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Washington, Friday, April 25, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2973

MOTHER'S DAY, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, American mothers, who helped to settle our Nation and to blaze pioneer trails across it, have ever stood as symbols of benevolence, virtue, and idealism; and

WHEREAS, we are wont to set aside a day each year for special expressions of love and reverence for our mothers and of appreciation for the training and care with which they have enriched our lives; and

WHEREAS, in official acknowledgment of the paramount place that mothers hold in our history as well as in our hearts, the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), authorized and requested the President to issue a proclamation calling for the celebration of the second Sunday in May as Mother's Day:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby request the observance of Sunday, May 11, 1952, as Mother's Day, and I call upon the appropriate officials to arrange for the display of the flag of the United States on all Government buildings, and upon the people of the Nation to display the flag at their homes or other suitable places, on the appointed day. Let us all on that day, through prayer and through renewed expressions of our love and respect, pay honor to our mothers and to the ideals which they have taught us.

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

DONE at the City of Washington this 22nd day of April in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-4739; Filed, Apr. 24, 1952; 9:34 a. m.]

TITLE 7—AGRICULTURE

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

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WHITE-PINE BLISTER RUST

AMENDMENTS OF REGULATIONS GOVERNING INTERSTATE MOVEMENT OF FIVE-LEAVED PINES

On January 25, 1952, there was published in the FEDERAL REGISTER (17 F. R. 772), a notice of proposed rule making concerning amendments of §§ 301.63–1, 301.63–5, 301.63–6, and 301.63–7 of the regulations governing interstate movement of five-leaved pines (7 CFR 301.63–1, 301.63–5, 301.63–6, and 301.63–7), which regulations are supplementary to the notice of the White-Pine Blister Rust Quarantine No. 63 (7 CFR 301.63). After due consideration of relevant matters presented, and pursuant to section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), the Secretary of Agriculture hereby amends §§ 301.63–1, 301.63–5, 301.63–6, and 301.63–7, to read, respectively, as follows:

§ 301.63–1 *Definitions.* For the purpose of this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *White-pine blister rust, or blister rust.* The fungus disease caused by Cronartium ribicola Fischer.

(b) *Five-leaved pines.* Plants of the following species belonging to the genus Pinus:

American species:
- Ayacahuite pine (P. Ayacahuite Ehrenb.).
- Bristlecone pine (P. aristata Engelm.).
- Foxtail pine (P. balfouriana Murr.).
- Limber pine (P. flexilis James.).
- Mexican white pine (P. strobiformis Engelm.).
- Sugar pine (P. lambertiana Dougl.).
- Western white or silver pine (P. monticola Dougl.).
- Whitebark pine (P. abicaulis Engelm.).
- Eastern white pine (P. strobus L.).

Foreign species:
- Balkan pine (P. peuce Griseb.).
- Chinese white pin (P. armandi Franch.).
- Himalayan or Bhotan pine (P. excelsa Wall.).
- Japanese white pine (P. parviflora Sieb. and Zucc.).
- Korean pine (P. koraiensis Sieb. and Zucc.).
- Swiss stone pine (P. cembra L.).

(Continued on p. 3671)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

(c) *Gooseberry and currant plants.* Plants, cuttings, and seeds belonging to the genera Ribes and Grossularia, either wild or cultivated.

(d) *Control area-permit.* An official form permitting the interstate movement of gooseberry and currant plants for planting in approved locations in control areas, issued by a State officer authorized and designated by the United States Department of Agriculture.

(e) *Inspector.* An authorized inspector of the United States Department of Agriculture.

(f) *Administrative instructions.* Documents issued, under the provisions of this quarantine and regulations supplemental thereto, by the Chief of the Bureau of Entomology and Plant Quarantine.

(g) *Continental United States.* The States of the United States and the District of Columbia.

(h) *Moved interstate, interstate movement.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or otherwise transported, moved, or allowed to be moved from any State or the District of Columbia into any other State or from any State into the District of Columbia.

§ 301.63–5 (a) *Five-leaved pines.* (1) Five-leaved pines may be moved interstate without restriction between the following noninfected States or parts thereof when they have originated therein, namely: Arizona, Colorado, Nevada, New Mexico, Utah, and the noninfected part of California comprising the counties of Calaveras, Contra Costa, Mono, San Francisco, San Joaquin, Tuolumne, and all of those south thereof. Five-leaved pines may not be moved interstate into the above-described areas from any other part of the United States.

(2) There are no restrictions on the interstate movement of five-leaved pines and parts thereof into or within that part of the continental United States outside of the areas described in subparagraph (1) of this paragraph: *Provided*, That the interstate movement anywhere within the continental United States of five-leaved pines and parts thereof when visibly infected with blister rust is prohibited except when intended for scientific or educational purposes and when authorized, safeguarded, and labeled in accordance with § 301.63–9.

(b) *European black currants.* European black currant plants (Ribes nigrum L.) may be moved interstate without restriction into and between the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas. The interstate movement of such plants into any other State or the District of Columbia is prohibited except when intended for scientific or educational purposes and when authorized, safeguarded, and labeled in accordance with § 301.63–9.

(c) *Gooseberries and currants, other than European black currants.* Gooseberry and currant plants other than European black currants, may be moved interstate without restriction, except into control-area States or parts thereof designated in administrative instructions by the Chief of the Bureau of Entomology and Plant Quarantine as hereinbefore provided. The conditions governing the movement into control areas will be prescribed in such administrative instructions.

§ 301.63–6 *Conditions governing the issuance and use of control-area permits*—(a) *Control-area permits.* Control area permits may be issued for the interstate movement of gooseberry and currant plants, except for European black currants, into control areas as designated in administrative instructions of the Chief of the Bureau of Entomology and Plant Quarantine when the planting locations are not within infective distance of protected pine and movement thereto of such plants is not prohibited. Applications for control-area permits shall be made to the Federal representative in the State of destination as designated in the administrative instructions, giving names and addresses of consignee and consignor and kind and number of plants to be shipped.

(b) *Use of permits.* Control-area permits, when required as a condition of interstate movement of regulated articles must be securely attached to the outside of each container of regulated articles, except that for carload and other bulk shipments by rail, the permit shall accompany the waybill and for shipment by truck or other road vehicle the permit shall accompany the vehicle and be surrendered to the consignee on delivery of the shipment.

§ 301.63–7 *Cancellation of control-area permits.* Control-area permits issued under the provisions of these regulations may be withdrawn or cancelled by the Bureau of Entomology and Plant Quarantine for failure of compliance with the conditions of these regulations, or whenever the further use of such permits might result in the spread of the white-pine blister rust.

The principal purpose of the amendments is to delete the States of Georgia, Kentucky, South Carolina, and Tennessee from those States designated as noninfected by the white-pine blister rust. Blister rust infection has been found on either pine or ribes, or both, in most of the Southern Appalachian region, including Georgia and Tennessee. Although rust has not been found in either Kentucky or South Carolina, both States are exposed to natural spread from adjacent States. Consequently it is no longer considered necessary to restrict the movement of white pines into these four States. It is, however, advisable to discontinue the unrestricted movement of pines from these four States to the remaining noninfected States.

In order to afford additional protection to the noninfected States, another amendment deletes the exception in former subparagraph (1), paragraph (a), § 301.63–5 which allowed the movement of five-leaved pines into noninfested States when such pines were intended for reforestation purposes, when they had been grown in a nursery protected from blister rust infection, and when they were accompanied by a certificate issued for such movement by the Bureau of Entomology and Plant Quarantine. Corresponding amendments are also made in §§ 301.63–1, 301.63–6, and 301.63–7.

Prompt action on the foregoing amendments is necessary in order to control the movement of five-leaved pines from the four States that have been removed from a noninfected status and is desirable to eliminate any possible risk of spread of blister rust into noninfected States from the shipments for reforestation purposes. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the amendments effective less than 30 days after publication.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

These amendments shall become effective April 25, 1952.

Done at Washington, D. C., this 22d day of April 1952.

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

[F. R. Doc. 52-4234; Filed, Apr. 24, 1952; 8:45 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

Correction

In F. R. Doc. 52-4142, appearing at page 3265 of the issue for Tuesday, April 15, 1952, the following changes should be made:

1. In the last line of the first column on page 3265, "Fairbault" should read "Faribault".

2. In the first and third lines of the second column on page 3265, "§ 420.71" should read "§ 420.72".

3. In the twelfth line of the second column on page 3265, "Bansom" should read "Ransom".

4. In paragraph 5 of the rider in § 420.63–9, the word "and" in the second line should read "any".

5. In paragraph 8 (c) (1) of the rider in § 420.66–2, "planning" should read "planting".

6. In the headnote for § 420.71–11 and in the parenthetical heading immediately preceding paragraph 1 of the rider in § 420.71–11, "Fairbault" should read "Faribault".

7. In paragraph 1 (b) of the rider in § 420.81–1, "and including cotton" should read "and not including cotton".

8. In the fifth sentence of paragraph 6 (a) of the rider in § 420.82–4, "$8.00" should read "$3.00".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5927]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNION MILL ENDS

Subpart—*Advertising falsely or misleadingly:* § 3.45 *Content;* § 3.75 *Free goods or services;* § 3.205 *Scientific or other relevant facts;* § 3.240 *Special or limited offers.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods;* § 3.2070 *Special offers, savings and discounts.* In connection with the offering for sale, sale or distribution of assortments of cloth in commerce, (1) misrepresenting in any manner or by any means the sizes, quality, composition or types of pieces of material included in such assortments; (2) misrepresenting the price at which any article of merchandise is customarily sold by others; (3) representing, directly or by implication, that any offer for the sale of merchandise is a mere get-acquainted offer or is applicable for a limited period of time only, when such offer is in fact a part of a regular method of solicitation in the normal course of business; or, (4) using the word "free," or any other word or words of similar import, in advertising, to designate, describe or refer to merchandise which is not in truth and in fact a gift or gratuity, or which is not given without requiring the purchase of other merchandise or the performance of some service inuring directly or indirectly to the benefit of the respondent; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Irving Salzman trading as Union Mill Ends, Docket 5927, February 11, 1952]

In the Matter of Irving Salzman Trading as Union Mill Ends

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission and respondent's answer in which he admitted all the material allegations of fact in the complaint and waived all intervening procedure and further hearing as to such facts.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon the complaint and answer, and said 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,[1] 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 February 11, 1952.

The said order is as follows:

It is ordered, That the respondent, Irving Salzman, an individual trading as Union Mill Ends, or trading under any other name or trade designation, his representatives, agents and employees, directly or indirectly, through any corporate or other device, in connection with the offering for sale, sale or distribution of assortments of cloth in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting in any manner or by any means the sizes, quality, composition or types of pieces of material included in such assortments.

2. Misrepresenting the price at which any article of merchandise is customarily sold by others.

3. Representing, directly or by implication, that any offer for the sale of merchandise is a mere get-acquainted offer or is applicable for a limited period of time only, when such offer is in fact a part of a regular method of solicitation in the normal course of business.

4. Using the word "free," or any other word or words of similar import, in advertising, to designate, describe or refer to merchandise which is not in truth and in fact a gift or gratuity, or which is not given without requiring the purchase of other merchandise or the performance of some service inuring directly or indirectly to the benefit of the respondent.

By "Decision of the Commission and order to file report of compliance", Docket 5927, February 11, 1952, which decreed fruition of said initial decision, report of compliance with the said order was required as follows:

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

Issued: February 11, 1952.

By the Commission.

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

[F. R. Doc. 52–4655; Filed, Apr. 24, 1952; 8:49 a. m.]

[1] Filed as part of the original document.

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

PERSONS ELIGIBLE TO RECEIVE MEDICAL CARE AT ARMY MEDICAL TREATMENT FACILITIES

In § 577.15, paragraph (b) (3) is amended, and a new subparagraph (4) is added to paragraph (t), as follows:

§ 577.15 *Persons eligible to receive medical care at Army medical treatment facilities.* * * *

(b) Dependents of personnel of the Armed Forces of the United States, including the following:

* * * * *

(3) Unremarried widows and the unmarried child or children under 21 years of age of deceased Armed Forces personnel whose death occurred while on extended active duty or while in a retired status. Eligibility for unmarried minor children is effective whether or not a widow survived the deceased military personnel.

* * * * *

(t) Nationals of foreign governments to include the following:

* * * * *

(4) Mutual Security Program (MSP) trainees assigned or attached to United States Army or Air Force units or installations for duty or training.

* * * * *

[C5, AR 40–506, Mar. 21, 1952] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 52–4654; Filed, Apr. 24, 1952; 8:49 a. m.]

Subchapter G—Procurement

PART 608—VETERINARY INSPECTION

INSPECTION OF ESTABLISHMENTS

Paragraph (a) of § 608.1 is amended to read as follows:

§ 608.1 *Inspection of establishments*—(a) *Award of contracts.* (1) The award of contracts for meat and meat-food products is limited to bidders whose plants operate directly under the supervision of the Meat Inspection Division, Bureau of Animal Industry, United States Department of Agriculture, or to bidders handling, in establishments approved by the Medical Service, meat and meat-food products originating in plants

under the supervision of the Bureau of Animal Industry, except as noted in subparagraph (2) of this paragraph for brand-name items.

(2) The award of contracts for brand-name resale subsistence items will be governed by the following provisions:

(i) Meat and meat food products, except such items as canned processed soups containing meat, must originate in establishments operating under the Meat Inspection Division, Bureau of Animal Industry, United States Department of Agriculture, and must bear the inspection legend of that agency.

