THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

# FEDERAL REGISTER

VOLUME 17 NUMBER 143

*Washington, Wednesday, July 23, 1952*

## TITLE 6—AGRICULTURAL CREDIT

### Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

PART 19—FEES AND CHARGES ON LAND BANK AND COMMISSIONER LOANS

REVISION OF REGULATIONS RELATING TO OPERATIONS OF FEDERAL LAND BANKS

Sections 10.30, 10.31, 10.32, 11.34, 11.35, 11.36, and 19.14 of Chapter I, Title 6, Code of Federal Regulations, relating to the operations of Federal land banks, are hereby deleted.

(Sec. 6, 47 Stat. 14; 12 U. S. C. 665)

I. W. DUGGAN,
*Governor.*

[F. R. Doc. 52-8059; Filed, July 22, 1952; 8:57 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

U. S. PUBLIC HEALTH SERVICE

1. Effective July 1, 1952, the list of positions excluded from the provisions of the Federal Employees Pay Act and the Classification Act in § 27.1 is amended by the addition of the following:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* * * *

Hospital Administration Resident, Freedmen's Hospital, third year approved postgraduate training.

Student Practical Nurse, U. S. Public Health Service, approved training during clinical affiliation.

2. Effective July 1, 1952, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended by the addition of the following:

§ 27.2 *Maximum stipends prescribed.* * * *

Hospital Administration Resident—Freedmen's Hospital: Third year approved postgraduate training: $2,400.

Student Practical Nurse—U. S. Public Health Service: Approved training during clinical affiliation—no stipend other than any maintenance provided.

(61 Stat. 737; 5 U. S. C. 1051-1058)

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

[F. R. Doc. 52-8033; Filed, July 22, 1952; 8:49 a. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

PART 116—CIVIL AIR NAVIGATION

LANDING REQUIREMENTS

CROSS REFERENCE: For amendment to § 116.3, *Landing requirements*, see Title 19, Chapter I, Part 6, *infra*.

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 5887]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SEWING MACHINE EXCHANGE, INC., ET AL.

Subpart—*Concealing or obliterating law required and informative marking:* § 3.1325 *Source or origin—Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* In connection with the offering for sale, sale and distribution of sewing machine heads for sewing machines in commerce, offering for sale, selling or distributing

(Continued on p. 6731)

## CONTENTS

FEDERAL REGISTER

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

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

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

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



## CONTENTS—Continued



## CONTENTS—Continued



## CONTENTS—Continued



## CODIFICATION GUIDE

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

## CODIFICATION GUIDE—Con.



foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Sewing Machine Exchange, Inc., et al., Philadelphia, Pa., Docket 5887, April 15, 1952]

*In the Matter of Sewing Machine Exchange, Inc., a Corporation, and Willis Harris, Jerry Fineman and Manual Harris, Individually and as Officers of Said Corporation*

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, respondent's answer, and a substitute answer (filed pursuant to the granting of motion so to do), which admitted all the material allegations of fact set forth in the complaint, but reserved the right to submit proposed findings and conclusions and also made certain other reservations.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon said complaint and substituted answer, no proposed findings and conclusions having been submitted on behalf of any party to the proceeding, and said examiner, having duly considered the record in the matter, excepting certain testimony and exhibits, in view of the filing of the admission answer, 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.

Thereafter the matter was disposed of by the Commission's "order denying motion to stay decision of the Commission, decision of the Commission and order to file report of complaint", Docket 5887, April 15, 1952, as follows:

The initial decision of the hearing examiner in this proceeding having been filed, and service thereof having been completed on March 15, 1952, and no notice of an appeal having been filed, and the respondents having filed a motion on March 31, 1952, that the Commission stay its decision in this matter until decisions are rendered by the Commission in certain other proceedings; and

It appearing that the grounds relied upon by the respondents in support of said motion are that the initial decision of the hearing examiner was filed prior to the issuance by the Commission of its order permitting the withdrawal of a certification of question to the Commission by the hearing examiner, and that the respondents are in close competition with the respondents in certain other proceedings pending before the Commission and that a decision adverse to the respondents at this time will prejudice the business interests of the respondents and create an inequitable situation; and

The Commission having duly considered said motion and the record herein and it appearing that the respondents were in no way prejudiced as a result of the hearing examiner having filed his initial decision prior to the issuance by the Commission of its order permitting withdrawal of the certification of question and further that there is not sufficient reason to warrant the staying of the decision in this proceeding until decisions in certain other matters have been rendered; and

The Commission being of the opinion that the initial decision of the hearing examiner is appropriate in all respects to dispose of this proceeding:

*It is ordered*, That the motion of the respondents that the Commission stay its decision in this proceeding be, and it hereby is, denied.

*It is further ordered*, That the initial decision of the hearing examiner, a copy of which is attached,[1] shall on the 15th day of April 1952 become the decision of the Commission.

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

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

*It is ordered*, That the respondents, Sewing Machine Exchange, Inc., a corporation, and its officers, and William (alias dictus Willis) Harris, Jerome (alias dictus Jerry) Fineman and Emanuel (alias dictus Manual) Harris, individually and as officers of said corporation, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machine heads for sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof.

Issued: April 15, 1952.

By the Commission.

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

[F. R. Doc. 52-8057; Filed, July 22, 1952; 8:56 a. m.]

[1] Filed as part of the original document.

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

### PART 6—AIR COMMERCE REGULATIONS

#### LANDING REQUIREMENTS

Section 6.3 *Landing requirements* of Title 19, Code of Federal Regulations, such section being also designated as § 116.3 of Title 8 and § 71.503 of Title 42, is hereby amended as follows:

Paragraphs (d), (e), and (f) are hereby redesignated as paragraphs (e), (f), and (g), and a new paragraph (d) is inserted reading as follows:

(d) *Permit to proceed; foreign aircraft.* (1) Aircraft are subject to customs entry when brought in for repairs or when otherwise treated as imported articles. The commander of an aircraft which is not treated as an imported article, which is registered in a foreign country, and which arrives in the United States carrying passengers for hire or merchandise shall, before the aircraft is ferried (proceeds in ballast) from the airport of first arrival to one or more airports in the United States, obtain from the collector of customs at the airport of first arrival a "Permit allowing aircraft of foreign registry to proceed from airport to airport in the United States," customs Form 4449, which shall be retained on board such aircraft while in the United States. At each airport visited, the customs officer there, or, if there is none, the airport manager, shall make an endorsement on the back of

customs Form 4449 showing the name of the airport, date and time of arrival, date and time of departure and purpose of the visit. The permit shall be surrendered to the collector of customs at the port of final clearance for a foreign destination, who shall satisfy himself prior to the issuance of clearance that the aircraft received proper customs treatment while in this country. The permit shall then be returned to the collector of customs at the port of issue.

