. 70-2402.

The Commission having approved a plan ("Combined Plan") (File Nos. 52-28, 54-183) filed jointly by Elmer E. Bauer, Trustee of Pittsburgh Railways Company, Debtor ("Railways") and by Philadelphia Company, the parent of Railways, and a registered holding company subsidiary of Standard Gas and Electric Company, also a registered holding company, for the reorganization of the Railways system under Chapter X of the Bankruptcy Act and section 11 (f) of the Public Utility Holding Company Act of 1935 ("act") and for the discharge, pursuant to section 11 (e) of the act, of Philadelphia Company's guarantees af-

fecting certain securities of Railways' system; and the Commission having granted and permitted to become effective certain applications-declarations (File No. 70-2402) in connection with said Combined Plan whereby Philadelphia Company was authorized pursuant to the requirements of sections 9 (a) and 10 of the act to acquire all the securities of and claims against the Railways system held by certain of Philadelphia's former subsidiaries; and the Commission having heretofore, by order dated June 8, 1950, consolidated the afore-mentioned proceedings; and

Said Combined Plan having provided, among other things, that Philadelphia

Company and Railways would pay such fees and expenses for services as the Commission might approve, award, or allocate; and the Commission, by orders dated March 27, 1950, December 27, 1950, and August 23, 1950, having reserved jurisdiction over all fees and expenses and the allocation thereof for services rendered in connection with such above-entitled consolidated matters under sections 9 (a), 10 and 11 (e) of the act:

Notice is hereby given that applications for the payment of fees and reimbursement of expenses have been filed by the following persons and in the following amounts:

Name and capacity	Fees	Expenses
Froelich, Grossman, Teton & Tabin, counsel for Philadelphia Co. and Standard Gas & Electric Co.	\$150,000	\$11,755.32
Dilworth, Paxson, Kallah & Green, counsel for Philadelphia Co., 6 percent cumulative preferred stockholders protective committee	3,000	385.79
Maurice J. Dix and James A. Gelts, counsel for Railways' public security holders	100,000	
William L. Fox and James E. Riely, counsel for Protective Committee of Public Holders of Common Stock of Philadelphia Co.	7,500	352.29
Warren A. Casey, financial expert for Protective Committee of Public Holders of Common Stock of Philadelphia Co.	2,500	
Richard W. Ahlers, counsel for The Suburban Rapid Transit Street Ry. Co.	45,000	
Total	338,000	12,503.40

¹ Applicant requests this amount as aggregate compensation for services rendered in both the chapter X and section 11 (e) proceedings and also requests that the Bankruptcy Court and the Commission, to the extent of their respective jurisdictions, allocate its fees and expenses between Philadelphia Co. and Standard Gas & Electric Co.

In addition to the applications listed above, applications were filed by Monongahela Street Railway Company ("Monongahela") and Pittsburgh and Birmingham Traction Company ("Birmingham"), underlier companies in the Railways System, requesting the Commission to determine the extent to which the fees and expenses of their counsel, Moorhead & Knox, should be paid by Philadelphia Company. The applications set forth bills in the amounts of \$256,389.30 and \$157,938.31, respectively, for fees and expenses of which amounts \$130,250 and \$57,450 have been paid by Monongahela and Birmingham, respectively. Of the amounts paid to Moorhead & Knox, payments of \$68,000 and \$14,500 in January 1950 resulted in a reduction in the amount of dividends paid to the stockholders of these corporations. Subsequent to the filing of these applications, Monongahela and Birmingham were merged pursuant to the terms of the Combined Plan and the requests contained in the applications have been withdrawn. In compromise of various issues which have arisen as to their compensation, particularly with respect to jurisdiction, Moorhead & Knox have refrained from filing an application for additional compensation in these proceedings but have received or will receive from the so-called Mellon Group a fee of \$160,000 apart from the amounts received from Monongahela and Birmingham. In addition, as part of the compromise, Moorehead & Knox have placed \$19,049.08 in the hands of Commonwealth Trust Company of Pittsburgh, Exchange Agent. These funds are to be used to pay to former public stockholders of Monongahela and to former public stockholders of Birmingham \$0.50 per share and \$0.24 per share, respectively, the amounts by which dividends were re-

duced in 1950. The term "public stockholders" means those persons other than Philadelphia Company and the Mellon Group who were or are entitled to exchange their securities under the Combined Plan.