(ii) Canned, eviscerated, and/or cut-up poultry, poultry products, except such items as canned processed soups containing poultry products and dressed domestic rabbits, must originate in plants officially approved by the Poultry Inspection Service, Production and Marketing Administration, United States Department of Agriculture, and bear the inspection legend of this agency.

(iii) Canned processed shrimp must originate in plants which are operated under the Sea Food Inspection Service of the Food and Drug Administration, or in plants which appear on the Army Approved List.

(iv) Oysters and clams must be prepared in plants certified by a State whose control measures have been indorsed by the United States Public Health Service and which appear on the List of Army Approved Sources of Foods of Animal Origin.

(v) All resale brand-name canned processed items which are not included in subdivisions (i) to (iv) of this subparagraph, normally are not required to originate in plants which appear on the Army Approved List.

(vi) Resale brand-name items of animal origin such as fish, fresh, frozen, and smoked; cheese and cheese products, butter, etc., not included in subdivisions (i) to (v) of this subparagraph, must originate in plants which are on the List of Army Approved Sources of Foods of Animal Origin. Brand-name products bearing labels reading "Distributed by," etc., are not acceptable unless the source of manufacture is indicated on the label or on an accompanying certificate.

(3) The award of contracts for or procurement of milk, cream, or other fluid milk products, and ice cream, except for those products which have been processed and thus are included in subparagraph (2) (v) of this paragraph, will be limited to establishments which have passed an Army or Air Force sanitary inspection within the calendar month preceding the opening date of the bid or which are certified to by Army or Air Force Medical Service authorities as approved sources of supply.

(4) Establishments, other than those mentioned in subparagraphs (1), (2), and (3) of this paragraph, which supply or propose to supply foods of animal origin, other than brand-name items, will be inspected by a veterinary officer in accordance with this section or other pertinent regulations.

* * * * *

[C3, SR 40-950-1, April 4, 1952] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-4653; Filed, Apr. 24, 1952; 8:49 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

PART 1455—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

MISCELLANEOUS AMENDMENTS

§ 1453.5 (b) *Exemptions* is amended by deleting subparagraph (3), excepting the Note at the end thereof, and inserting in lieu of the deleted portion the following:

(3) *Contracts for other persons or agencies.* (i) Subject to the limitation contained in subdivision (ii) of this subparagraph, contracts to the extent that they obligate funds of another agency of the Government, other than a Department named in or designated pursuant to section 103 of the act, or to the extent that the contracting Department is to be reimbursed by such other Government agency or other person.

(ii) Contracts which obligate funds appropriated under the Mutual Security Act of 1951 (65 Stat. 373) or under earlier foreign aid programs, insofar as such funds are obligated for military assistance, are not exempt under this subparagraph (3) of this paragraph.

(Sec. 109, Pub. Law 9, 82d Cong. Interprets or applies sec. 106, Pub. Law 9, 82d Cong.)

Section 1455.3 (b) *Exemptions* is amended by adding new subparagraph (7) thereof to read as follows:

(7) *Contracts entered into with non-profit-making agency for the blind.* Any contract entered into with a non-profit-making agency for the blind pursuant to the act of June 25, 1938 (52 Stat. 1196; 41 U. S. C. 46-48), at the then current prices established by the Committee on Purchases of Blind-made Products and pursuant to an allocation to such non-profit-making agency by National Industries for the Blind, a corporation, acting under authority from the Committee on Purchases of Blind-made Products (41 C. F. R. § 301.4).

(Sec. 109, Pub. Law 9, 82d Cong. Interprets or applies sec. 106, Pub. Law 9, 82d Cong.)

Dated: April 21, 1952.

JOHN T. KOEHLER,
Chairman, The Renegotiation Board.

[F. R. Doc. 52-4651; Filed, Apr. 24, 1952; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 103, Revision 1]

CPR 103—CEILING PRICES FOR AUTOMOBILES SOLD IN THE TERRITORY OF HAWAII

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 to Ceiling Price Regulation 103 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 103 established ceiling prices for the sale of new automobiles in Hawaii on the basis of a percentage markup on certain items of direct cost. The markup was calculated by substracting the net cost f. o. b. factory from the established list price f. o. b. factory and dividing the result by the net cost f. o. b. factory. It was believed at that time that this formula allowed sellers of new automobiles the same percentage markup they received during the base period, May 24, 1950 to June 24, 1950.

Subsequent investigations and meetings with an Industry Advisory Committee have shown that no Hawaiian dealers in new passenger automobiles took less than 33⅓ percent markup on landed cost during the base period. For that reason, it has been determined that Ceiling Price Regulation 103 should be revised to allow dealers the option of using the formula for calculating their percentage markup or a markup of 33⅓ percent. Dealers whose percentage markups during the base period were reduced by Ceiling Price Regulation 103 are provided relief by allowing them to use a 33⅓ percent markup over direct cost as defined in the regulation, while those dealers whose markups on the factory invoice is over 33⅓ percent may continue to use the formula to arrive at their higher percentage markup.

This revision to Ceiling Price Regulation 103, therefore, provides that an automobile dealer in Hawaii may, at his option, use either a percentage markup calculated as presently provided in the regulation or a markup of 33⅓ percent. As in the case of Ceiling Price Regulation 103, certain designated additional costs may be added.

In addition, this revision to Ceiling Price Regulation 103 contains other changes designed solely to provide a better understanding of the regulation. For example: The provision with respect to extra, special, and optional equipment has been clarified. Inventory windfalls have been prohibited by providing that a dealer obtaining an adjustment on higher cost cars may not use the new ceiling on cars already in stock. It is also made clear that sales of new cars by Hawaiian dealers for mainland delivery are not covered by the regulation, but instead, by the mainland regulation at the place of delivery.

In formulating this revision of this regulation, the Director has consulted extensively with representatives of the industry, including trade association representatives and particularly an industry advisory committee representing the new car dealers in Hawaii, and has given full consideration to their recommendations. In his judgment, the ceiling prices established by this 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.

Regulatory Provisions

Article I—General Provisions

Article II—New Passenger Automobiles

Authority: Sections 1.1 to 2.9 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.

Article I—General Provisions

Section 1.1 *What this regulation does.* This regulation establishes ceiling prices for sales at retail and wholesale in the Territory of Hawaii of such automobiles as are covered by subsequent articles of this regulation. Such automobiles are referred to in this regulation as "included automobiles." This regulation supersedes Ceiling Price Regulation 9 with respect to all sales covered by this regulation. This regulation does not cover sales of automobiles where delivery is made outside the Territory of Hawaii. The ceiling price on such sales shall be determined under applicable regulations at the place of delivery.

Sec. 1.2 *Ceiling prices for sales by private owners.* The ceiling price for the sale of an included automobile by a private owner is the same as the highest retail ceiling price for a dealer established by this regulation at the time of sale for the same make, model, body style, and line or series of automobile with the same equipment. If you are in any doubt as to the highest retail ceiling price for the sale of an included automobile which you desire to sell, you must request this information from the Territorial Director of the Office of Price Stabilization, who will then inform you of the highest retail ceiling price for the particular make, model, body style, and line or series which you desire to sell.

Sec. 1.3 *Dealers' ceiling prices for sales of automobiles purchased from another dealer.* If you are a dealer, and purchase an included automobile from another dealer, your ceiling price for the sale of that automobile is the same as the ceiling price of the dealer from whom you purchased the automobile, to the same class of purchaser as the person to whom you are selling it.

Sec. 1.4 *Wholesale ceiling prices.* Your ceiling price for the sale at wholesale of an included automobile is your retail ceiling price less the percentage discount from your retail selling price which you allowed purchasers of the same class during the period May 24 to June 24, 1950.

Sec. 1.5 *Sellers unable to determine ceiling prices under this regulation.* If you are unable to determine the ceiling price of an included automobile under this regulation you must file with the Territorial Office of the Office of Price Stabilization, Honolulu, Hawaii, a written request for approval of a ceiling price. This application must contain the following information:

(a) Your business name and address.

(b) The make, model, body style, and line or series of the car for which you wish to establish your ceiling price.

(c) The direct cost, listing separately each item, which under this regulation is included in direct cost.

(d) Proposed delivery charges.

(e) Taxes and special charges.

(f) Your proposed ceiling price.

You may not sell an automobile for which you have requested approval of a ceiling price under this section until notified, in writing, by the Director of Price Stabilization, or his delegatee, of the approval or modification of your proposed ceiling price.

Sec. 1.6 *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices determined under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

Sec. 1.7 *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, Revised.

Sec. 1.8 *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell 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 at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

Sec. 1.9 *Current records.* You shall keep and make available for inspection by the Office of Price Stabilization for a period of two years complete records showing:

(a) The make, model, body style, and line or series of each automobile offered for sale, with serial and motor numbers.

(b) The net cost, f. o. b. factory, of all included new automobiles offered for sale by you.

(c) All other charges included in the computation of the direct cost.

(d) Charge for Federal excise taxes.

(e) Charge for Territorial taxes.

(f) Charge for preparing and conditioning new automobiles for delivery as defined in section 2.3 of this regulation.

(g) A list of extra, special, and optional equipment supplied by you or at the factory and the retail selling prices for each.

(h) Delivered price.

(i) On sales at wholesale the ceiling price to retailers and the discount allowed.

Sec. 1.10 *Interpretations.* If you want an official interpretation, you should write to the Territorial Counsel of the Territorial Office of the Office of Price Stabilization, Honolulu, Hawaii. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

Sec. 1.11 *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages. Prices lower than the ceiling prices may be charged, paid, or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, 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 his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all 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.

SEC. 1.12 *Evasions.* (a) Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

(b) The following are specifically, but not exclusively, among the means and devices prohibited by paragraph (a) of this section and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be made in this industry under the general evasions provisions:

(1) Charging, paying, or receiving a finder's fee or other compensation in connection with the procurement of an included automobile where the finder's fee or other compensation plus the purchase price for the automobile exceeds the permitted ceiling price.

(2) Requiring the purchaser, as a condition of the sale or transfer of an included automobile, to make payments over a period of time.

(3) Requiring the purchaser to finance the purchase through any particular lending agency.

(4) Requiring the purchaser to purchase any equipment, accessories, repairs, parts, or services so as to increase the total cost above the ceiling price of the included automobile with standard equipment.

(5) Requiring the purchaser to purchase any other commodity or service.

(6) Requiring the purchaser to make payment in whole or in part by exchanging, transferring, or trading in any other vehicle, product, or commodity. Where there is an exchange, transfer or trade-in in connection with a sale, it is a violation for the seller to give the purchaser an allowance for the vehicle, product, or commodity exchanged, transferred, or traded-in, which is less than its reasonable value. (The reasonable value of a used automobile to the dealer must bear a reasonable relationship to the ceiling price of the used automobile.)

(7) Providing for the purchase of the included automobile by a lessee under a rental contract at an agreed valuation which together with the amount paid for the rental is higher than the applicable ceiling price at the time the rental contract is entered into.

(8) Making the terms and conditions of sale more onerous to purchasers than they customarily have been, except to the extent allowed by this section.

(9) By failing to reflect your customary price differentials, including discounts, allowances, premiums and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery.

SEC. 1.13 *Definitions.* When used in this regulation the following terms have the following meanings:

(a) "Sale at retail" means a sale by any class of seller to a consumer.

(b) "You." The pronoun "you" as used in this regulation means the person covered by the regulation.

(c) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor, or representative of any of the foregoing, and includes the United States or any other government or any of their political subdivisions or any agent of any of the foregoing.

(d) "Included automobile" means an automobile the ceiling price of which is determined under this regulation.

(e) "Make" of automobile refers to the trade name of the automobile. Thus, Ford, Dodge, Pontiac, etc.

(f) "Model" refers to the production year as designated by the manufacturer, and does not necessarily mean the actual calendar year in which the automobile was produced.

(g) "Line or series" means a subgroup of a make bearing a title, trade name, or other classificatory designation.

ARTICLE II—NEW PASSENGER AUTOMOBILES

SEC. 2.1 *Retail ceiling prices.* (a) Your ceiling price for the sale at retail of any make, body style, model, and line or series of new passenger automobile manufactured in the United States of America is the sum of the following:

(1) Your direct cost as determined under section 2.2.

(2) The product resulting from the multiplication of your direct cost as determined under section 2.2 by either—

(i) 33⅓ percent, or

(ii) a percentage markup, calculated by subtracting your net cost f. o. b. factory from the basic price f. o. b. factory as established by Ceiling Price Regulation 83, and dividing the result by your net cost f. o. b. factory.

(3) Delivery charges, as permitted under section 2.3.

(4) Taxes and special charges as outlined in section 2.4.

(b) Your ceiling price is to be computed for each model year in the following manner:

(1) *For 1951 model automobiles.* For any new passenger automobile produced during the 1951 model year, which is being sold by you after the new automobiles produced during the 1952 model year are released by the manufacturer, you must use, in computing your ceiling price, the direct cost (as determined under section 2.2) of that particular automobile.

(2) *For 1952 and subsequent model year automobiles.* For each make, body style, and line or series of any new passenger automobiles produced during the 1952 model year or subsequent model years, you must use, in determining your ceiling price, the direct cost (as determined under section 2.2) of the first shipment of that particular make, body style, and line or series. The ceiling price so determined will be the ceiling price for all subsequent sales of the same make, body style, model, and line or series of new passenger automobile.