(2) A copy of the permit shall be retained by the collector at the port where issued. If within 60 days after the issuance of such permit the said collector does not receive a report of the outward clearance of the aircraft covered thereby, the matter shall be reported to the supervising customs agent for investigation.

(3) Civil aircraft registered in the United States arriving from a foreign country with passengers carried for hire or merchandise, after proper customs treatment of their cargo (passengers carried for hire or merchandise), may be allowed to proceed upon their identity being established.

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(R. S. 161, sec. 23, 39 Stat. 892, as amended, sec. 24, 43 Stat. 166, R. S. 251, secs. 624, 644, 46 Stat. 759, 761, secs. 201, 367, 58 Stat. 683, 706, sec. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 8 U. S. C. 102, 222, 19 U. S. C. 66, 1624, 1644, 42 U. S. C. 202, 270, 49 U. S. C. 177)

[SEAL] O. B. STRUBINGER,
*Acting Commissioner of Customs.*
JOHN S. GRAHAM,
*Acting Secretary of the Treasury.*
W. P. DEARING,
*Acting Surgeon General,*
*U. S. Public Health Service.*
JOHN L. THURSTON,
*Acting Federal Security Administrator.*
PHILIP B. PERLMAN,
*Acting Attorney General.*

JULY 17, 1952.

[F. R. Doc. 52-8054; Filed, July 22, 1952; 8:55 a. m.]

---

[T. D. 53046]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

SUPPLIES FOR VESSELS OF WAR

The Department of State has furnished the Treasury Department an up-to-date list of countries which permit the withdrawal of supplies free of duty and tax by vessels of war of the United States while in ports of those countries. Therefore, § 10.59 (d), Customs Regulations of 1943 (19 CFR 10.59 (d)), containing a list of countries whose vessels of war shall be accorded the privilege of withdrawing supplies free of customs duties and internal-revenue tax while in ports of the United States, as provided for in section 309 (a), Tariff Act of 1930, as amended, is further amended to read as follows:

§ 10.59 *Exemption from customs duties and internal revenue tax.* * * *

(d) The privilege shall be accorded to vessels of war of the following countries:

| | |
|---|---|
| Argentina. | Ireland. |
| Australia. | Mexico. |
| Belgium. | The Netherlands. |
| Brazil. | New Zealand. |
| Canada. | Nicaragua. |
| Chile. | Norway. |
| Colombia. | Panama. |
| Cuba. | The Philippines. |
| Denmark. | El Salvador. |
| The Dominican Republic. | Spain. |
| | Sweden. |
| Ethiopia. | Thailand. |
| Finland. | Turkey. |
| France. | Union of South Africa. |
| Great Britain. | |
| Greece. | Uruguay. |
| Haiti. | Venezuela. |
| India. | |

(Sec. 5, 52 Stat. 1080; 19 U. S. C. 1309)

[SEAL] FRANK DOW,
*Commissioner of Customs.*

Approved: July 16, 1952.

JOHN S. GRAHAM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 52-8025; Filed, July 22, 1952; 8:48 a. m.]

---

# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

FLUORIDATED WATER AND PROCESSED FOODS CONTAINING FLUORIDATED WATER

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.27 *Status of fluoridated water and foods prepared with fluoridated water under the Federal Food, Drug, and Cosmetic Act.* (a) The program for fluoridation of public water supplies recommended by the Federal Security Agency, through the Public Health Service, contemplates the controlled addition of fluorine at a level optimum for the prevention of dental caries.

(b) Public water supplies do not ordinarily come under the provisions of the Federal Food, Drug, and Cosmetic Act. Nevertheless, a substantial number of inquiries have been received concerning the status of such water under the provisions of the act and the status, in interstate commerce, of commercially prepared foods in which fluoridated water has been used.

(c) The Federal Security Agency will regard water supplies containing fluorine, within the limitations recommended by the Public Health Service, as not actionable under the Federal Food, Drug, and Cosmetic Act. Similarly, commercially prepared foods within the jurisdiction of the act, in which a fluoridated water supply has been used in the processing operation, will not be regarded as actionable under the Federal law because of the fluorine content of the water so used, unless the process involves a significant concentration of fluorine from the water. In the latter instance the facts with respect to the particular case will be controlling.

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

Dated: July 17, 1952.

[SEAL] JOHN L. THURSTON,
*Acting Administrator.*

[F. R. Doc. 52-8041; Filed, July 22, 1952; 8:50 a. m.]

---

# TITLE 26—INTERNAL REVENUE

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

### Subchapter C—Miscellaneous Excise Taxes

[T. D. 5920; Regs. 132]

PART 325—EXCISE AND SPECIAL TAX ON WAGERING

REGISTRY, RETURN AND PAYMENT OF TAX

Regulations 132 amended to require persons liable for special (occupational) wagering tax to file returns and pay tax before commencing taxable activity and to file supplemental returns advising of all agents or employees engaged to receive wagers, or with respect to all persons for whom wagers are received.