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers that a hearing be held in these consolidated proceedings to inquire into and to adduce evidence with respect to the aforementioned applications and matters and with respect to all payments of fees and expenses which have been made or are proposed to be made, including expenses for accounting engineering and other services paid or incurred by Philadelphia Company, in connection with the aforementioned proceedings pursuant to section 9 (a), 10 and 11 (e) of the act;

It is ordered, That the hearing in these consolidated proceedings be reconvened for the purpose of inquiring into and taking evidence with respect to the aforesaid applications and matters and with respect to all payments of fees and expenses made or proposed to be made by Philadelphia Company in connection with the aforesaid proceedings pursuant to sections 9 (a), 10, and 11 (e) of the act. Such reconvened hearing shall commence on February 26, 1952, at 10 a. m., in the offices of the Commission, 425 Second Street NW., Washington, D. C.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby empowered to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the aforesaid applications and a preliminary inquiry into the fees and expenses requested in connection with the reorganization of Railways pursuant to section 11 (f) of the act and Chapter X of the Bankruptcy Act, and that upon the basis thereof the following matters and questions are presented for consideration by the Commission, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the services and disbursements for which remuneration has been paid or is sought are compensable, whether such payments are lawful or appropriate, and whether it is lawful or appropriate to grant any allowances for fees and expenses for persons seeking such allowances;

(2) Whether the amounts, including expenses, paid or sought for such services, are fair and reasonable, and if not, what amounts should be fixed by the Commission;

(3) To what extent Philadelphia Company has paid or incurred expenses in connection with the proceedings pursuant to sections 9 (a), 10 and 11 (e) of the act other than those covered by the aforementioned applications and whether such expenses are necessary, fair and reasonable;

(4) In what manner such fees and expenses as may be approved or awarded by the Commission should be allocated between Philadelphia Company and Standard Gas and Electric Company;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person, other than the applicants named herein and Railways, Philadelphia Company and Standard Gas and Electric Company, desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before February 21, 1952, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail upon Samuel L. Fuss, Esq., Pittsburgh Railways Company, Philadelphia Company, Standard Gas and Electric Company, The Pennsylvania Public Utility Commission, and the aforementioned applicants, and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the act, and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 52-1650; Filed, Feb. 8, 1952; 8:46 a. m.]

[File Nos. 70-2325, 70-2499]

CONSOLIDATED NATURAL GAS CO. ET AL.
ORDER GRANTING EXTENSION OF TERM OF
PROMISSORY NOTES

FEBRUARY 5, 1952.

In the matters of Consolidated Natural Gas Company, The Peoples Natural Gas Company, New York State Natural Gas Corporation, File No. 70-2325; Consolidated Natural Gas Company, Hope Natural Gas Company, File No. 70-2499.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiaries, The Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State") and Hope Natural Gas Company ("Hope") having filed amendments to previous joint applications-declarations, pursuant to sections 6 (b), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transactions:

Consolidated has heretofore issued to certain banks an aggregate of \$20,000,000 of its 2 percent promissory notes pursuant to a Loan Agreement dated February 1, 1950, and a Supplemental Agreement dated July 14, 1950, and, in turn, 2 percent promissory notes of subsidiaries have been issued to Consolidated as follows:

Peoples.....	\$8,000,000
New York State.....	10,000,000
Hope.....	2,000,000
	<hr/> 20,000,000

Although the loan agreements and the notes issued by the subsidiaries provide an ultimate maturity at March 15, 1955, annual approval by the Commission is required in order to continue such notes in effect from year to year (File No. 70-2325). In addition to the above notes, Hope has issued to Consolidated its 2 percent promissory note in the amount of \$2,500,000 having an ultimate maturity of March 15, 1955 (File No. 70-2499), which also requires annual approval of the Commission in order to continue it in effect from year to year. All of said notes were permitted by the Commission to be continued in effect until March 15, 1952 (File Nos. 70-2325 and 70-2499).

Applicants-declarants now propose that all of the notes be extended to their ultimate maturity at March 15, 1955, without the necessity of securing further year-to-year approval. It is stated that while it was contemplated at the time the original notes were issued that such notes would be refinanced on a permanent basis at an earlier date than 1955, the system's plant expansion program has been enlarged and is being continued for a longer period than was contemplated in 1950, and as a result, the financing program must be continued over a longer period, and, because of the low interest rate on the notes, any refinancing on a permanent basis during the period of the notes would be uneconomic and impracticable.

Accordingly, Consolidated, and its above named subsidiaries, have requested the Commission to enter its order permitting all of the above out-

standing promissory notes to be continued in effect to their ultimate maturity at March 15, 1955.

Due notice having been given of the filing of the amendments to the previous joint applications-declarations, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said amendments to the previous joint applications-declarations be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said amendments to the previous joint applications-declarations be, and they hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.[F. R. Doc. 52-1649; Filed, Feb. 8, 1952;
8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 10]

TOBACCO PIPES AND TOBACCO PIPE BOWLS OF WOOD OR ROOT

NOTICE OF HEARING

A public hearing has been ordered by the United States Tariff Commission in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m. on March 24, 1952, in the investigation with respect to tobacco pipes and tobacco pipe bowls of wood or root instituted on January 10, 1952, under section 7 of the Trade Agreements Extension Act of 1951 (17 F. R. 488).