SEC. 2.2 *Direct cost.* Your direct cost is the sum of the following amounts, but includes only the amounts actually incurred by you:

(a) Net cost to you f. o. b. factory, of new automobiles with standard equipment (defined in section 2.9) not including Federal Excise Tax.

(b) Overseas packing expenses actually incurred by you.

(c) An amount equal to freight charges at the lowest available rates for the most direct route from factory to point of receipt at dock in Hawaii.

(d) Marine and war risk insurance.

(e) Landing, wharfage, and territorial dock charges.

(f) Exchange charges actually incurred by you.

SEC. 2.3 *Delivery charges.* Delivery charges is the sum of the following amounts if actually incurred by you, but may not exceed $80.00:

(a) Transportation from dock to your warehouse, or sales floor.

(b) Customary mechanical and body preparation and conditioning for delivery.

(c) Customary amount of gas and oil put into the automobile.

SEC. 2.4 *Taxes and special charges.* The charges which you may include under this heading are as follows:

(a) Federal Excise Tax.

(b) Territorial Taxes.

(c) Factory charge for handling, delivery, and advertising, if you passed through such charges on December 1, 1950.

(d) On inter-island trans-shipments, an amount equal to the amount actually incurred or which will be actually incurred by you for inter-island freight, insurance, territorial tolls and wharfage, landing and terminal operations.

SEC. 2.5 *Extra, special and optional equipment.* You may not make a charge for extra, special, or optional equipment unless the request for such equipment is made to you by the customer separately in writing, or on the order form customarily used by you and signed by the customer. When such equipment is installed at the factory, the amount which may be charged the customer who requests such equipment, in addition to the ceiling price for the automobile with standard equipment computed under section 2.1, is the manufacturer's actual f. o. b. factory retail selling price for such equipment, plus taxes and any separate transportation costs actually incurred. When such equipment is installed by you, the amount you may charge the customer who requests such equipment is your actual ceiling price for such equipment installed, determined under the appropriate Office of Price Stabilization regulation or regulations.

SEC. 2.6 *Adjustments.* (a) If your direct cost increases after the effective date of this regulation, you may file with the Territorial Office of the Office of Price Stabilization an application for adjustment of your ceiling prices. The application must be sent by registered letter, return receipt requested, and must contain:

(1) Your business name and address.
(2) Your present ceiling price.
(3) Any changes in your report of costs filed under section 2.7 (a).
(4) Your proposed ceiling price.

(b) You may not make a sale above your existing ceiling price until notified by the Director of Price Stabilization or his delegatee of the approval of your proposed ceiling price. However, if, within ten days from the date of receipt of your application by OPS, as shown by your return receipt, you have not been notified by the Territorial Office of the Office of Price Stabilization that your proposed ceiling price has been disapproved, or if additional information has not been requested, you may consider your proposed ceiling price approved for those automobiles on which you incurred the direct cost increases. Your adjusted ceiling price applies only to those automobiles received by you at the increased direct cost. For those automobiles in your inventory which you received prior to the increase in direct cost, the original ceiling price shall prevail.

SEC. 2.7. *Filing and posting*—(a) *Filing provisions.* After the effective date of this regulation you may not sell any new included automobile of a particular make, body style, model, line or series until you have mailed to the OPS Territorial Office by registered mail, return receipt requested, a completed OPS Public Form 137 for that particular make, body style, model, and line or series of new automobile.

(b) *Posting.* Within twenty days after the effective date of this regulation, every retail dealer shall keep posted in a conspicuous place on his premises where new passenger automobiles are offered for sale, a notice not less than 18 by 24 inches in size, legibly stating for each make and body style in each line or series of each new automobile offered for sale the following information:

(1) An identification of the make, body style, model, line or series.
(2) The ceiling price.
(3) The ceiling prices for extra, special, or optional equipment.

(c) *Invoices.* Whenever you make any sale after the effective date of this regulation, you shall prepare an invoice in duplicate, one copy of which shall be given to the purchaser within seven days and the other copy you shall retain in your records. This invoice shall set forth the following information:

(1) Date of sale.
(2) Make of automobile, model, year, body style, motor number, and serial number.
(3) Charges for extra, special, and optional equipment.
(4) Finance charges, name of finance company, method of payment, and amount of cash received.
(5) The ceiling price.
(6) The selling price.
(7) If a used car is traded in as part payment for the new automobile, the invoice must show the following information with respect to the car traded in:
(i) Make of automobile traded in, model and body style.
(ii) Allowance made on the trade-in.
(iii) Motor number and serial number.

SEC. 2.8 *Automobiles lacking standard equipment.* Ceiling prices established by section 2.1 of this article of the regulation are for new automobiles with standard parts and equipment. If you deliver an automobile from which any standard part or equipment is missing, your ceiling price is the price which would be the ceiling price for the same automobile if such parts were not missing, minus your retail ceiling price for such parts.

SEC. 2.9 *Definitions.* When used in this regulation, the following terms have the following meanings:

(a) "New passenger automobile" or "new automobile" means any automobile, designed primarily for the carriage of passengers, produced by the manufacturer during 1951 and subsequent model years, having a seating capacity of less than eleven (11) persons, if the same model is being, or within the preceding four months has been sold by the manufacturer, and which:
(1) Has not been used, or
(2) Is a demonstrator, or
(3) Is a dealer-owned or dealer-executive car.

(b) "Manufacturer" means any person who manufactures new automobiles.

(c) "Standard equipment". This term refers to any equipment which the manufacturer classed as standard on the date of the issuance of this regulation.

(d) "Extra, special, or optional equipment". This term refers to any equipment not included within the definition of standard equipment in paragraph (c) of this section.

Effective date. This Revision 1 to Ceiling Price Regulation 103 is effective April 29, 1952.

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.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 24, 1952.

[F. R. Doc. 52-4759; Filed, Apr. 24, 1952; 11:53 a. m.]

[Ceiling Price Regulation 113, Revision 1, Amdt. 7]

CPR 113—WHITE FLESH POTATOES

TERMINATION OF TEXAS POTATO DISASTER ADJUSTMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 113, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 5 to Ceiling Price Regulation 113, Revision 1, provided a 70 cent a hundredweight disaster adjustment for the month of April for base prices of potatoes produced in certain counties of Texas. This adjustment was made on the basis of the best figures then available for crop yield. Since the date these preliminary figures were received, the U. S. Department of Agriculture has published its first official revised crop estimate which indicates that current crop yields in this area are much higher than originally reported. In applying the same crop disaster standards which were used in making crop disaster adjustments for other areas, OPS finds that these new data reveal that a continuation of this adjustment is unwarranted for southern Texas. Accordingly, this amendment terminates such crop disaster adjustment and restores the original base price for potatoes produced in southern Texas.

It is the judgment of the Director of Price Stabilization that the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended. In view of the nature of this amendment, special circumstances made consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISION

Revision 1 to Ceiling Price Regulation 113 is amended by amending the entries for Florida, Texas (other than Cameron, Hidalgo, and Willacy Counties), and Texas (Cameron, Hidalgo, and Willacy Counties only) in Table I in section 2 (a) to read as follows:

TABLE I—BASE PRICES FOR WHITE FLESH POTATOES

Producing States	Dollars per hundredweight		
	April	May	June
Florida, Texas	$4.30	$3.60	$3.35

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

Effective date. This amendment is effective April 25, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 23, 1952.

[F. R. Doc. 52-4722; Filed, Apr. 23, 1952; 4:36 p. m.]

[General Overriding Regulation 9, Amdt. 17]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

EXEMPTION OF EXPERIMENTAL FERRO ALLOYS, METALS, AND COMPOUNDS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 17 to General Overriding Regulation 9, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to GOR 9 suspends from price control sales by metallurgical producers of experimental ferro-alloys, ferro-metals and ferro-metal compounds, until such sales total $25,000 for any commodity or $100,000 for any cate-

gory. Producers of ferro-alloys, metals and compounds are continuously engaged in a research program to develop new commodities and to improve existing commodities. Research is conducted initially at the laboratory level to determine the metallurgical possibilities and economic practicability, and then enters the next stage which is the pilot-plant operation. During the pilot-plant phase relatively small lots of material will be produced and sold to a few specific customers for trial use. During this period reports from customers may indicate the need to change the composition of the commodity sometimes to such a degree that it may be necessary to return the whole problem to the laboratory. The producer himself may learn that economical production of the commodity requires installation of new facilities or modification of existing ones. Only after these two phases have been completed can the product go into commercial production. Up to the time of such commercial production, it is impossible to accurately determine costs and selling prices.

This amendment will relieve manufacturers and the Office of Price Stabilization from the burden of establishing ceiling prices for numerous small transactions in new commodities which transactions are insignificant in their effect on the stabilization program.

In the formulation of this amendment special circumstances have rendered consultation with industry representatives impracticable, however, affected individuals were met with informally and consideration given their recommendations.

AMENDATORY PROVISIONS

GOR 9 is amended in the following respects:

Section (2) (b) is amended by adding subparagraph (7) to read as follows:

(7) *Experimental Ferro Alloys, Metals and Metal Compounds.* Sales and deliveries by producers of experimental ferro-alloys, ferro-metals and ferro-metal compounds so long as the total sales of any such commodity do not exceed $25,000 and the total sales of all such commodities falling within the same category do not exceed $100,000. A commodity is "experimental" only where it is the resulting product of research, testing and sampling done in a laboratory or pilot-plant, or both. When a commodity ceases to be experimental or when sales of any commodity reach $25,000, or when the total sales of all such commodities falling within the same category reach $100,000, future sales shall be subject to the General Ceiling Price Regulation or the applicable numbered ceiling price regulation.

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

Effective date. This amendment shall become effective April 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 24, 1952.

[F. R. Doc. 52-4760; Filed, Apr. 24, 1952; 11:53 a. m.]

No. 82——2

[General Overriding Regulation 14, Amdt. 13]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

RESALE BOOK MATCH ADVERTISING CHARGES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 13 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 13 to General Overriding Regulation 14, as amended, exempts from ceiling price regulation the sale of advertising on resale book match covers by match book manufacturers or distributors. Resale book matches are sold and distributed by match manufacturers through wholesalers or jobbers, and ultimately to the consumer who usually receives them without charge in connection with the sale of tobacco or tobacco products. These resale book matches differ from special reproduction book matches which are specially designed as an advertising medium and are specially printed, manufactured and distributed to serve the advertising purposes of the purchaser.

Amendment 3 to General Overriding Regulation 8 exempted charges for advertising space on special reproduction book matches from ceiling price regulation. Advertising charges for space on resale book matches were not included in that exemption because of the sale of the matches as a separate item apart from the sale of advertising space. This amendment to General Overriding Regulation 14, as amended, exempts only the rates and charges made by match book manufacturers or distributors for advertising space on resale book match covers but does not affect the matches themselves, which remain subject to Ceiling Price Regulation 22 or General Ceiling Price Regulation.

This exemption covers a very limited portion of the general advertising field and is entirely consistent with previous action taken by the Congress and the Office of Price Stabilization in exempting advertising services from ceiling price regulation. Manufacturers of resale book matches who sell advertising space directly and distributors of these matches who purchase match books and then sell advertising space thereon, render services analogous to those performed in the publications and car card advertising fields. Section 402 (e) (iii) of the Defense Production Act of 1950, as amended, exempted from ceiling price regulation the rates, including the advertising rates charged by any person in the business of operating or publishing a newspaper, periodical or magazine, or operating a radio broadcasting or television station, a motion picture or other theater enterprise, or outdoor advertising facilities. In addition, section 3 (a) (69) of General Overriding Regulation 14, as amended, exempted the charges for services performed by advertising agencies, and section 3 (a) (97) of General Overriding Regulation 14, as amended, exempted advertising charges made for car cards, station posters and advertising displays used in transportation facilities. This exemption is therefore appropriate for reasons stated in the Statements of Considerations which accompanied both General Overriding Regulation 14 and Amendments 2 and 7 thereto.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respect:

Paragraph (a) of section 3 is amended by adding at the end thereof the following:

(101) the sale by match book manufacturers or distributors of advertising space on covers of resale book matches.

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

Effective date. This Amendment 13 to General Overriding Regulation 14 shall become effective April 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 24, 1952.

[F. R. Doc. 52-4761; Filed, Apr. 24, 1952; 11:53 a. m.]

[General Overriding Regulation 28]

GOR 28—EXEMPTION OF CERTAIN JUDICIAL SALES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation 28 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation exempts from price control judicial sales as defined in section 1. The exemption does not, however, apply to the sale of any commodity in the course of trade, as provided in section 2.

Heretofore, judicial sales have in general been subject to the ceiling price regulations issued by the Office of Price Stabilization in the same manner as other sales. Receivers, trustees in bankruptcy, and other persons making judicial sales have had to determine whether or not the assets to be sold were covered by any ceiling price regulation, and to ascertain what the applicable ceiling prices were. This has placed an administrative burden upon courts and their agents in connection with the conduct of judicial sales. The Director has determined that the general effect of judicial sales on prices is such as to render it unnecessary, in order to effectuate the purposes of the Defense Production Act of 1950, as amended, that ceilings be applicable to the transactions exempted by this regulation. The following considerations,

among others, have led to this determination:

(1) Property sold on judicial sales brings, as a rule, only a fraction of market or going value of the commodity, and is customarily sold as second-hand.

(2) Judicial sales constitute an insignificant fraction of total sales not only in the economy as a whole, but with respect to any particular commodity.