On June 3, 1952, notice of proposed rule making regarding amendment of § 325.50 of Regulations 132 was published in the FEDERAL REGISTER (17 F. R. 4988). No objection to the rules proposed having been received, § 325.50 of Regulations 132 is amended to read as follows:

§ 325.50 *Registry, return, and payment of tax.* (a) No person shall engage in the business of accepting wagers subject to the 10 percent excise tax imposed by section 3285 of the Internal Revenue Code (see § 325.24) until he has filed a return on Form 11-C and paid the special tax imposed by section 3290. Likewise, no person shall engage in receiving wagers for or on behalf of any person engaged in such business until he has filed a return on Form 11-C and paid the special tax imposed by section 3290 of the Internal Revenue Code. Filing of successive applications and payment of tax by such persons are required on or before July 1 of each year thereafter during which taxable activity continues. The return, with remittance, shall be filed with the collector of internal revenue for the district in which is located the taxpayer's office or principal place of business. If such taxpayer resides in the United States, but has no office or principal place of business in the United States, the return shall be filed with the collector of internal revenue for the district in which he resides. If the taxpayer has no office, residence, or principal place of business in the United States, the return shall be filed with the Collector of Internal Revenue, Baltimore, Maryland. The collector, upon request, will furnish the taxpayer proper forms which shall be filled out and signed as indicated therein.

(b) Each return shall show the taxpayer's full name. A person doing business under an alias, style, or trade name shall give his true name, followed by his alias, style, or trade name. In the case of a partnership, association, firm,

or company, other than a corporation, the style or trade name shall be given, also the true name of each member and his place of residence. In the case of a corporation, the true name and title of each officer and his place of residence shall be shown.

(c) Each person engaged in the business of accepting wagers on his own account shall report on Form 11–C the name and address of each place where such business will be conducted and the name, address, and number appearing on the special (occupational) stamp of each agent or employee who may accept wagers on his behalf. Thereafter, a return shall be filed on Form 11–C, marked "supplemental", each time an additional employee or agent is engaged to receive wagers. Such supplemental return shall be filed not later than 10 days after the date such agent or employee is engaged to receive wagers and shall show the name, address, and number appearing on the special (occupational) stamp of each such agent or employee. As to a change of address, see § 325.57.

(d) Each agent or employee of a person accepting wagers shall report on Form 11–C the name and residence address of each person (i. e., individual, partnership, corporation, etc.) on whose behalf wagers are to be accepted. Thereafter, a return shall be filed on Form 11–C, marked "supplemental," each time the agent or employee is engaged or employed to receive wagers for a person or persons other than the person or persons first reported on Form 11–C. Such supplemental return shall be filed not later than 10 days after the date such agent or employee is engaged to receive wagers and shall show the name, business address, or, if none, the residence address of the person or persons by whom he is engaged to receive wagers. As to a change of address, see § 325.57.

The amendments made by this Treasury decision shall become effective September 1, 1952.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JOHN B. DUNLAP,
*Commissioner of Internal Revenue.*

Approved: July 16, 1952.

E. H. FOLEY,
*Acting Secretary of the Treasury.*

[F. R. Doc. 52-8055; Filed, July 22, 1952; 8:55 a. m.]

# TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 1, Revocation]

### GCPR, SR–1—DEFENSE AGENCY PRICING

Supplementary Regulation 1 to the General Ceiling Price Regulation was issued as an interim measure, applicable only to the GCPR, and was designed to prevent an undue effect of the "freeze" upon the defense program. The Office of Price Stabilization is issuing, simultaneously with this revocation, General Overriding Regulation 2, Revision 1, which incorporates all matters of a special and overriding nature applying to sales to the United States, its agents, and suppliers. As such it exempts certain transactions from ceiling price regulation, establishes alternative ceiling prices for some commodities and services, and creates special procedures for the establishment of ceiling prices of defense contractors. Necessary amendments and revocations of other regulations are being issued simultaneously. Therefore, Supplementary Regulation 1 to the General Ceiling Price Regulation is being revoked as well as certain portions of General Overriding Regulation 9.

The reasons for this action are set forth in the Statement of Considerations accompanying General Overriding Regulation 2, Revision 1.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, Supplementary Regulation 1 to the General Ceiling Price Regulation is hereby revoked, effective July 26, 1952.

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

ELLIS ARNALL,
*Director of Price Stabilization.*

JULY 21, 1952.

[F. R. Doc. 52-8121; Filed, July 21, 1952; 4:00 p. m.]

---

[General Overriding Regulation 2, Revision 1]

### GOR 2—SALES TO THE UNITED STATES, ITS AGENTS AND SUPPLIERS

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 2, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 2, Revision 1, covers all matters of a special and overriding nature applying to sales to the United States, its agents, and suppliers. As such, it continues various exemptions from ceiling price regulation, continues alternative ceiling prices from some commodities and services, and creates special procedures for the establishment of ceiling prices of defense contractors and subcontractors. It also requires certain defense contractors and subcontractors to include in their price proposals and contracts statements regarding their ceiling prices.

This General Overriding Regulation 2, Revision 1, does not list all commodities or services sold to the United States, its agents and suppliers which are exempted or suspended from ceiling price regulation. It does, however, list all commodities and services which are exempted from ceiling price regulation specifically because the sale is to an agency of the United States or one of its suppliers. For example, certain advertising novelties which are exempt from price control under General Overriding Regulation 5, regardless of the seller or purchaser, are not listed in this regulation, but other items which are generally subject to price ceiling regulations, such as aviation gasoline of 100 octane ASTM or higher, are listed in this General Overriding Regulation and may be exempted from ceiling price regulation when sold under a defense contract or subcontract.

The exemptions made by this General Overriding Regulation (GOR), the ceiling prices fixed by it, and the procedures provided for the establishment of ceiling prices are controlling, notwithstanding any other price regulation. To the extent of its coverage, this GOR supersedes all other price regulations. Accordingly, necessary amendments and revocations of other regulations are being issued simultaneously with the issuance of this regulation. Supplementary Regulation 1 (SR 1) to the General Ceiling Price Regulation (GCPR) is being revoked, as well as certain portions of GOR 9.