Request to appear: Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above public hearing was ordered by the Tariff Commission on the 5th day of February 1952.

[SEAL]

DONN N. BENT,
Secretary.[F. R. Doc. 52-1685; Filed, Feb. 8, 1952;
8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18741]

OTTO BREITFELD ET AL.

In re: Real property owned by Otto Breitfeld and others. D-28-13075.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law

181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That persons, whose names and last known addresses appear below, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany):

Names and last known addresses

Otto Breitfeld, Berlin, Wittenau Grunlandweg 9, Germany.

Gustav Breitfeld, Berlin, S. W. 36, Reichensbergerstrasse 10 f, Germany.

Johanna Schrock, also known as Johanna Breitfeld, Lofren Bogenstrasse 12, Freisland, Ostpreussen, Germany.

Marie Yohrdon, also known as Marie Johrden, Sorgenort, b. Tugustwald, Ostpreussen, Germany.

2. That the property described as follows: Real property situated in the County of Cook, State of Illinois, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were 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 referred to subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, 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 February 4, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain real property situated in the County of Cook, State of Illinois, described as follows: Lot twenty-six (26) in Krenn and Dato's Crawford Avenue Express "L" Subdivision, being a subdivision of that part of Lot Four (4) of Superior Court Partition of the East Half (E½) of the Southwest Quarter (SE¼) of Section Twenty-two (22) and the Southwest Quarter (SW¼) of Section Twenty-three (23), Township Forty-one (41) North, Range Thirteen (13), East of the Third Principal Meridian, lying West of the center line of East Prairie Road.

[F. R. Doc. 52-1675; Filed, Feb. 8, 1952; 8:49 a. m.]

[Vesting Order 18742]

BERNHARD AND HEINRICH DRAGER

In re: Rights of Bernhard Drager and Heinrich Drager under insurance contracts. File No. F-57-1229.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Bernhard Drager and Heinrich Drager, who on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 12 105 469 and 12 105 470 issued by the New York Life Insurance Company, New York, New York, to Bernhard Drager, together with the right to demand, receive and collect said net proceeds; is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were 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 February 4, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-1676; Filed, Feb. 8, 1952; 8:50 a. m.]

[Vesting Order 18743]

BERNHARD AND HEINRICH DRAGER

In re: Rights of Bernhard Drager and Heinrich Drager under insurance contract. File No. F-57-1229.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Bernhard Drager and Heinrich Drager, who on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1781338 issued by the Penn Mutual Life Insurance Company, Philadelphia, Pennsylvania, to Bernhard Drager, together with the right to demand, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were 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 February 4, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-1677; Filed Feb. 8, 1952; 8:50 a. m.]

[Vesting Order 18744]

MARIE RIPPMAN

In re: Estate of Marie Rippman, also known as Marie W. Rippmann, deceased. File No. D-28-13076; E. T. sec. 17191.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anna Marie Gehde, Friedrich Rippman, Dorothea à Wengen, Clara Rippman, Ludwig Rippman, Joerg Hayer, Heidi Hayer, Gertrud Rippman, Klara von der Heide, Michael Rippman, Ulrich Rippman, Hermann Walcker and Elisabeth Dorothea Dierlamm, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Ludwig Rippman, deceased, who there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were 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 Marie Rippman, also known as Marie W. Rippmann, deceased, is property which is and prior to January 1, 1947, was 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);

4. That such property is in the process of administration by Ben H. Brown, Public Administrator of Los Angeles County, Calif., as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were 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 February 4, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-1678; Filed, Feb. 8, 1952;
8:50 a. m.]

[Vesting Order 18745]

ANNA ABE ET AL.

In re: Certificates of Participation owned by Anna Abe, also known as Anna Abt, and others, F-28-31807, F-28-31772, F-28-31773, F-28-30788-A-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9889 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anna Abe, also known as Anna Abt, Anna Ketterer, Franz Essenmacher and Robert Wahl, each of whose last known address is Reigel am Kaiserstuhl, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: All rights and interest in and under Four (4) Certificates of Participation of the Lafayette South Side Bank and Trust Company Liquidating Fund, c/o State of Missouri, Division of Finance Department of Business and Administration, Jefferson City, Missouri, said certificates numbered in the amounts and issued in the names of the persons listed below:

Name, Certificate No. and Amount

Anna Abe, 30457,	\$149.83.
Anna Ketterer, 30458,	\$74.94.
Franz Essenmacher, 26783,	\$149.88.
Robert Wahl, 26786,	\$149.88.

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Abe, also known as Anna Abt, Anna Ketterer, Franz Essenmacher and Robert Wahl, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were 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 February 4, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-1679; Filed, Feb. 8, 1952;
8:50 a. m.]