(3) Judicial sales are isolated and nonrecurring and, for this reason, do not constitute a continuing or permanent factor entering into either the cost-of-living or the cost of doing business. Failure to control prices realized on such sales will not result in substantial pressure on other prices.

(4) The exclusion of judicial sales from price control will not remove all limitations on the prices of commodities sold at such sales. In the majority of such sales, assets are purchased for resale in substantially the same form. Where prices at which articles may be re-sold are subject to price ceilings the demand for such articles on the part of bidders expecting to resell will normally disappear before ceiling prices are reached. Thus, the control of re-sales constitutes an indirect check upon prices realized at the judicial sale.

It is believed that the above considerations apply generally to the types of commodities which are ordinarily the subject of judicial sale. If experience should demonstrate the need to retain price control over judicial sales of certain specific commodities, the regulation will be amended to exclude such commodities from the exemption.

The exemption provided by this regulation does not extend to sales in the normal course of trade by a trustee in bankruptcy, receiver or other person engaged in continuing a business under court order or otherwise. No reason exists for a different rule with respect to judicial sales of this type than for ordinary sales.

In the formulation of this regulation, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

REGULATORY PROVISIONS

Sec.
1. Exemption of certain judicial sales.
2. Sales in the course of trade.

AUTHORITY: Sections 1 and 2 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.

SEC. 1. *Exemption of certain judicial sales.* Except as provided in section 2, no ceiling price regulation issued by the Office of Price Stabilization shall apply to any sale, at auction or otherwise, (a) held pursuant to the provisions of any order of sale made or entered by a Federal, State or Territorial court, (b) held by a sheriff, constable, bailiff, marshal or other judicial officer pursuant to applicable Federal, State or Territorial law, or (c) held by a duly qualified executor, administrator, guardian, fiduciary, or other legal successor or representative, in liquidating the assets of a decedent, minor, or incompetent pursuant to applicable State or Territorial law. When used in this regulation the term "court" shall include a judge, referee in bankruptcy, commissioner, special master or other judicial officer.

SEC. 2. *Sales in the course of trade.* The exemption provided by section 1 of this regulation does not apply to sales in the course of trade by a trustee in bankruptcy, receiver, administrator, executor, fiduciary, guardian, or other legal successor or representative or judicial officer, engaged in continuing a business under court order or otherwise. All such sales shall remain subject to the provisions of all applicable regulations of the Office of Price Stabilization.

Effective date. This general overriding regulation is effective April 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

APRIL 24, 1952.

[F. R. Doc. 52-4762; Filed, Apr. 24, 1952; 11:53 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 3 as amended April 23, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 3—RESTRICTIONS ON PLACING AUTHORIZED CONTROLLED MATERIALS ORDERS

This amended direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

This amendment affects Direction 3 of September 17, 1951, to CMP Regulation No. 1 by amending paragraph (a) of section 1. As so amended, Direction 3 to CMP Regulation No. 1 reads as follows:

SECTION 1. (a) Subject to the limitations of section 17 (a) of CMP Regulation No. 1 and unless previously authorized in writing by NPA, no prime consumer who has received an allotment of controlled materials shall place orders calling for delivery of more than 40 percent of the quantity of controlled materials stated in such allotment during each of the first 2 months of the quarter for which the said allotment is valid: *Provided, however,* That any prime consumer who has received an advance allotment of controlled materials, as provided in section 10 of CMP Regulation No. 1, may place orders calling for delivery of not in excess of 50 percent of the quantity of controlled materials stated in such advance allotment during each of the first 2 months of the quarter for which the said advance allotment is valid: *And provided further,* That the limitation on the placement of orders imposed by this section shall not apply to orders placed pursuant to supplemental allotments.

(b) Notwithstanding the provisions of this direction as amended, no person shall be required to reduce any delivery order below the minimum mill quantity specified in Schedule IV of CMP Regulation No. 1. Notwithstanding the provisions of this direction and of CMP Regulation No. 2, no person whose quarterly allotment or advance allotment of carbon steel is equal to or more than a carload lot shall be required to reduce his delivery order for such material below a carload lot.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This direction as amended shall take effect April 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-4689; Filed, Apr. 23, 1952; 2:14 p. m.]

[NPA Order M-26, as Amended April 24, 1952]

M-26—PACKAGING CLOSURES

This amended order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all affected trades and industries in advance of the issuance of this amended order has been rendered impracticable by the fact that a substantial number of different trades and industries is affected.

This amended order constitutes a complete revision of NPA Order M-26, as amended January 17, 1952. It continues specification controls on those packaging closures made in whole or in part of tin plate, but all restrictions on the sale, delivery, or use of those packaging closures and closure liners made of aluminum are deleted. The special inventory limitations are also deleted, so that inventories of packaging closures, whether of tin plate or of aluminum, are now controlled exclusively by the provisions of NPA Reg. 1. The definition of tin plate has been revised to conform to the definition of tin plate as contained in NPA Order M-24.

As amended, NPA Order M-26 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use of packaging closures.
4. Other restrictions.
5. Exceptions.
6. Certification upon delivery of packaging closures.
7. Request for adjustment or exception.
8. Records and reports.
9. Communications.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This amended order places restrictions upon the sale, delivery, and use of packaging closures as herein defined, but does not apply to any other sealing or covering devices. Schedule I, appearing at the end of this order, specifies the maximum tin coatings for packaging closures. This maximum varies according to the product packed.

SEC. 2. *Definitions.* As used in this order:

(a) "Packaging closure" means any new sealing or covering device made in whole or in part of tin plate and affixed or to be affixed to a glass container for the purpose of retaining the contents within the container, and includes any crown made of tin plate and affixed or to be affixed to a glass or metal container for the purpose of retaining the contents within the container.

(b) "Tin plate" means steel sheets coated with tin, and includes electrolytic tin plate, hot-dipped tin plate, primes, seconds, unassorted, tin plate waste-waste, menders, unmended menders, and unassorted temper tin plate. Tin plate (except waste-waste) is furnished as "specification production plate" or "mill accumulation plate," and each such class includes primes, seconds, and unassorted. Specification production plate is plate produced against orders for specific end uses. Mill accumulation plate is plate arising in the production of specification production plate not applicable against such orders.

(c) "Waste-waste" means hot-dipped or electrolytic tin-coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes, seconds, or unassorted.

(d) "Unmended menders" means tin-coated steel sheets arising in the production of electrolytic tin plate which have been set aside by the producer by reason of surface appearance which disqualifies such sheets from sale as primes, seconds, or unassorted.

(e) "Menders" means tin-coated steel sheets arising in the production of electrolytic tin plate which have been set aside by the producer by reason of surface appearance which disqualifies such sheets from sale as primes, seconds, or unassorted, and mended either into coke tin plate primes, seconds, or unassorted by hot-dipping in tin, or into unassorted terneplate by hot-dipping in terne metal.

(f) "Unassorted temper tin plate" means primes, seconds, or unassorted tin plate, arising in the production of hot-dipped or electrolytic tin plate, which has been packaged without regard to temper.

(g) "Waste" means scrap tin plate, and includes strips and circles produced in the ordinary course of manufacturing tin plate or packaging closures.

(h) "Packer" means any person who uses packaging closures for commercially packing any product.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(j) "NPA" means the National Production Authority.

SEC. 3. *Restrictions on use of packaging closures.* Subject to the exceptions in section 5 of this order, no packer shall purchase, accept delivery of, or use packaging closures for the purpose of packing products except as specifically permitted by the provisions of Schedule I of this order. Packaging closures may be used for packing the products included in a class of products listed in Schedule I only if such closures comply with the tin plate specifications set out in Schedule I as applicable to the products included in that class. Such specifications indicate the maximum number of pounds of tin coating per base box permitted for the particular products or classes of products listed.

SEC. 4. *Other restrictions.* (a) No person shall use tin plate in the manufacture of packaging closures, and no person shall sell or deliver any packaging closures, which he knows or has reason to believe will be accepted or used in violation of any provision of this order or of any other order or regulation of NPA.

(b) In the manufacture of home canning packaging closures, no person shall use any tin plate with a tin coating in excess of 0.50 pound per base box for the manufacture of top seal lids, or in excess of 0.25 pound per base box for the manufacture of bands or jelly glass lids.

SEC. 5. *Exceptions.* (a) The restrictions of this order shall not apply to packaging closures made entirely of waste-waste, unmended menders, unassorted temper tin plate, or waste, or entirely of any combination of any such materials.

(b) The restrictions of this order shall not apply to military requirements for packaging closures of a special design or style not normally produced or used commercially, nor to packaging closures for emergency rations and supplies for lifeboats.

(c) The restrictions of this order shall not apply to the sale or delivery of packaging closures for shipment outside the limits of the continental United States, its territories, and insular possessions.

(d) The plate specifications in Schedule I of this order shall not apply to orders requiring the packing of products in accordance with military specifications of the Department of Defense for use outside the 48 States of the United States and the District of Columbia by the Armed Forces of the United States, including the United States Coast Guard.

(e) The restrictions of this order do not apply to the use of any packaging closures which, on January 27, 1951, were in the inventory of the packer, or in the inventory of the manufacturer, or in process of manufacture.

SEC. 6. *Certification upon delivery of packaging closures.* No person shall sell or deliver packaging closures to a packer (except to a retail pharmacist) unless he has received from such packer a certificate signed manually. This certificate shall be by letter in substantially the following form, shall constitute a representation to the supplier and to NPA, and, once filed by a purchaser with a seller, shall cover all future deliveries of packaging closures from that seller to that purchaser:

To....., Seller:

The undersigned purchaser certifies, subject to criminal penalties, that he is familiar with Order M-26 of the National Production Authority, and that all purchases from you of items regulated by that order, and the use and acceptance of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

SEC. 7. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustments or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Author-

ity as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–26.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

Schedule I is hereto attached and made a part of this amended order. This amended order shall take effect April 24, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

(The term "food" as used in Schedule I of this order means "food" as defined in Executive Order 10161, September 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., and in the Memorandum of Agreement between the Administrator of the National Production Authority, United States Department of Commerce, and the Administrator of the Production and Marketing Administration, United States Department of Agriculture, 16 F. R. 3410.)

SCHEDULE I OF NPA ORDER M–26—PACKAGING CLOSURES MADE OF TIN PLATE

Class and product	Tin-plate specifications (maximum pounds of tin coating per base box)
1. All food products for human consumption (except malt beverages and nonalcoholic beverages, each as defined in class 4 of this schedule) if preserved in a hermetically sealed container made sterile by heat	1.50
2. Olives, pickles, relishes, sauces, vinegar, french dressing, flavoring extracts, spices, mustard, horseradish, and cherries	.75
3. All other products, food or otherwise (except malt beverages and nonalcoholic beverages, each as defined in class 4 of this schedule)	.50
4. Malt beverages (meaning and including only beer, ale, porter, near beer, and mixtures thereof); and nonalcoholic beverages (meaning and including only soft drinks, still or carbonated; unflavored waters, still, or naturally or artificially carbonated; beverage drinks consisting of fruit or vegetable juice or juices or a combination thereof where less than 85 percent by weight of the product is pure fruit or vegetable juice or juices or a combination thereof; and sterilized milk drinks made with powdered milk)	.25

[F. R. Doc. 52–4754; Filed, Apr. 24, 1952; 11:27 a. m.]

Chapter VIII—Defense Transport Administration

[Administrative Order DTA 1, as amended April 25, 1952]

DTA 1—PROCEDURE GOVERNING APPLICATIONS FOR TRANSPORTATION, STORAGE, AND PORT FACILITY CONSTRUCTION, ALLOTMENTS AND PRIORITY RATINGS; APPEALS

This order, as now amended, is found necessary and appropriate to promote the national defense. In the formulation of this amended order, consultation with industry representatives and trade association representatives was impracticable owing to the need for early action.

This amendment affects Administrative Order DTA 1, as amended, as follows: Sections 1 and 3 are amended to harmonize with provisions of Revised CMP Regulation 6; in section 2, paragraph (c), reference is made to Executive Order 10161, as amended by Executive Order 10324, so as to make the provisions of the order applicable to transportation, storage, and port facility construction in the Territories and insular possessions of the United States; section 3, paragraph (a) is amended by striking subparagraph (3), renumbering subparagraph (4) as (3) and adding a sentence thereto; in section 3, paragraph (c), reference to Form NPAF–24A is added; in section 4, paragraph (c), subparagraph (8) is amended; all references to CMP Regulation 6, NPA Order M–4A, and Direction 1 to said regulation, are stricken from the order and references to Revised CMP Regulation 6 are substituted therefor; and a number of minor editorial changes are made.

Pursuant to Title I of the Defense Production Act of 1950, as amended, Executive Orders 10161, 10200, 10219, and 10324, Defense Production Administration Delegation 1, as amended (16 F. R. 11245), Defense Production Administration Administration Order 1, as amended (16 F. R. 4913, 11038, 17 F. R. 899), and National Production Authority Delegation 14, as amended (17 F. R. 1971): It is hereby ordered, That amended Administrative Order DTA 1 is further amended to read as follows:

Sec.
1. Purpose of this order.
2. Definitions.
3. Where and when to file applications and requests; where to obtain forms.
4. Action on applications and requests; reconsideration.
5. Appeals; grounds.
6. Rules for filing appeals.
7. Decisions on appeal.
8. Intervention by interested parties.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong. 50 U. S. C. App. Sup. 2154. Interpret or apply Title I, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071–2073, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp., E. O. 10200, Jan. 3, 1951, 16 F. R. 61; E. O. 10219, Feb. 28, 1951, 16 F. R. 1983; E. O. 10324, Feb. 6, 1952, 17 F. R. 1171.