The need for combining into one regulation those exemptions, methods for establishing ceiling prices, and procedures, especially applicable to sales to the United States, its agents and suppliers, has been felt for some time, and various requests for this action have been made by other Government agencies, industry, and components of OPS. It is believed that this consolidation will be of substantial assistance to all concerned, including those suppliers who have occasion to deal with the Federal Government and who will be able to determine the existence of special exemptions and procedures applicable to Government purchases by examining a single regulation. Another reason for this action lies in the fact that with one or two exceptions the present special procedures and exemptions for defense contracts and subcontracts exist only with regard to commodities and services which are still covered by the GCPR. Thus, the exemptions set forth in SR 1 to the GCPR do not apply to the sale of any commodity or service subject to some other regulation (in the absence of a specific reference to SR 1). In order to make available uniform special procedures and exemptions for defense contracts and subcontracts which will be applicable and effective regardless of any other price regulation, the issuance of a General Overriding Regulation of this type is deemed necessary.

Since the GCPR was issued, ceiling price regulations generally have been applicable to sales to Government agencies and their suppliers. However, in order to prevent an undue adverse effect of the "freeze" upon the defense program, and until tailored regulations could be issued, SR 1 to the GCPR, issued February 1, 1951, exempted certain sales to defense agencies and their suppliers. It was not felt at that time that all of the considerations which supported the issuance of SR 1 would apply with equal force and effect to tailored price regulations, which it was expected would be issued as rapidly as possible, and which would supersede the GCPR and provide a more practicable and equitable form of price control. Subsequent study and experience indicated the

desirability of changing somewhat the extent of exemptions. As a result, General Overriding Regulation 9, originally issued on May 1, 1951 and later amended, restricted the number and type of commodities which were exempt from price control and which would otherwise come within the purview of CPR 30. General Overriding Regulation 2, Revision 1, therefore follows closely the list of exempt items set forth in GOR 9, as amended.

Some sections of SR 1, now revoked, have been omitted from this regulation. Thus, the exemption from the GCPR of sales by commissaries, exchanges, and stores under the supervision of the Department of Defense has been omitted from GOR 2, Revision 1, because in general such sales have for some time been under various numbered ceiling price regulations (e. g., CPR 6, 7, 15, 16, 134, etc.). Certain sales by the Atomic Energy Commission and sales of scrap, waste, damaged, and used materials or commodities by defense agencies have been exempted from the GCPR (but not necessarily from other ceiling price regulations) since October 4, 1951 by SR 72, and no exemption is provided for them in this regulation.

The provision in SR 1 which relieved Defense Agency officers from legal liability, as purchasers, under the Defense Production Act of 1950, as amended, was omitted from other regulations, issued since SR 1, which apply to defense agencies. Consequently, it is omitted from GOR 2. This fact does not change the existing situation with respect to most defense transactions subject to OPS regulations, since Defense Agency officers are now generally subject to legal sanctions, and the fact is mentioned only in an effort to clarify the existing situation.

GOR 2, Revision 1, is not simply a collation or consolidation of existing provisions contained in other regulations. Many changes dictated by study and experience during the past year have been made. The number of defense agencies covered has been enlarged. The conditions for exemption of certain items have been modified. Changes have been made in those sections dealing with "first production" contracts and emergency purchases. A new procedure for establishing ceiling prices for defense contractors and subcontractors has been provided.

Those items which are on the exempt list are there for three reasons: (1) The commodity or service is of a military nature and the imposition of price ceilings upon it is not practicable because of frequent, substantial, and unpredictable changes of specifications or production schedules, extraordinary and unpredictable start-up costs, or variations in the conditions under which contractors and subcontractors operate, resulting in unpredictable cost fluctuations; (2) The existence of procurement statutes, regulations and procedures, including price negotiation and redetermination techniques, whereby the defense agencies themselves can, to a considerable extent, perform the function which price ceilings would otherwise perform; and (3) The Office of Price Stabilization-Munitions Board agreement concluded in December 1951. While no one of these reasons, in and of itself, could justify the exemptions, the effect of all of them considered together has been persuasive.

Under the agreement of December 1951 the Director of Price Stabilization and the Chairman of the Munitions Board representing the Department of Defense, reached the following understanding:

(1) The Office of Price Stabilization will collaborate with the Department of Defense in reviewing defense contract pricing and repricing policies, procedures, and practices for items purchased by the military, including those under price ceilings and those exempt, and will make such visits to military procurement offices as the Office of Price Stabilization deems advisable in this connection.

(2) The Office of Price Stabilization will recommend procurement pricing policies, procedures, and practices which it deems essential to accomplish the objectives of the price stabilization program.

(3) The Department of Defense will supply to the Office of Price Stabilization statistical data requested by the Office of Price Stabilization on the amount of procurement under each major type of contract; on prices for commercial-type items of military procurement; and on prices, costs, profit allowances, and explanations of trends therein, for a list of selected, representative military-type end items, components, parts, and subassemblies.

(4) The Munitions Board and the Office of Price Stabilization have further agreed that if obstacles, such as shortages of qualified personnel involved in contract pricing or repricing, including price estimation, analysis, auditing, or statistical reporting of contract prices, should prevent adequate discharge of contract pricing or repricing operations, the Office of Price Stabilization has an obligation under the Defense Production Act to reconsider any existing or later exemptions or suspensions of military-procured items from price ceiling regulations.

As has been previously pointed out in the statement of considerations accompanying Amendment 12 to GOR 9, careful contracting, redetermination of prices, and renegotiation of contracts are not complete substitutes for ceiling price regulation. On the other hand, the need for avoiding substantial impediment to defense procurement cannot be questioned.

Under Article I, section 1, of this regulation, certain commodities are exempt from ceiling price regulation when sold under a defense contract or subcontract which provides for ultimate delivery of the commodity to a Defense Agency. These commodities are easily recognizable as military items. Certain other commodities sold under a defense contract or subcontract are also exempt, only when currently designed to meet military needs exclusively. Some of these commodities were previously exempt under SR 1 to the GCPR simply because they were sold under a defense contract or subcontract. Component parts and assemblies of most of the currently exempt end items are also exempt under the same conditions as are the end items. In section 2 certain services sold under defense contracts and subcontracts are exempt.

Certain personal and professional services previously exempted under GCPR by section 6 (a) of SR 1 are now largely exempted by GOR 14.