[Vesting Order 18746]

FRITZ BAETHMANN

In re: Bank accounts owned by Fritz Baethmann. F-28-5159-E-1, F-28-27579-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Fritz Baethmann, whose last known address is Hehlen/Weser, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The Pennsylvania Company for Banking and Trusts, Packard Building, Philadelphia 1, Pennsylvania, arising out of a Checking Account, entitled Clara H. Schmidt, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The First National Trust and Savings Bank of San Diego, San Diego, California, arising out of a Checking Account, entitled Mrs. Clara H. Schmidt, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was 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, Fritz Baethmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior

to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 4, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-1680; Filed Feb. 8, 1952;
8:50 a. m.]

[Vesting Order 18747]

PAULINE BESH AND MICHAEL BESCH

In re: Claims of Pauline Besh, also known as Pauline V. Besch and Michael Besch. F-28-31778.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9889 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Pauline Besh, also known as Pauline V. Besch and Michael Besch, each of whose last known address is Wolfberg 18 Nagold, Wittberg, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: Any and all rights and claims to Social Security benefits under the Social Security Act, approved August 14, 1935, as amended (Pub. Law 271, 74th Cong., 1st Sess., 49 Stat. 620) to January 1, 1947 of Pauline Besh and Michael Besch, identified by Social Security Account No. 103-01-9166, together with any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was 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, Pauline Besh, also known as Pauline V. Besch, and Michael Besch, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons

identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were 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 February 4, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-1681; Filed, Feb. 8, 1952;
8:50 a. m.]

[Vesting Order 18748]

GERTRUDE KNAPP

In re: Bank account owned by Gertrude Knapp. F-28-31761.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9783 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Gertrude Knapp, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Gertrude Knapp, by The Simsbury Bank & Trust Company, Simsbury, Connecticut, arising out of a savings account, account number 3373, entitled Gertrude Knapp, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was 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, Gertrude Knapp, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to

January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 4, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-1682; Filed, Feb. 8, 1952;
8:50 a. m.]

[Vesting Order 18191, Amdt.]

MARIANNE HAAS ET AL.

In re: Securities owned by Marianne Haas and others.

Vesting Order 18191, as amended, dated July 16, 1951, is hereby further amended as follows and not otherwise: By deleting from Exhibit B, attached to and by reference made a part of said Vesting Order 18191, as amended, the year "1955" set forth with respect to the due date of The Atchison, Topeka and Santa Fe Railway Company General Mortgage 4 percent one hundred year bond, and substituting therefor the year "1995".

All other provisions of said Vesting Order 18191, as amended, 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 February 4, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-1664; Filed, Feb. 8, 1952;
8:50 a. m.]

[Vesting Order 18749]

N. V. POTASH (KALI) EXPORT
MAATSCHAPPIJ

In re: Securities owned by and debt owing to N. V. Potash (Kali) Export Maatschappij.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum.

Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Deutsches Kalisyndikat G. m. b. H., the last known address of which is Berlin, Germany, is a corporation which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That N. V. Potash (Kali) Export Maatschappij is a corporation organized under the laws of the Netherlands, whose principal place of business is located at Amsterdam, Holland and which on or since December 11, 1941, and prior to January 1, 1947, was owned or controlled by or acting or purporting to act directly or indirectly for the benefit of or on behalf of the aforesaid Deutsches Kalisyndikat G. m. b. H. and is and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Four (4) shares of \$10.00 par value capital stock of the Union Trust Company of Maryland, evidenced by certificate numbered L11569, registered in the name of N. V. Potash Export My. Inc., presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

b. Twenty (20) shares of stock of Potash Company of Canada Ltd., evidenced by the certificates numbered, in the amounts and registered in the names listed below:

Certificate No.	Number of shares	Registered owner
5.....	10	N. V. Potash Export My., Inc.
7.....	1	Rene Gide.
9.....	1	H. E. Lefevre.
10.....	1	Arthur Mehl.
11.....	1	Do.

said certificates presently in the custody of the Attorney General of the United States together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation evidenced by a check drawn by Fred J. Munder, Temporary Receiver, N. V. Potash (Kali) Export M.J., on the Huntington Station Bank, in the amount of \$2.00, said check representing dividends received on the four shares of stock of Union Trust Company of Maryland, described in subparagraph 3 (a) hereof, and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said check;

is property which is and prior to January 1, 1947, was 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, N. V. Potash (Kali) Export Maatschappij, the

aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That N. V. Potash (Kali) Export Maatschappij is and prior to January 1, 1947, was acting for or on behalf of a designated enemy country (Germany) or persons within such country and is and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

5. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 here-

of, be treated as persons who are and prior to January 1, 1947, were 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 February 4, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-1683; Filed, Feb. 8, 1952;
8:50 a. m.]