SECTION 1. *Purpose of this order.* (a) This order relates only to buildings, structures, and projects used, or to be used, as, or in connection with, domestic transportation, storage, or port facilities as hereinafter defined. Revised CMP Regulation 6 of March 6, 1952 (17 F. R. 2002) provides that no person may commence or continue the construction of any building, structure, or project subject to the regulation, without receiving an authorized construction schedule and related allotment of controlled materials, unless, for completion of such construction, he will not require delivery after September 30, 1951 of any controlled material in excess of the quantity for which he may self authorize his purchase orders, and he will not require authorization to use a DO rating to procure delivery of certain types of machinery, appliances, or equipment described in section 23 (b) of the regulation, or building equipment and materials, or production equipment and machinery, in excess of certain dollar amounts designated in section 23 (c) of the regulation. It also prohibits the use of copper or aluminum controlled material for certain purposes in, or in connection with, construction. It provides for the granting in individual cases of adjustments, exceptions or other relief from any of its provisions for certain stated reasons.

(b) By National Production Authority Delegation 14, as amended March 6, 1952 (17 F. R. 1971), authority has been conferred upon the Defense Transport Administration to authorize construction schedules of owners in accordance with said regulation, to make allotments of controlled materials for construction, and to assign the right to apply DO ratings for the procurement of building materials (other than controlled materials), building equipment, production machinery, and production equipment, which are required for construction under an approved construction program as provided by the regulation. Power is also delegated to process applications for adjustment or exception under the provisions of said regulation.

(c) The purpose of the present order is to provide for the filing with and the consideration and disposition by the Defense Transport Administration of applications for the authorizations, allotments, ratings, and adjustments, exceptions, or other relief above referred to and to prescribe the procedure for appeals from initial actions taken upon such applications. It does not apply to appeals from suspension orders issued or other action taken in connection with compliance proceedings.

SEC. 2. *Definitions.* As used in this order, unless context forbids:

(a) Terms defined in Revised CMP Regulation 6, or any amendment thereof, have the meanings given them therein;

(b) "DTA" means the Defense Transport Administration;

(c) The term "domestic transportation, storage and port facilities" is used in the same sense as in Executive Order 10161, as amended by Executive Order

10324, except that it does not include facilities for the bulk storage of petroleum and products thereof.

SEC. 3. *Where and when to file applications and requests; where to obtain forms.* (a) The following shall be filed with Defense Transport Administration, Washington 25, D. C.:

(1) An application under Revised CMP Regulation 6, or any amendment thereof, on Form CMP–4C (or such other form as may be provided) for an authorized construction schedule to commence or continue construction of a building, structure, or project used or to be used as, or in connection with, a domestic transportation, storage or port facility, for related allotments of controlled materials and for the right to apply DO ratings for the procurement of building materials (other than controlled materials), building equipment, production machinery, and production equipment, which are necessary for the operation of the completed construction project;

(2) An application under section 18 of Revised CMP Regulation 6, or any amendment thereof, on Form CMP–4C (or such other form as may be provided) for an additional allotment of any controlled material to fulfill an authorized construction schedule for any building, structure, or project described in subparagraph (1) of this paragraph;

(3) An application or request under section 33 of Revised CMP Regulation 6, or any amendment thereof, for an adjustment, exception or other relief from any provision of said regulation with respect to any building, structure or project described in subparagraph (1) of this paragraph. Each request for an adjustment or exception from the provisions of section 24 of the regulation shall be made by filing Form NPAF–24A or such other form, if any, as may be provided.

(b) Applications seeking allotments of controlled materials should be filed not later than 105 days before the beginning of the calendar quarter in which delivery of the materials is requested for use. No applicant should request the allotment of any such material for use in any quarter in excess of the amount he expects to or can use in such quarter and the total amount of each controlled material sought should be kept to the absolute minimum required for the character of construction involved.

(c) Copies of Forms CMP–4C and NPAF–24A are available at all field offices of the Department of Commerce and at the main offices of the Defense Transport Administration, and the National Production Authority, Washington 25, D. C.

SEC. 4. *Action on applications and requests; reconsideration.* (a) Each application or request referred to in section 3 of this order shall be determined and the authorization, allotment, priority assistance, adjustment, exception or other relief sought will be granted or denied, in whole or in part, by the Director, Equipment and Materials Division of DTA, upon consideration of the recommendation thereon made by the director of the appropriate operating division of DTA. Recommendations shall be made by the directors of the respective operating divisions as follows: Railroad Transport Division, with respect to railroad facilities; Street and Highway Transport Division, with respect to street and highway transport facilities; Inland Water Transport Division, with respect to inland water transport facilities including those on the Great Lakes; Warehousing and Storage Division, with respect to storage facilities; and Port Utilization Division, with respect to seaport facilities.

(b) Any applicant dissatisfied with the action taken upon his application or request by the Director, Equipment and Materials Division, may, if he has and desires to present any new and substantial facts not theretofore submitted, request reconsideration of such action upon the basis of all facts submitted. Each request for reconsideration shall set forth the new and substantial facts and must be submitted within 30 days from the date of the action reconsideration of which is requested. Each such request shall be determined by the Director, Equipment and Materials Division in the same manner and upon the same considerations as are herein prescribed for the initial determination of an application by him.

(c) In passing upon applications or requests, initially or upon reconsideration, the Director of the Equipment and Materials Division and the director of the appropriate division making recommendations thereon shall be governed by the following considerations:

(1) Whether the proposed construction will provide or restore, improve or maintain the efficiency of, a facility which is essential or will contribute directly to the conduct of military operations in the national defense;

(2) Whether the proposed construction will further the national defense by providing or restoring, improving or maintaining the efficiency of, a facility deemed necessary in the operation, or to provide a service in aid, of a military establishment or an establishment for production, or development of technological processes, for the national defense;

(3) Whether the proposed construction will provide or restore, improve or maintain the efficiency of, a facility essential to the maintenance of public health, safety or welfare;

(4) Whether the failure to finish construction (other than the types mentioned in subparagraphs (1), (2), and (3) of this paragraph) already lawfully commenced would be uneconomic or result in loss or waste of materials or the completion of such construction would be in the public interest;

(5) Whether the need for the proposed construction is urgent or may safely be deferred;

(6) Whether and to what extent any controlled material intended or desired for the proposed construction is essential thereto;

(7) When the amount of any controlled material allotted to DTA for any calendar quarter for construction is less than the amount of such material needed to meet the minimum requirements of all applications filed for allotments of such material for such quarter, construction schedules will be authorized and/or allotments made in the order of the relative essentiality to the national defense of the proposed constructions involved until DTA's allotment of such material is exhausted. Any remaining applications will be deferred or denied without prejudice to their renewal for authorizations and/or allotments for use during a subsequent calendar quarter;

(8) Whether the facts presented in support of a request for adjustment, exception or other relief under section 33 of Revised CMP Regulation 6, or any amendment thereof, meet the pertinent standards or criteria set forth therein.

(9) Standards or criteria relating to construction or the use of controlled materials in connection therewith prescribed in any regulation, order, or statement of general policy issued by the Office of Defense Mobilization, Defense Production Administration, National Production Authority, or Defense Transport Administration and published as required by law.

SEC. 5. *Appeals; grounds.* (a) Any applicant dissatisfied with the action taken on his application or request by the Director of the Equipment and Materials Division may file an appeal therefrom to the Administrator of DTA for final administrative decision. No new or additional facts may be submitted upon such appeal unless requested by the Administrator of DTA.

(b) An applicant may request an appeal from a decision on an application under Revised CMP Regulation 6, or any amendment thereof, for an authorized construction schedule, an allotment, adjustment in allotment, or the right to use a DO rating if he believes the decision is in error in one or more of the following respects:

(1) Misapprehends the essential facts;

(2) Fails to give due recognition to the appropriateness or necessity of the proposed construction to fulfill one or more of the functions referred to in subparagraphs (1) through (4) of section 4 (c) of this order;

(3) Fails to authorize a practical or feasible construction schedule or allotment;

(4) In concluding that the proposed construction may safely be deferred;

(5) Fails to give effect to any applicable regulation, order, or statement of general policy issued by the Office of Defense Mobilization, Defense Production Administration, National Production Authority, or Defense Transport Administration, and published as required by law; or

(6) Is erroneous in any other respect relating to the national defense or the public health, safety or welfare.

(c) If an applicant is dissatisfied with the decision on his application or request for adjustment, exception or other relief under section 33 of Revised CMP Regulation 6, or any amendment thereof, he may file an appeal if he believes and urges that the decision is in error in that it:

(1) Works an undue or exceptional hardship on him not suffered generally by others in the same trade or industry;

(2) Fails to give due consideration to the requirements of public health and safety, civilian defense, or dislocation of labor and resulting unemployment that would impair the defense program;

(3) Is based upon a provision of the regulation the enforcement of which against him is not in the interest of the national defense or in the public interest; or

(4) Fails to give effect to any applicable regulation, order, or statement of general policy issued by the Office of Defense Mobilization, Defense Production Administration, National Production Authority, or Defense Transport Administration and published as required by law.

SEC. 6. *Rules for filing appeals*—(a) *Form of appeal.* An appeal is instituted by the filing of two copies of a written notice, the original of which shall be signed by the appellant or his authorized representative, setting forth: (1) The name, address, and business of the appellant; (2) the nature of the DTA action appealed from, including its date and case or file number and the order or regulation under which the action was taken; (3) the grounds of appeal; (4) a copy of the document or documents evidencing the DTA action from which the appeal is taken.

(b) *Filing of appeal.* (1) The notice of appeal shall be filed with the Defense Transport Administration, Washington 25, D. C., and shall be considered as filed upon receipt.

(2) A notice of appeal may not be filed more than 45 days after the date of the DTA decision from which the appeal is taken.

(c) *Additional data.* The Administrator of Defense Transport Administration may request the filing of additional data or information whenever he considers it necessary.

SEC. 7. *Decisions on appeal.* (a) Decisions will be made upon the record on appeal by the Administrator who shall not be required to render written opinions. The record on appeal shall consist of: (1) The application, or request, and all data and information filed in support thereof, (2) the request for reconsideration, if any, and additional facts or information submitted in support thereof, (3) the recommendation of the operating division and all information, if any, in addition to that submitted by applicant and considered in passing upon the application or request, (4) the notice of appeal and supporting papers, (5) additional data or information, if any, filed at the request of the Administrator, and (6) any brief or argument submitted in connection with the appeal.

(b) The Administrator shall notify every party to an appeal of his decision. Such notification shall be in writing and shall be given within 5 days after decision.

(c) The Administrator's decision shall be final so far as DTA is concerned except that, in the discretion of the Administrator, it may be given reconsideration.

SEC. 8. *Intervention by interested parties.* In the discretion of the Administrator any person or government agency or department having an interest in the matter on appeal may intervene as a party to an appeal to the extent determined by the Administrator.

This order, as amended, shall take effect on April 25, 1952.

Issued at Washington, D. C., this 24th day of April 1952.

HOMER C. KING,
Acting Administrator,
Defense Transport Administration.

[F. R. Doc. 52-4766; Filed, Apr. 24, 1952; 12:01 p. m.]

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 64 (OPR-4)]

OPR-4—AUTHORITY AND RESPONSIBILITY OF GENERAL AGENTS TO UNDERTAKE TO DECOMMISSION SHIPS TO BE WITHDRAWN FROM OPERATION AND PLACED IN A RESERVE FLEET

Correction

In F. R. Doc. 52-4509, appearing at page 3553 of the issue for Tuesday, April 22, 1952, the word "discovery" in the eighth line of section 4 (b) should read "delivery."

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

SPECIAL CONSIDERATIONS CONCERNING PURSUIT OF EDUCATION OR TRAINING AFTER STATUTORY DELIMITING DATE

In § 21.36, a new paragraph (b) is added as follows:

§ 21.36 *Special considerations concerning the pursuit of education or training after the statutory delimiting date.* * * *

(b) *Initiation of course.* (1) In any case where, by reason of an administrative or adjudicatory error on the part of the Veterans' Administration, a fully eligible applicant for a course of education or training is prevented from commencing the course on or prior to the delimiting date, it will be deemed that the provisions of § 21.35 (b) requiring initiation of the course on or prior to the delimiting date and the pursuit thereof on that date have been constructively met. This will include any case wherein it is shown that:

(i) For any reason whatsoever, the Veterans' Administration clearly and unmistakably erred in denying the application; or

(ii) Through clear and unmistakable error, the applicant was misled by the terms of a Certificate of Eligibility and Entitlement issued on or prior to the delimiting date authorizing enrollment in a course subsequent to the delimiting date; or

(iii) The application having been timely filed, the applicant failed to commence his course on or prior to the delimiting date, as a result of having been erroneously informed by the Veterans' Administration that he could properly and timely commence his course after the delimiting date.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective April 25, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-4659; Filed, Apr. 24, 1952; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-37]

PART 170—COMMERCIAL ZONES AND TERMINAL AREAS

CONSTRUCTION OF CERTIFICATES AND PERMITS ISSUED TO MOTOR CARRIERS AND FREIGHT FORWARDERS

It appearing, that by an order (17 F. R. 1726) entered February 11, 1952, in the above entitled proceeding, §§ 170.35, 170.37, 170.41, 170.45, and 170.48, rules for the construction of certificates and permits issued to motor carriers under Part II of the Interstate Commerce Act and to freight forwarders under Part IV of the said act were established and further that the limits of the terminal areas of motor carriers and freight forwarders contemplated by section 202 (c) of the said act were determined.