Practically the same exemptions as are now in sections 3, 4, and 5 were in SR 1 to the GCPR, although some clarifications and changes have been made. In section 3 certain sales by manufacturers of nonfood commodities under a defense contract or subcontract are exempt, subject to the conditions stated, where the commodity being produced or supplied, or a comparison commodity, has not been previously produced or supplied by the particular manufacturer, and where a period of time is required by the manufacturer to accumulate sufficient production experience to permit him to make a reasonably accurate estimate of his costs. Contracts, officially classified as "Secret" or above, are exempt under section 4. Under section 5, emergency purchases by defense agencies are exempt, subject to the conditions stated, where immediate delivery is imperative and it is impossible to secure delivery at the ceiling price. This section does not exempt Defense Agency contracts which must be placed immediately, but under which immediate delivery is not imperative. Sections 6 and 7 continue previously existing provisions in GOR 2. Section 6 exempts sales of certain strategic and critical materials to Federal agencies and instrumentalities under the Strategic and Critical Materials Stockpiling Act and the Defense Production Act of 1950, as amended. It also incorporates two exemptions heretofore in GOR 9 and CPR 17 concerning certain materials essential to the defense program and adds a provision permitting the establishment of resale ceiling prices for United States agencies and instrumentalities with respect to commodities purchased by them under this section. Such resale ceiling prices will be established at levels consistent with the stabilization program. Section 7 exempts sales of stamped envelopes to or by the United States Post Office and the paper manufactured for use in such envelopes. Section 8 is new and exempts certain experimental, developmental, and research services supplied to Federal agencies and instrumentalities. Section 9 incorporates a provision presently in GOR 14 and exempts services rendered by printers and binders pursuant to "Standard Rate" contracts entered into with the United States Government Printing Office.

Article II provides for the issuance at a later date of suspensions from ceiling price regulation should such action become desirable or necessary. The suspension from price control of sales by manufacturers of new and used aircraft, aircraft parts, and the licensing of aircraft production is not included here because those suspensions are not limited to manufacturers' sales to United States

agencies and their suppliers. They remain in GOR 9.

Article III is concerned with ceiling prices applicable to defense contracts and subcontracts. Under section 31, defense contractors and subcontractors for commodities to be delivered to Defense Agencies, and persons performing services on such commodities, are required to state the contractors' ceiling price, if the commodity or service has not been exempted from price control. This statement is to be included in the proposal and contract. However, an exception is made in the case of bids and offers submitted directly to the Defense Agencies pursuant to formal advertising for bids, and in the case of defense contracts resulting from such formal advertising.

Contracting officers of Defense Agencies, as well as prime contractors and subcontractors thereunder, can often use to good advantage information as to the ceiling price of the particular seller. Such information may assist materially in the negotiations. Since the Government and its contractors are subject to the sanctions of the Defense Production Act, it is felt that knowledge of the ceiling prices of suppliers will help them, as purchasers, to avoid violations and to assist in carrying out the stabilization effort. The necessity for stating the ceiling price will mean in most instances that the seller will have to compute or otherwise determine the ceiling price. This in itself will call his attention to the existence of price ceilings where applicable and will tend to counteract the impression which prevails to a considerable extent that persons dealing with the Government directly, or as subcontractors, are for this reason exempt from price control. An exception has been made to this requirement with respect to bids and offers submitted directly to a Defense Agency pursuant to formal advertising for bids, and with respect to defense contracts resulting therefrom. In such cases, defense agencies presently require prime contractors to certify that prices quoted to them do not exceed ceiling prices and normally accept the lowest responsible and responsive bid, unless such formal advertising has failed to produce adequate price competition.

Article IV continues existing provisions of GOR 2. As such it provides an alternative method for determining ceiling prices for sales to agencies of the United States and establishes ceiling prices for certain sales to the Office of Rubber Reserve in connection with the production and sale of synthetic rubber.

Article V provides a special procedure for establishing ceiling prices for defense contractors and subcontractors. The need for minimizing interference with the defense procurement program has already been emphasized. Unnecessary impediments to the defense program must be avoided, and OPS procedures should be designed to facilitate the establishment of ceiling prices of those commodities and services under ceiling price regulation which are purchased directly by defense agencies or by persons holding subcontracts. Under Article V, any seller who intends to enter into a defense contract or subcontract for the sale of a commodity or service for which a ceiling price or method for determining a ceiling price, has not been established (other than a method requiring application to OPS or requiring OPS approval of a proposed price) and who files an application or a request for approval of the ceiling price or method for determining a ceiling price, has the right, at the time the application is filed or at any subsequent time before OPS acts upon the application, to submit bids and enter into contracts at the price set forth in the application or request, to make deliveries under the contracts, and to be paid 75 percent of the amount set forth in the contract, provided he has complied with the filing requirements of section 51 and the contract and bid require him to make final settlement in accordance with the ceiling price subsequently established by OPS and to refund to the buyer any amount paid in excess thereof.

Substantially the same right was granted to defense contractors and subcontractors under Price Procedural Regulation 6, and Supplementary Order 9, issued by the Office of Price Administration. However, because of intense competition in the sale of waste, scrap, and salvage materials and the close similarity of functions among competitive sellers, any upward adjustment in selling price permitted a single seller of these materials would have the natural effect of diverting them from normal channels. OPA experience with this type of procedure indicated that substantial diversions of waste, scrap, and salvage materials did occur. For this reason Article V does not apply to these materials. Similar reasons make it undesirable to apply this procedure to sales of food commodities.

Although General Overriding Regulation 2, Revision 1, does not in itself contain provisions for adjusting OPS ceiling prices for defense contracts and subcontracts, special provisions for such adjustments are contained in General Overriding Regulation 29. Adjustments of Ceiling Prices of Certain Essential Commodities and Services, and reference to this regulation is made in Article VI.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, of means or aids to distribution. Insofar as any provision of this regulation may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation.

Since this regulation pertains to sales to the United States and its suppliers, consultations have been held with Government agencies responsible for procurement policy. However, due to its wide coverage, formal consultation with industry representatives, including trade association representatives, has been impracticable in the formulation of this regulation.

## REGULATORY PROVISIONS

### ARTICLE I—EXEMPTIONS

Sec.