It is ordered, That the effective date of the said order, insofar as it relates to the operations of motor carriers of property, be, and it is hereby, further extended to July 15, 1952.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 543, as amended, 544, as amended; 49 U. S. C. 302, 303)

Dated at Washington, D. C., this 21st day of April 1952.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-4645; Filed, Apr. 24, 1952; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 980]

HANDLING OF MILK IN TOPEKA, KANSAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Topeka, Kansas, on February 21, 1952, pursuant to notice thereof which was issued on February 12, 1952 (17 F. R. 1480).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on April 8, 1952, 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 April 10, 1952 (17 F. R. 3166).

There were no exceptions received to this decision.

The material issues and the findings and conclusions of the recommended decision (17 F. R. 3166; F. R. Doc. 52-4149) are hereby approved and adopted as the material issues, findings and conclusions of this decision as if set forth in full herein.

Determination of Representative Period. The month of January 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Topeka, Kansas, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Topeka, Kansas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 23d day of April 1952.

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

Order [1] Regulating the Handling of Milk in the Topeka, Kansas, Marketing Area

AUTHORITY: §§ 980.1 to 980.96, inclusive, issued under sec. 5, 49 stat. 753, as amended; 7 U. S. C. and Sup. 608c.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order Relative to Handling

It is therefore ordered that on and after the effective date hereof the handling of milk in the Topeka, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 980.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937) 7 U. S. C. 1940 ed. 501 et seq.), as amended.

§ 980.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

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

§ 980.4 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have its entire activities under the control of its members; and

(c) To have and to be exercising full authority in the sale of milk of its members.

§ 980.5 *Topeka, Kansas, marketing area.* "Topeka, Kansas, marketing area" hereinafter called "marketing area" means the city of Topeka and all the territory in Shawnee County, Kansas.

§ 980.6 *Approved dairy farmer.* "Approved dairy farmer" means any person who:

(a) Holds a permit or rating issued by the health authority of any municipal or State government for the production of milk to be disposed of as Grade A milk, or

(b) Produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type I; Type II, No. 1; or Type III, No. 1; which milk is received at an approved plant supplying Class I or Class II milk products to such an institution or base in the marketing area.

§ 980.7 *Producer.* "Producer" means any approved dairy farmer (except a producer-handler) whose milk is:

(a) Received at a pool plant, or

(b) Diverted by either the handler who operates a pool plant or a cooperative association to a non-pool plant for the account of such handler or cooperative association.

§ 980.8 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is:

(a) Approved by the health authority of any municipal or State government for the handling of milk for consumption as Grade A milk and from which Class I milk or Class II milk is disposed of within the marketing area, or

(b) Supplying Class I or Class II milk products to any agency of the United States Government located within the marketing area.

§ 980.9 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler during:

(a) Any delivery period of January, February, July, August, September, October, November or December within which such plant disposes of on routes or through plant stores as Class I or Class II milk in the marketing area not less than 15 percent of such plant's receipts of milk from approved dairy farmers; and

(b) Each of the delivery periods of March, April, May and June, if during the preceding delivery periods of August, September, October and November, such plant:

(1) Was a pool plant during each such delivery period; and

(2) Disposed of as Class I and Class II milk in the marketing area a total amount of milk equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers during such delivery periods: *Provided*, That an approved plant which was not an approved plant during each of the preceding delivery periods of August, September, October and November shall be a pool plant during any of the delivery periods of March, April, May and June within which such plant disposes of as Class I and Class II milk in the marketing area an amount of milk equal to 40 percent or more of such plant's receipts of milk from approved dairy farmers.

For the purpose of definition, milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted, and milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

§ 980.10 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant, or (b) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to another milk plant for the account of such cooperative association.

§ 980.11 *Producer - handler.* "Producer-handler" means any person who produces milk, operates an approved plant, and receives no milk from producers or from sources other than pool plants.

§ 980.12 *Producer milk.* "Producer milk" means all milk produced by a producer, other than a producer-handler, which is received by a handler either directly from such producers or from other handlers.

§ 980.13 *Other source milk.* "Other source milk" means all milk and milk products other than producer milk.

§ 980.14 *Milk product.* "Milk product" means any product manufactured from milk or milk ingredients except those products which are included in the definition of Class III milk pursuant to § 980.41 (c) and which is disposed of in the form in which received without further processing or packaging by the handler.

§ 980.15 *Delivery period.* "Delivery period" means calendar month or the portion thereof during which this part is in effect.

MARKET ADMINISTRATOR

§ 980.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 980.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions hereof;

(b) Report to the Secretary complaints of violations of the provisions hereof;

(c) Make rules and regulations to effectuate the terms and provisions hereof; and

(d) Recommend to the Secretary amendments hereto.

§ 980.22 *Duties.* The market administrator shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay out of the funds provided by § 980.89 the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 980.88;

(c) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Publicly disclose, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 980.30 through 980.32, or payments pursuant to §§ 980.80 and 980.84; and

(e) Promptly verify the information contained in the reports submitted by handlers.

REPORTS, RECORDS AND FACILITIES

§ 980.30 *Reports of receipts and utilization.* On or before the 5th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator with respect to receipts within such delivery period, as follows:

(a) The receipts at each plant of milk from each producer, the butterfat content thereof, and the number of days on which milk was received from each producer who did not deliver milk during the entire delivery period;

(b) The receipts from such handler's own farm production and the butterfat content thereof;

(c) The receipts of milk, cream, and milk products from handlers who receive milk from producers and the butterfat content thereof;

(d) The receipts of other source milk;

(e) The respective quantities of milk and milk products and the butterfat content thereof which were sold, distributed, or used, including sales to other handlers, for the purpose of classification pursuant to § 980.40;

(f) The disposition of Class I and Class II products outside the marketing area; and

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 980.31 *Payroll reports.* On or before the 20th day of each delivery period, each handler operating a pool plant shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 980.32 *Other reports.* Each handler who is not required to submit reports pursuant to § 980.30 shall submit such reports with respect to his handling of milk or milk products at the time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

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

(a) Verify the receipts and disposition of all milk and milk products and in the case of errors or omissions, ascertain the correct figures;

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

(c) Verify payments to producers.

§ 980.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification

§ 980.40 *Milk to be classified.* All milk and milk products received within the delivery period by each handler which are required to be reported pursuant to § 980.30 shall be classified by the market administrator pursuant to the provisions of §§ 980.41 to 980.46, inclusive.

§ 980.41 *Classes of utilization.* Subject to the conditions set forth in §§ 980.42 and 980.43 the classes of utilization shall be as follows:

(a) Class I milk shall be all milk and skim milk:

(1) Disposed of for consumption as milk, skim milk, buttermilk, flavored milk and milk drinks;

(2) In milk, flavored milk, or flavored milk drinks in concentrated form (fresh or frozen) neither sterilized nor in hermetically sealed cans, packaged and disposed of on routes or through plant stores for fluid consumption; and

(3) Not specifically accounted for as Class II or Class III milk.

(b) Class II milk shall be all milk used to produce:

(1) Cream which is disposed of in the form of cream other than for use in products specified in paragraph (c) of this section;

(2) Milk products sold or disposed of in the form of cream testing less than 18 percent butterfat; and

(3) Cottage cheese and eggnog.

(c) Class III milk shall be all milk:

(1) Used to produce butter, cheese (other than cottage cheese), evaporated milk, condensed milk, aerated cream products, ice cream, ice cream mix, frozen desserts, and powdered milk;

(2) Disposed of as livestock feed;

(3) Used for starter churning, wholesale baking and candy making purposes;

(4) In the milk equivalent of butterfat accounted for as loss in products where salvage of fat is impossible; and

(5) In the milk equivalent of unaccounted for butterfat not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers.

§ 980.42 *Responsibility of handlers in establishing the classification of milk.* In establishing the classification as required in § 980.41 of any milk received by a handler from producers, the burden rests upon the handler who received the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

§ 980.43 *Transfers of milk.* Milk, skim milk or cream transferred from an approved plant to other milk plants shall be classified as follows:

(a) Milk or skim milk moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant shall be Class I milk;

(b) Cream moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant shall be Class II milk if moved under Grade A certification and shall be Class III milk if so moved without Grade A certification;

(c) Milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and from which fluid milk and cream are distributed, shall be Class I if moved in the form of milk or skim milk and Class II if moved in the form of cream: *Provided*, That if the purchaser certifies that the market administrator may verify the necessary records such milk, skim milk, or cream, shall be classified as follows: (1) determine the classification of all milk received in the unapproved plant, and (2) allocate the milk, skim milk or cream received from the approved plant to the highest use classification, the receipts of milk at such unapproved plant directly from dairy farmers who the market administrator determines constitute its regular source of milk for Class I and Class II use;

(d) Except as provided in paragraph (c) of this section milk, skim milk, or cream moved from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and which does not distribute fluid milk or cream shall be classified as Class III milk;

(e) Milk, skim milk or cream moved from an approved plant to an unapproved plant (1) operated by the handler operating such approved plant or by an affiliate of such handler, (2) located in the marketing area, and (3) from which milk, skim milk or cream is moved to any other milk plant, shall be classified as though moved directly from the approved plant to such other milk plant, to the extent of the volume moved from such unapproved plant to other milk plants;

(f) Milk or skim milk moved from an approved plant to the approved plant of another handler, except a producer-handler, shall be Class I, and cream so moved shall be Class II, unless utilization in another class is indicated in writing by both the seller and the buyer on or before

the 5th day after the end of the delivery period, but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler; *Provided*, That if either or both handlers have purchased other source milk, milk, skim milk, or cream so moved shall be classified at both plants so as to return the highest class utilization to producer milk.

(g) Milk or skim milk disposed of from an approved plant to a producer-handler shall be Class I, and cream so disposed of shall be Class II.

§ 980.44 *Computation of milk in each class.* For each delivery period each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class as defined in § 980.41 as follows:

(a) Determine the total pounds of milk received at approved plants from producers, other handlers and other sources.

(b) Determine the total pounds of butterfat in milk received at approved plants from producers, other handlers and other sources; and add together the resulting amounts.

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

(1) Convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart (except that in the case of converting milk, flavored milk or flavored milk drinks in concentrated form such conversion shall apply to the volume of milk used in the production of the concentrated product rather than to the volume of the finished product), and subtract the weight of any flavoring materials included, (2) multiply the result by the average butterfat test of such milk, and (3) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to paragraphs (d) (2) and (e) (3) of this section is less than the total pounds of butterfat received computed in accordance with paragraph (b) of this section, an amount equal to the difference shall be divided by 3.8 percent and added to the quantity of milk determined pursuant to subparagraph (1) of this paragraph.

(d) Determine the total pounds of milk in Class II as follows: (1) multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (2) add together the resulting amounts, and (3) divide the result obtained in subparagraph (2) of this paragraph by 3.8 percent.

(e) Determine the total pounds of milk in Class III as follows: (1) multiply the actual weight of each of the several products of Class III by its average butterfat content, (2) add together the resulting amounts, (3) add the amount of butterfat allowed as plant shrinkage pursuant to paragraph (f) of this section, and (4) divide the resulting sum by 3.8 percent.

(f) The amount of butterfat to be allowed as plant shrinkage shall be the smaller of the following amounts: (1) 3 percent of the total receipts of butterfat by the handler, exclusive of receipts from other handlers, or (2) the amount, if any, by which the sum of the pounds of butterfat computed pursuant to subparagraphs (c) (2), (d) (2), and (e) (2) of this section is less than the total receipts of butterfat by the handler.

§ 980.45 *Allocation of milk classified.* Determine the classification of milk received from producers as follows:

(a) Subtract from the total pounds of milk in each class, determined pursuant to § 980.44 the pounds of other source milk allocated to such class pursuant to the following:

Receipts of other source milk shall be allocated to Class III except that other source milk may be allocated to Class II to the extent that Class II milk exceeds the amount of all producer milk classified as Class II milk, and other source milk may be allocated to Class I only to the extent that the total amount of the Class I milk of the handler exceeds the total amount of producer milk received by such handler.

(b) Subtract from the remaining pounds of milk in each class the pounds of producer milk which were received from other handlers and used in such class.

§ 980.46 *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk used in the several classes as computed pursuant to § 980.45 and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to § 980.64, such difference shall be reconciled as follows:

(a) If the total utilization of milk in the various classes for any handler, as computed pursuant to § 980.45, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(b) If the total utilization of milk in the various classes for any handler, as computed pursuant to § 980.45, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk for such handler by subtracting in series beginning with the lowest class use of such handler an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

MINIMUM PRICES

§ 980.50 *Class prices.* Subject to the butterfat differential set forth in § 980.51, each handler shall pay producers at the time and in the manner set forth in § 980.80 not less than the following prices per hundredweight of milk received during each delivery period from producers:

(a) *Class I milk.* The price of Class I milk for each delivery period shall be the same as the Class I price for that delivery period provided for in Order No. 13, regulating the handling of milk in the Greater Kansas City marketing area.

(b) *Class II milk.* The price of Class II milk shall be the Class I price minus 25 cents.

(c) *Class III milk.* The price of Class III milk shall be the average price ascertained by the market administrator to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received during such delivery period at the following plants: The Jensen Creamery Company at its plant at Topeka, Kansas, the Beatrice Foods Company at its plant at Topeka, Kansas, and the Meyer Sanitary Milk Company at its plant at Valley Falls, Kansas.

§ 980.51 *Butterfat differential.* If the average butterfat content of milk received from producers by any handler during any delivery period is more or less than 3.8 percent, there shall be added or subtracted per hundredweight of such milk for each one-tenth of 1 percent above or zelow 3.8 percent an amount equal to the Class III price for such delivery period, divided by 38.

APPLICATION OF PROVISIONS

§ 980.60 *Producer-handlers.* Sections 980.40 through 980.45, 980.50, 980.51, 980.61 through 980.65, 980.70, 980.71, and 980.80 through 980.89 shall not apply to a producer-handler.

§ 980.61 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a delivery period shall in lieu of the payments required pursuant to § 980.84 pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such delivery period, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) The sum of (1) the product of the quantity of milk received by such handler which was disposed of in the marketing area as Class I milk during the delivery period multiplied by the difference between the price for Class I milk pursuant to § 980.50 (a) and the price for Class III milk pursuant to § 980.50 (c), and (2) the product of the quantity of milk received by such handler which was disposed of in the marketing area as Class II during the delivery period multiplied by the difference between the price for Class II milk pursuant to § 980.50 (b) and the price for Class III milk pursuant to § 980.50 (c).

(b) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 980.70 for such handler for such delivery period if such handler operated a pool plant. Deduct the gross payments made by such handler to approved dairy farmers for milk received during such delivery period.

§ 980.62 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I and Class II milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the prices which such handler is required to pay under the other order to which he is subject for milk which would be classified as Class I milk or Class II milk under this part, are less than the respective prices provided pursuant to this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk or Class II milk within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to paragraphs (a) and (b) of § 980.50, and its value as determined pursuant to the other order to which he is subject.

§ 980.63 *Other source milk.* If a handler has received other source milk the market administrator, in determining the net pool obligation of the handler pursuant to § 980.70 shall consider such milk as Class III milk. If the receiving handler sells or disposes of such milk for other than Class III purposes, the market administrator shall add an amount equal to the difference between (a) the value of such milk according to its utilization by the handler, and (b) the value at the Class III price. This additional payment shall not apply if the market administrator determines that such other source milk was used in Class I and Class II only to the extent that producer milk was not available to the handler at the class prices provided pursuant to paragraphs (a) and (b) of § 980.50.

§ 980.64 *Excess milk.* If a handler, after subtracting receipts from other handler and receipts of other source milk, has disposed of a greater quantity of milk than that which, on the basis of his reports, has been credited to his producers as having been delivered by, the market administrator, in determining the net pool obligation of the handler pursuant to § 980.70, shall add an amount equal to the value of such milk according to its untilization by the handler.

§ 980.65 *Diversion.* Milk which is caused to be diverted by a handler directly from producers' farms to the pool plant of another handler for not more than 15 days during any delivery period shall be considered an inter-handler transfer of milk, and shall be considered as having been received by the handler who caused the milk to be diverted.

DETERMINATION OF UNIFORM PRICES

§ 980.70 *Net pool obligation of handlers.* The net pool obligation of each handler for milk received during each delivery period shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 980.45 by the class prices set forth in § 980.50 and add together the resulting values;

(b) Add, if the average butterfat content of all milk received from producers is more than 3.8 percent and deduct if the average butterfat content of all milk received from producers is less than 3.8 percent, an amount equal to the total value of the butterfat differential applicable pursuant to § 980.51; and

(c) Add an amount equal to the total values pursuant to § 980.63 and § 980.64.

§ 980.71 *Computation and announcement of the uniform price.* The market administrator shall compute and announce the uniform price per hundredweight for milk received from producers during each delivery period in the following manner:

(a) Combine into one total the net pool obligation computed pursuant to § 980.70 of all handlers who made the reports prescribed in § 980.30 and who made the payments prescribed in § 980.80 and § 980.84 for the previous delivery period;

(b) For each of the delivery periods of April, May, June, and July, subtract an amount equal to 40 cents per hundredweight of the total amount of milk received by handlers from producers and included in these computations to be retained in the producer-settlement fund until distributed pursuant to § 980.85 (c);

(c) Add not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Deduct, if the average butterfat content of all milk received from producers is more than 3.8 percent, and add, if the average butterfat content of all milk received from producers is less than 3.8 percent, the total value of the butterfat differential applicable pursuant to § 980.82;

(e) Divide by the hundredweight of milk received by handlers from producers and included in these computations;

(f) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for the milk of producers containing 3.8 percent butterfat; and

(g) On or before the 8th day after the end of such delivery period, mail to all handlers (1) such of these computations as do not disclose information confidential pursuant to the act; (2) the uniform price per hundredweight computed pursuant to paragraph (f) of this section; (3) the prices for Class I milk, Class II milk, and Class III milk; and (4) the butterfat differentials computed pursuant to §§ 980.51 and 980.82.

§ 980.80 *Time and method of payment.* On or before the 12th day after the end of each delivery period, each handler, after deducting the amount of the payment made pursuant to § 980.81 and subject to the butterfat differential set forth in § 980.82, shall make payment to each producer at not less than the uniform price for all milk received from such producers: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this section.

§ 980.81 *Half Delivery Period Payments.* On or before the 25th day of each delivery period, each handler shall make payment to each producer for milk received from him during the first 15 days of the delivery period at not less than the Class III price for the preceding delivery period: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this section.

§ 980.82 *Producer butterfat differential.* In making payments pursuant to § 980.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, and amount computed by adding 4 cents to the simple average as computed by the market administrator of the daily wholesle selling price (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U. S. Department of Agriculture during the delivery period, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 980.83 *Producer-settlement fund.* (a) The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 980.61, 980.62, 980.84 and 980.86, and out of which he shall make all payments to handlers pursuant to §§ 980.85 and 980.86: *Provided*, That the market administrator shall offset any such payment to any handler against payments due from such handler.

(b) Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 980.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 980.84 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obliga-

tion of such handler is greater than the sum required to be paid producers by such handler pursuant to § 980.80.

§ 980.85 *Payments out of the producer-settlement fund.* (a) On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 980.80 is greater than the net pool obligation of such handler.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 12th day after the end of the delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of § 980.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(c) On or before the 15th day after the end of each of the delivery periods of October, November, and December, the market administrator shall pay out of the producer-settlement fund to each producer an amount computed as follows: divide one-third of the total amount held pursuant to § 980.71 (b) the hundredweight of producer milk received during the delivery period involved (October, November or December, as above) and apply the resulting amount per hundredweight to the milk of each producer for such delivery period: *Provided*, That payment under this paragraph due any producer who has given authority to a cooperative association to receive payments for his milk shall be made to such cooperative association if such cooperative association requests receipt of such payment.

§ 980.86 *Adjustment of errors in payment.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to § 980.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 4 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 980.85 the market administrator shall, within 5 days, make such payment to such handler or offset any such payment due any handler against payments due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer, for milk received by such handler discloses payment to such producer of less than is required by § 980.80, the handler shall make up such payment to the producer not later than the time of making payments to producers next following such disclosure.

§ 980.87 *Statements to producers.* In making payments to producers as prescribed in § 980.80, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds of milk delivered by the producer and the average butterfat test thereof, and the pounds per shipment if such information is not furnished to the producer each day;

(c) The minimum rate or rates at which payment to the producer is required pursuant to §§ 980.80 and 980.82;

(d) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(e) The amount or the rate of each deduction claimed by the handler, including any deduction made pursuant to §§ 980.81 and 980.88 together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

§ 980.88 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 3 cents per hundredweight from the payments made to each producer other than himself pursuant to § 980.80 with respect to all milk of each producer purchased or received by such handler during the delivery period and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from said producers.

(b) *Producers' Cooperative Association.* In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make deductions from the payments to be made pursuant to § 980.80 which are authorized by such producers, and on or before the 12th day after the end of each delivery period, pay such deductions to the market administrator for the account of the association of which such producers are members.

§ 980.89 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 12th day after the end of each delivery period, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe with respect to all milk received during such delivery period from approved dairy farmers.

MISCELLANEOUS PROVISIONS

§ 980.90 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

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

(1) The amount of the obligation;

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

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

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 980.91 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 980.92.

§ 980.92 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 980.93 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

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

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

§ 980.96 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 52-4688; Filed, Apr. 24, 1952; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52981]

"NO CONSUL" LIST

INDONESIA, BRITISH MALAYA, AND REPUBLIC OF KOREA

APRIL 21, 1952.

In accordance with a recommendation from the Department of State, the "No consul" list (1950), T. D. 52407, as amended, is hereby further amended by substituting the word "Indonesia" for the words "Netherlands East Indies" appearing after the following places:

Amboina, Molucca Islands, Banda, Molucca Islands, Dobo, Molucca Islands, Gorontalo, Celebes, Natuna Island, Sumatra, Ternate, Molucca Islands.

and by substituting the words "British Malaya" for "British Malaysia" appearing after the following places:

British North Borneo, Sarawak.

"Republic of Korea (All places, except Seoul and Inchon)" is substituted for "Korea (All places, except Seoul and Inchon)," and "Anambas Islands, Indonesia," for "Anabas Islands, Netherlands East Indies."

[SEAL] C. A. EMERICK,
Acting Assistant Commissioner of Customs.

[F. R. Doc. 52-4632; Filed, Apr. 24, 1952; 8:45 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

TERMINATION OF OFFICE OF SUPREME COMMANDER FOR THE ALLIED POWERS (SCAP), JAPAN

DISPOSITION OF CORRESPONDENCE AND RECORDS

By direction of the President, the authority, responsibility and office of the Supreme Commander for the Allied Powers (SCAP), Tokyo, will terminate with the coming into effect of the Treaty of Peace with Japan at 9:30 a. m. e. d. s. t., 28 April 1952.

Correspondence which would otherwise be addressed to SCAP, or any SCAP agency, should be addressed to the U. S. Department of State, the Japanese Government or any of its agencies in accordance with the nature of the correspondence.

Correspondence addressed to SCAP, or any SCAP agency, but not received by the addressee before 28 April will be delivered to the U. S. Embassy, Tokyo, for appropriate disposition or return to sender.

Records pertaining to SCAP, or any SCAP agency, except those belonging to or loaned to the Diplomatic Section, SCAP, and certain other SCAP sections, are being deposited in the Departmental Records Branch of the Office of The Adjutant General of the Army in Alexandria, Virginia.

Records belonging to the Diplomatic Section, SCAP, and certain other SCAP Sections and records loaned to the Diplomatic Section, SCAP, for benefit of U. S. Department of State, will be available at the U. S. Embassy, Tokyo.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 52-4665; Filed, Apr. 24, 1952; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SALE OF MINERAL INTERESTS; NEW AND REVISED AREA DESIGNATIONS

ALABAMA, ARKANSAS, MICHIGAN, AND NORTH CAROLINA

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 Alabama, in alphabetical order, add the county "Pike"; under Michigan, in alphabetical order, add the county "Cheboygan"; and under North Carolina, in alphabetical order, add the counties "Pender" and "Wilkes".

In Schedule B, under Alabama, delete the county "Pike"; under Arkansas, in alphabetical order, add the county "Cross"; under Michigan, delete the county "Cheboygan"; and under North Carolina, delete the counties "Pender" and "Wilkes."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 21st day of April 1952.

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

[F. R. Doc. 52-4682; Filed, Apr. 23, 1952; 5:08 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3246 et al.]

PIONEER AIR LINES, INC., AND TRANS-TEXAS AIRWAYS; TEXAS LOCAL SERVICE CASE

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that hearing in the above-indicated proceeding will be held May 13, 1952, at 10:00 a. m., c. s. t., at the Melrose Hotel, Dallas, Texas, before Examiner Herbert K. Bryan.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether public convenience and necessity require amendment of certificates of public convenience and necessity held by Pioneer Air Lines, Inc., and/or Trans-Texas Airways so as to authorize

air transportation to various points in Oklahoma, Texas, Louisiana, and New Mexico, and amendment of the certificate of public convenience and necessity for route No. 64 held by Pioneer Air Lines, Inc., so as to eliminate service at Mineral Wells, Texas, and

2. Whether Pioneer Air Lines, Inc., and Trans-Texas Airways are fit, willing and able to provide such service as may be found required by the public convenience and necessity.

For further details of the issues involved in this proceeding, interested parties are referred to the applications, orders of the Civil Aeronautics Board and the Prehearing Conference Report which are on file in the docket.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding should file with the Board on or before May 13, 1952, a statement setting forth the issues of fact or law upon which he desires to be heard.

Dated at Washington, D. C., April 22, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-4663; Filed, Apr. 24, 1952; 8:51 a. m.]

[Docket Nos. 4034 et al. and 2832 et al.]

LAKE CENTRAL AIRLINES, INC., AND NATIONWIDE AIRLINES, INC.; REOPENED INDIANA-OHIO LOCAL SERVICE CASE AND REOPENED MICHIGAN-WISCONSIN SERVICE CASE

NOTICE OF HEARING

In the matter of the applications of Lake Central Airlines, Inc., and Nationwide Airlines, Inc., for renewal and/or issuance of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a consolidated public hearing in the above-entitled proceeding is assigned to be held on April 29, 1952, at 10:00 a. m., c. d. s. t., in Room 216, Post Office Building, Ohio and Pennsylvania Streets, Indianapolis, Ind., before Examiner R. Vernon Radcliffe.