### ARTICLE II—SUSPENSIONS



### ARTICLE III—STATEMENT REGARDING CEILING PRICES



### ARTICLE IV—ALTERNATIVE CEILING PRICES



### ARTICLE V—ESTABLISHMENT OF CEILING PRICES FOR DEFENSE CONTRACTS AND SUBCONTRACTS



### ARTICLE VI—ADJUSTMENT OF CEILING PRICES FOR DEFENSE CONTRACTS AND SUBCONTRACTS



### ARTICLE VII—GENERAL PROVISIONS



AUTHORITY: Sections 1 to 74 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—EXEMPTIONS

SECTION 1. *Certain commodities sold under a defense contract or subcontract.* No price regulation shall apply to the sale of any of the following commodities pursuant to a defense contract or subcontract (as defined in section 74) which provides for ultimate delivery of the commodity to a Defense Agency:

(a) Aircraft, ammunition, armored infantry carriers, armor plate, armored trains, artillery, automatic weapons, balloon barrage equipment, bombs, bomb directors, bomb sights, caissons, combat helmets, combat helmet liners, combat tanks, degaussing equipment, depth charges, fire control equipment (such as range, position, and height finders and aiming devices), gas masks, grenades, guided missiles, gun mounts, gun sights, machine guns, military bridges, military propellants, military tactical trucks and trailers, mines, mine sweeping equipment, missile and rocket launchers, mortars, projectiles, projector charges, rockets, self-propelled artillery, submarines, torpedoes, torpedo tubes, and toxicological agents.

(b) Any of the following commodities when currently designed to meet military needs exclusively: Beach markers, boats, canteens, canteen cups, cargo tractors, caskets, dehydrated foods, electronic and communication devices, ground handling equipment for aircraft, hand tools, harbor and yard craft, identification tags, instruments, landing mats, mobile units (including bath, laundry, shoe repair, and bakery), metal insignia, navigational buoys, parachutes, photographic equipment, pyrotechnics, radar, ration containers, ships, small arms, sonar, and steel nets and booms.

(c) Components, parts, assemblies, and subassemblies (including adjuncts, accessories, wire and cable, and spare parts, but not containers or packaging materials) of commodities, the sale of which is exempt from ceiling price regulation by paragraphs (a) or (b) of this section. However, this exemption does not apply unless such components, parts, assemblies, and subassemblies have been machined, or fabricated, and the part, assembly, or subassembly is in such form as to permit its use only in the manufacture of a commodity listed in paragraphs (a) or (b) of this section, and it is currently designed to meet military needs exclusively.

(d) Ammunition boxes, aviation gasoline of 100 octane ASTM or higher, cartridge cases, concertina barbed wire, military explosives, and source and fissionable materials.

(e) Completed operational rations—when made especially to military specifications and substantially different from any commodity normally produced in the industry for non-military purposes.

SEC. 2. *Certain services sold under a defense contract or subcontract.* No price regulation shall apply to the sale, pursuant to a defense contract or subcontract, of any of the following services:

(a) Repairs to and maintenance of boats, ships, and vessels;

(b) Aircraft services—lubrication, maintenance, painting, rental, repair, storage, washing, operation, conversion, modification, or other servicing thereof (including but not limited to maintenance of or repairs to engines, instruments, accessories, parts, and other equipment used in connection therewith);

(c) Preparation for shipment of commodities listed in section 1 (a), (b), or (c) (including but not limited to lubricating, painting, storing, packing, washing, testing, repairing, converting, modifying, and maintaining);

(d) Stevedoring and car loading and unloading;

(e) Tow boat, barge, and lighterage services and charter hire of ships and vessels;

(f) Cataloguing services, material identification services, and material preservation services except those pertaining to food;

(g) Construction services, including repairs, alterations, and maintenance, installed sales, and the installation and removal of building materials and equipment, performed in connection with any building, structure, or construction project.

(h) Marine salvage operations.

(i) Any manufacturing service supplied in the production of a product listed in section 1 (a), (b), or (c).

SEC. 3. *First production contracts.* (a) No price regulation shall apply to the sale by a manufacturer of any non-food commodity pursuant to a "first production" contract. This exemption does not apply to the sale of any commodity pursuant to a subcontract, unless such subcontract is a "first production" contract within the meaning of this section, nor does it apply to the delivery of any commodity after the expiration of the period when the contract is deemed a first production contract.

(b) A contract is, for the purpose of this section, a "first production" contract during the period of time required by the manufacturer for the accumulation of sufficient production experience to permit him to make a reasonably accurate estimate of his costs, but no contract shall be deemed to be a first production contract after six months from the date of completion by the manufacturer of production of the first unit of the commodity or a comparison commodity in his regular commercial stage of production as distinguished from his experimental or developmental stage.

(c) This exemption shall not apply to any sale unless both of the following conditions are complied with:

(1) At the time the contract is entered into the seller requests, and the Defense Agency gives the seller, a written certificate stating that the contract is a "first production" contract within the meaning of this section and containing the following information:

(i) Name and address of the seller;

(ii) Date and number of the contract;

(iii) Description of each commodity covered by the contract (nomenclature of commodity, materials used, manufacturing processes, whether standardized or custom made, designation of specifications or designs applicable);

(iv) The quantity of each commodity covered by the contract;

(v) The current price of each commodity covered by the contract;

(vi) Scheduled delivery dates of each commodity covered by the contract;

(vii) The reasons why the contract is considered to be a first production contract (why the seller cannot estimate costs accurately, how long he has produced item since end of developmental stage, how long before he can estimate costs accurately);

(viii) An estimate of the expected duration of the exemption (not to exceed the limitations set forth in paragraph (b)), and

(2) Within 15 days after the execution of the contract, the seller files with the Coordinator for Government Purchases and Sales, Office of Price Stabilization, Washington 25, D. C., one copy of the certificate required by subparagraph (1) of this paragraph.

(d) If at any time the Director of Price Stabilization determines after consultation with the certifying Defense Agency, that a period of time less than that certified by the Defense Agency is necessary for the accumulation of such experience, or that the contract is not a first production contract, and in writing so notifies such agency and the manufacturer of the commodity, this exemption shall not apply to the commodities thereafter sold, delivered, or supplied under the contract or subcontract to which such notice relates.

SEC. 4. *Secret contracts.* (a) No price regulation shall apply to the sale of any commodity or service pursuant to a contract which is officially classified by any agency of the United States as "Secret" or above. This exemption does not apply to the sale of any commodity or service pursuant to a subcontract unless such subcontract is classified as "Secret" or above.

(b) The classifying agency shall immediately notify the seller, whenever such contract or subcontract ceases to be secret. This exemption shall not apply after the seller is notified by the classifying agency that the contract or subcontract is no longer deemed to be secret.

SEC. 5. *Emergency purchases.* (a) No price regulation shall apply to the sale of any commodity or service to a Defense Agency under such circumstances as to make immediate delivery imperative, and as, in the judgment of the Defense Agency, to render it impossible to secure delivery at the ceiling price which would otherwise be applicable.

(b) This exemption shall not apply to any sale unless at the time of sale the Defense Agency gives the seller a written certificate stating that the sale is an emergency sale authorized by this section and containing the following information:

(1) Name and address of the seller;

(2) Date of the sale (i. e., date of contract, purchase order or agreement);

(3) Description of the commodity or service sold (nomenclature of commodity, materials used, manufacturing processes, whether standardized or custom made, designation of specifications or designs applicable);

(4) Quantity sold;

(5) The price at which sold;

(6) The seller's stated ceiling price.

(c) Within 15 days after such emergency purchase, the Defense Agency shall file with the Coordinator for Government Purchases and Sales, Office of Price Stabilization, Washington 25, D. C., one copy of the certificate required by paragraph (b) of this section, and a statement of the facts giving rise to the emergency situation which necessitated such purchase at a price higher than the applicable ceiling price.

SEC. 6. *Certain materials essential to the defense program.* (a) No price regulation shall apply to the sale to any agency or instrumentality of the United States, pursuant to the Strategic and Critical Materials Stockpiling Act (60 Stat. 596) as amended; 50 U. S. C. 98, or the Defense Production Act of 1950 (64 Stat. 803) as amended; 50 U. S. C. App Supp. 2101, of:

(1) Strategic and critical materials (as defined in section 74) mined or pro-

duced outside the United States, its territories, or possessions, or

(2) Strategic and critical materials mined or produced inside the United States, its territories, or possessions:

(i) Under any contract executed prior to January 25, 1951; or

(ii) Under any contract executed after January 25, 1951, with respect to which such agency or instrumentality has filed with the Coordinator for Government Purchases and Sales, Office of Price Stabilization, Washington 25, D. C., a certification that the marginal or submarginal character of the source or the necessity of constructing or installing substantial additional facilities or equipment renders it uneconomic to produce such material at the ceiling price otherwise applicable.

(b) No price regulation shall apply to the sale to any agency or instrumentality of the United States of tungsten concentrates (as defined in section 74) processed from ore produced outside the United States, its territories, or possessions.

(c) The Director of Price Stabilization may, upon application by the procuring agency or instrumentality referred to in paragraphs (a) and (b) of this section, establish a resale ceiling price with respect to any commodity purchased by such agency or instrumentality pursuant to those paragraphs.

(d) No price regulation shall apply to the sale of special hydrocarbon fractions or liquefied petroleum gas when sold for use in manufacturing the following products or components of such products:

(1) Synthetic rubber.

(2) Aviation gasoline of 100 octane ASTM or higher, toluene, benzene, or their components, when sold to a Defense Agency or to any person for use in connection with a defense contract or subcontract.

SEC. 7. *Stamped envelopes and paper.* No price regulation shall apply to the sale of stamped envelopes to or by the United States Post Office Department or the paper manufactured for use in such envelopes.

SEC. 8. *Experimental, developmental, and research services.* No price regulation shall apply to experimental, developmental, or research services (as defined in section 74) supplied to the United States or its agencies or instrumentalities.

SEC. 9. *Printing and binding services for the Government Printing Office.* No price regulation shall apply to the rates, fees, and charges for printing and binding services rendered by printers and binders pursuant to "Standard Rate Contracts" entered into with the United States Government Printing Office.

SEC. 10–20. (Reserved.)

ARTICLE II—SUSPENSIONS

SEC. 21–30. (Reserved.)

ARTICLE III—STATEMENT REGARDING CEILING PRICES

SEC. 31. *Defense contracts and subcontracts.* (a) Where there is knowledge or reason to believe that a commodity will ultimately be delivered to a Defense Agency, either in the same form or as a component, part, assembly, or sub-assembly of another commodity, every offer or bid submitted to a Defense Agency, or to a defense contractor or subcontractor, and every defense contract and subcontract, covering such commodity, must state the offeror's or contractor's ceiling price of such commodity, if the commodity is not exempt from OPS ceiling price regulation. Where there is knowledge or reason to believe that a service is or will be supplied in connection with the production, manufacture, processing, distribution, or packaging of a commodity which will ultimately be delivered to a Defense Agency, either in the same form or as a component, part, assembly, or sub-assembly of another commodity, every offer or bid submitted to a Defense Agency, or to a defense contractor or subcontractor, and every defense contract and subcontract, covering such service, must state the offeror's or contractor's ceiling price of such service, if the service is not exempt from OPS ceiling price regulation.

(b) This section does not apply to any bid or offer submitted directly to a Defense Agency pursuant to formal advertising for bids, nor to a contract with a Defense Agency resulting from any such bid or offer.

ARTICLE IV—ALTERNATIVE CEILING PRICES

SEC. 41. *Sales to the United States.* With respect to any sale to the United States or any agency thereof which is not exempt from ceiling price regulation, and notwithstanding the provisions of any other price regulation, you may determine your ceiling price for the sale of a commodity or service to the United States or any agency thereof by using as a base the ceiling price of the same commodity or service, when sold to a different class of purchaser, and by adjusting such price so as to reflect your customary discounts, allowances, and differentials (as defined in section 74) between such class of purchaser and the United States and its agencies.