The issues of law and fact to which evidence may be addressed have been limited by the Board orders reopening the record in these proceedings and in prehearing conference to the following:

1. Have Lake Central and/or Nationwide and their past and present officers and directors violated sections 403 (b), 407 (c), 407 (d), 408 (a), 409 (a), 409 (b), 412 (a), 902 (a), 902 (d), and 902 (e) of the act, and Parts 241 and 245 of the Board's economic regulations?

2. Has Lake Central's and/or Nationwide's management been honest, economical, and efficient?

3. Does Lake Central possess the fitness, willingness, and ability properly to perform the air transportation encompassed within the Dockets 4701, 4034, 4637, and 4638, and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder?

4. Does Nationwide possess the fitness, willingness, and ability properly to perform the air transportation encompassed within the Dockets 4701, 4034, 4637, and 4638, and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder?

5. Have unlawful interlocking directorates and common control situations, in violation of sections 408 and 409 of the act, existed, at least since August 1949, involving Lake Central, Nationwide Air Transport Services, Nationwide Airlines, Inc., Nationwide Maintenance, Inc., Frontier Air Motive, Inc., of Texas, Frontier Air Motive, Inc., of Delaware, Central Purchasing Agency, Inc., and R. Paul Weesner d/b/a Frontier Air Motive?

6. Has Lake Central and/or Nationwide failed to comply with the uniform system of accounts for air carriers and falsified accounts in the following manner:

A. Have Forms 41 filed by Lake Central been erroneous or false?

B. Did Lake Central's accounts reflect the receipt in 1951 of $4,400 by its executive vice president at or within a reasonable time after it was received?

C. Have Lake Central's aircraft been utilized in the operation of the intrastate route of Nationwide, and did Lake Central bear all the costs of such operation and receive none of the proceeds?

D. Have notes and chattel mortgages executed by Lake Central Airlines, totaling at least $160,000, executed in 1950 and 1951, been entered in Lake Central's books of accounts, and has Lake Central failed to enter in its accounts other notes?

E. Has Lake Central performed various services, such as dispatching service, of Nationwide for which it neglected to bill Nationwide, and which it failed to set up on its books as an account receivable for Nationwide?

F. Has Lake Central failed to enter on its books a liability estimated to be in the amount of $22,000 due Frontier Air Motive, Inc., of Delaware, as commissions in connection with a lease in 1951 of two C-46 aircraft, and has the agreement to pay commission been filed with the Board?

G. During 1951 did Lake Central borrow a large sum of money at an unreasonably high rate of interest from R. Paul Weesner at a time when Lake Central's executive vice president was utilizing Lake Central's funds for personal purposes and without paying interest to Lake Central, and was interest due R. Paul Weesner properly posted by Lake Central?

H. Were Lake Central's payments to Central Purchasing Company, Inc., unreasonable and improperly entered on Lake Central's books?

I. Did Lake Central acquire title in 1949 to a certain DC-3 aircraft which it permitted other persons to operate while Lake Central received no part of the proceeds for the operation of this plane, and in addition suffered a loss of at least $5,000 in cash as a result of the transaction? During a portion of the time that the title of this aircraft was held by Lake Central was it operated by Nationwide?

J. During 1951 did Lake Central unreasonably and unnecessarily expend sums of money to acquire the right to use the name Lake Central Airlines, Inc., in the State of Indiana, and were these expenditures improperly entered on Lake Central's books?

K. Do Lake Central's books, records, and reports correctly or accurately reflect title or ownership of aircraft and aircraft engines, and has Lake Central paid for aircraft engines it has never received?

7. Has Lake Central violated Board order Serial No. E-3127, dated August 9, 1949, as follows:

A. Was a certified balance sheet filed by Lake Central pursuant to that order incorrect and false?

B. Were all of the assets required by said order to be transferred to Lake Central actually transferred?

C. Did Lake Central improperly charge itself with the overhaul of DC-3 aircraft N-21777?

8. Did Lake Central pay unreasonable and unwarranted sums of money to World Airways, Inc., in connection with the lease or charter of aircraft from World Airways, Inc?

9. Has Lake Central paid unreasonable and excessive salary to its president, for which no, or practically no, services were rendered to Lake Central?

10. Has Nationwide paid to the Federal Goverment the proper amounts for Federal transportation tax on persons and property?

For further details of the authorizations sought, competitive applications, and prior proceedings herein, interested parties are referred to matters contained in the dockets on file with the Civil Aeronautics Board.

Dated at Washington, D. C., April 22, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-4662; Filed, Apr. 24, 1952; 8:51 a. m.]

[Docket No. 4979]

CARIBBEAN ATLANTIC AIRLINES, INC.; CERTIFICATE RENEWAL CASE, CIUDAD TRUJILLO-SAN JUAN ROUTE

NOTICE OF HEARING

In the matter of the application of Caribbean Atlantic Airlines, Inc., for a permanent or temporary certificate of public convenience and necessity.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on May 8, 1952, at 10:00 a. m. in the Conference Room at the Insular Department of Agriculture, Stop 19, San Turce, Puerto Rico, before Chief Examiner Francis W. Brown.

Dated at Washington, D. C., April 22, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-4664; Filed, Apr. 24, 1952; 8:52 a. m.]

[Docket No. SA-257]

ACCIDENT OCCURRING AT JAMAICA, LONG ISLAND, NEW YORK

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-1911M, which occurred at Jamaica, Long Island, New York, on April 5, 1952.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on May 6, 1952, at 9:00 a. m. (local time) in the Empire Room, Lexington Hotel, Forty-eighth and Lexington Avenue, New York, New York.

Dated at Washington, D. C., April 21, 1952.

[SEAL] ROBERT W. CHRISP, *Presiding Officer.*

[F. R. Doc. 52-4660; Filed, Apr. 24, 1952; 8:50 a. m.]

[Docket No. SA-258]

ACCIDENT OCCURING NEAR SAN JUAN, PUERTO RICO

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 88899, which occurred near San Juan, Puerto Rico, on April, 11, 1952.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Monday, May 5, 1952, at 9:00 a. m., e. s. t., in the Public Amusement and Park Administration Building, Ponce De Leon Avenue, Parada 8, San Juan, Puerto Rico.

Dated at Washington, D. C., April 21, 1952.

[SEAL] VAN R. O'BRIEN, *Presiding Officer.*

[F. R. Doc. 52-4661; Filed, Apr. 24, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1336, G-1573, G-1614, G-1808, G-1839, G-1848]

EAST TENNESSEE NATURAL GAS CO. ET AL.

NOTICE OF ORDER GRANTING MOTION TO SEVER PROCEEDINGS

APRIL 21, 1952.

In the matters of East Tennessee Natural Gas Company, Docket No. G-1336; Tennessee Gas Transmission Company, Docket No. G-1573; Tennessee Gas Transmission Company and United Natural Gas Company, Docket No. G-1614; The Manufacturers Light and Heat Company and United Fuel Gas Company, Docket No. G-1808; Republic Light, Heat and Power Company, Inc., Docket No. G-1839; City of Clarksville, Tennessee, Docket No. G-1848.

Notice is hereby given that on April 17, 1952, the Federal Power Commission issued its order entered April 15, 1952, granting motion to sever proceedings in G-1336 from G-1573 et al. in the above-entitled matters.

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

[F. R. Doc. 52-4635; Filed, Apr. 24, 1952; 8:45 a. m.]

[Docket No. G-1782]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF FINAL DECISION

APRIL 22, 1952.

Notice is hereby given that the Presiding Examiner's Decision, issuing a certificate of public convenience and necessity in the above-designated matter, was issued and served upon all parties on March 21, 1952. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said decision became effective on April 21, 1952, as the final decision and order of the Commission.

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

[F. R. Doc. 52-4639; Filed, Apr. 24, 1952; 8:46 a. m.]

[Docket No. G-1867]

CITIES SERVICE GAS CO.

NOTICE OF POSTPONEMENT OF HEARING

APRIL 21, 1952.

Upon consideration of request filed April 18, 1952, by Commission Staff Counsel for postponement of the hearing now scheduled for April 23, 1952, in the above-designated matter;

Notice is hereby given that said hearing be and it is hereby postponed to April 30, 1952.

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

[F. R. Doc. 52-4640; Filed, Apr. 24, 1952; 8:47 a. m.]

[Docket No. G-1882]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

APRIL 21, 1952.

Notice is hereby given that on April 18, 1952, the Federal Power Commission issued its order entered April 17, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

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

[F. R. Doc. 52-4636; Filed, Apr. 24, 1952; 8:46 a. m.]

[Docket Nos. ID-994, ID-1173]

ROY G. RINCLIFFE AND EMORY P. BAILEY

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLDER CERTAIN POSITIONS

APRIL 21, 1952.

In the matters of Roy G. Rincliffe, Docket No. ID-994; Emory P. Bailey, Docket No. ID-1173.

Notice is hereby given that on April 17, 1952, the Federal Power Commission issued its orders entered April 15, 1952, authorizing applicants to holder certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

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

[F. R. Doc. 52-4637; Filed, Apr. 24, 1952; 8:46 a. m.]

[Project No. 2070]

PATRICK CREEK CORP.

NOTICE OF ORDER ISSUING LICENSE (MINOR)

APRIL 21, 1952.

Notice is hereby given that on January 2, 1952, the Federal Power Commission issued its order entered December 27, 1951, issuing license (Minor) in the above-entitled matter.

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

[F. R. Doc. 52-4638; Filed, Apr. 24, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region II, Redelegation of Authority No. 32]

DIRECTORS OF DISTRICT OFFICERS, REGION II

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 60 (17 F. R. 3220), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse and Albany, New York, and the Newark and Trenton, New Jersey, Offices of Price Stabilization:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under section 2.12 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices de-

termined, reported or proposed under Ceiling Price Regulation 135.

This redelegation of authority is effective April 23, 1952.

JAMES G. LYONS,
Regional Director, Region II.

APRIL 22, 1952.

[F. R. Doc. 52-4657; Filed, Apr. 22, 1952; 4:05 p. m.]

[Region II, Redelegation of Authority No. 33]

DIRECTORS OF DISTRICT OFFICES, REGION II

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 61 (17 F. R. 3258), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse and Albany, New York and the Newark and Trenton, New Jersey, Offices of Price Stabilization, to act under sections 4 (a), (6), 6 (c), 6 (d), 7 (c), 9 (b) (3), 10, 14 (e), and 16 (b) of CPR 134.

This redelegation of authority is effective April 23, 1952.

JAMES G. LYONS,
Regional Director, Region II.

APRIL 22, 1952.

[F. R. Doc. 52-4658; Filed, Apr. 22, 1952; 4:05 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26990]

PASSENGER AUTOMOBILES BETWEEN POINTS IN ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

APRIL 22, 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. E. Kipp, Agent, for carriers parties to fourth-section application No. 26569.

Commodities involved: Passenger automobiles, carloads.

From: Points in Illinois and western trunk-line territories.

To: Destinations in Illinois and western trunk-line territories.

Grounds for relief: Rail competition, grouping, and to maintain adjustment prescribed or approved in Chrysler Corp. v. Akron, C. & Y. R. Co., 279 I. C. C. 377.

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. 52-4649; Filed, Apr. 24, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2831]

UNION ELECTRIC CO. OF MISSOURI

ORDER PERMITTING SUBMISSION OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS TO COMPETITIVE BIDDING

APRIL 21, 1952.

Union Electric Company of Missouri ("Union"), a registered holding company and an electric utility subsidiary of The North American Company, also a registered holding company, having filed an application-declaration, and amendments thereto, pursuant to sections 6 (b) or 6 (a) and 7 of the act, and Rule U-50, promulgated thereunder, with respect to the following transactions:

Union proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $30,000,000 principal amount of First Mortgage and Collateral Trust Bonds, __ percent series due 1982. The bonds are to be issued under and secured by a Mortgage and Deed of Trust dated June 15, 1937, as supplemented from time to time, and as to be further supplemented by a Supplemental Indenture to be dated May 1, 1952. The interest rate on the bonds (which shall be a multiple of ⅛ of 1 percent and the price, exclusive of accrued interest, to be paid to the company (which shall not be less than 100 percent or not more than 102.75 percent of the principal amount of said bonds) are to be determined by competitive bidding. The proceeds from the sale of the bonds are to be used by Union, in part, to carry on the system's construction program during 1952.

The proposed issuance and sale of said bonds having been expressly authorized by the Missouri Public Service Commission, the State Commission of the State in which Union is organized and doing business; and

Said application-declaration and the amendments thereto having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act; and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

Union having requested that the 10-day period for inviting bids, as provided in Rule U-50, be shortened to a period of 7 days and that the Commission's order become effective forthwith upon issuance; and

The Commission deeming it appropriate to consider the aforesaid amended application-declaration as a declaration pursuant to sections 6 (a) and 7 of said act and finding with respect to the proposed transactions that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said amended declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional conditions:

(1) That the proposed sale of the said bonds shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered with respect thereto in the light of the record as so completed, which may contain further terms and conditions as may then be deemed appropriate; and

(2) That jurisdiction be, and the same hereby is, reserved with respect to all fees and expenses incurred or to be incurred with respect to the transactions proposed herein.

It is further ordered, That the 10-day period for inviting bids, as provided in Rule U-50, be, and the same hereby is, shortened to a period of not less than 7 days.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52-4652; Filed, Apr. 24, 1952; 8:48 a. m.]