SEC. 42. *Sales to the Office of Rubber Reserve, Reconstruction Finance Corporation.* Unless and until a price regulation establishes, provides for, or permits a higher ceiling price:

(a) The ceiling price for the sale (including sales made prior to the date of this regulation) to the Office of Rubber Reserve, Reconstruction Finance Corporation, of any commodity or service covered by any of the following contracts shall be the price specified in such contract:

(1) Any cost-plus-fixed-fee contract executed prior to or during the base period, December 19, 1950, through January 25, 1951;

(2) Any cost-plus-fixed-fee contract which was in the process of negotiation during the base period, December 19, 1950, through January 25, 1951, provided such negotiations were completed prior to July 26, 1951, and the fee schedule specified in such contract was established prior to or during such base period.

(b) The ceiling price for the sale (including sales made prior to the date of this regulation) to the Office of Rubber Reserve, Reconstruction Finance Corporation, of any commodity or service covered by any contract (other than a cost-plus-fixed-fee contract) which specifies a fixed price or a rate or pricing method negotiated prior to or during the base period, December 19, 1950, through January 25, 1951, shall be the highest price payable under such contract with respect to deliveries made or services supplied during said base period.

SEC. 43–50. (Reserved).

ARTICLE V—ESTABLISHMENT OF CEILING PRICES FOR DEFENSE CONTRACTS AND SUBCONTRACTS

SEC. 51. *Contracts and deliveries pending the establishment of a ceiling price.* Any seller who proposes to enter into a defense contract or subcontract for the production, manufacture, distribution or supply of a commodity or service for which a ceiling price or method for determining a ceiling price has not been established may file an application for or a request for approval of a ceiling price or method for determining a ceiling price in accordance with the provisions of the applicable price regulation.

SEC. 52. *Effect of filing.* Upon the filing of the application or request and until the issuance of an order granting or denying the application or request, (1) bids may be submitted and contracts may be entered into at the ceiling price proposed in the application or request, (2) deliveries may be made under such contracts, and (3) the buyer may pay and the seller may receive 75 percent of the ceiling price so proposed: *Provided*, The bid and contract stipulate in writing that final settlement shall be made at a price no higher than the ceiling price as established or determined by the employment of the pricing method established by OPS, or as subsequently adjusted by OPS, and that any amount paid in excess thereof will be immediately refunded to the buyer.

SEC. 53. *Exceptions.* This Article V does not apply to the sale of any commodity or service if the commodity or service or the price regulation covering its sale is listed below:

| COMMODITY |
|---|
| (1) Any waste, scrap, or salvaged materials. |
| (2) Food. |
| **REGULATION** |
| (1) CPR 6 Fats and Oils. |
| (2) CPR 53 Lead Scrap Materials, Secondary Lead, Antimonial Lead. |
| (3) CPR 54 Aluminum Scrap and Secondary Aluminum Ingot. |

SEC. 54–60. (Reserved).

ARTICLE VI—ADJUSTMENT OF CEILING PRICES FOR DEFENSE CONTRACTS AND SUBCONTRACTS

SEC. 61. *Right to apply for adjustment.* Applications for adjustment of ceiling prices for defense contracts and subcontracts may be filed in accordance with General Overriding Regulation 29, Ad-

justment of Ceiling Prices of Certain Essential Commodities and Services.

ARTICLE VII—GENERAL PROVISIONS

SEC. 71. *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, Revision 2.

SEC. 72. *Interpretations.* If you have any doubt as to the meaning of this regulation, you should write to the OPS for an interpretation. 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, Revision 2.

SEC. 73. *Prohibitions.* On and after the effective date of this General Overriding Regulation 2, Revision 1, no Government agency or official or employee thereof and no person subject to this regulation shall do any act prohibited or omit to do any act required by this regulation and shall not offer, solicit, attempt, or agree to do or not to do any such acts. Specifically (but not in limitation of the above) no such agency, official, employee or person shall sell, and no person in the regular course of trade or business (including any such agency or official or employee thereof) shall buy at a price higher than the ceiling price, and all such persons shall make the reports required by this regulation. Violations of any provisions of this general overriding regulation are subject to applicable criminal penalties, enforcement action, and action for damages.

SEC. 74. *Definitions.* Terms used in this General Overriding Regulation shall, unless defined herein, or unless the context requires a different meaning, have the same meaning as when used in the General Ceiling Price Regulation.

(a) "Customary discounts, allowances, and differentials" means discounts, allowances, and differentials in effect between January 1, 1950 and June 30, 1950.

(b) "Defense Agency" means the Department of Defense (including the Department of the Army, the Department of the Navy, and the Department of the Air Force), the Maritime Administration of the Department of Commerce, the United States Coast Guard, the Atomic Energy Commission, the Emergency Procurement Service of the General Services Administration, the Defense Materials Procurement Agency, and any official agency of a foreign Government

(c) "Defense Contract" means any purchase order or agreement with a Defense Agency.

(d) "Experimental, developmental, and research services" means services of theoretical analysis, exploratory studies, and experimentation in any field of science or technology, and services calling for the practical application of investigative findings and theories of a scientific or technical nature, and includes the incidental sale of such quantities and kinds of equipment, supplies, parts, accessories, patent rights, drawings, and designs by the person supplying such services as are necessary to the conduct of such services.

(e) "First production contract". This term is explained in section 3, where it appears.

(f) "Foreign Government" means the Government of any nation or state other than the United States of America.

(g) "OPS" means the Office of Price Stabilization.

(h) "Price regulation" means a ceiling price regulation heretofore or hereafter issued by the Office of Price Stabilization, and any amendment or supplement thereto or order issued thereunder.

(i) "Strategic and critical materials" means the materials set forth on the official list prepared by the General Services Administration and approved by the Director of Price Stabilization, or any amendment or supplement thereto. The term includes ores, concentrates, mattes, speiss, bullion, blister and the various forms of refined metal in standard commercial shapes, including ferro-alloys, powders, and chemical compounds of such metals; but it does not include such materials as alloy ingot, wire bar or billet, or alloyed or unalloyed rod, sheet, tube or extruded shapes or any other form which customarily commands a premium.

(j) "Subcontract" means any purchase order or agreement to perform all or any part of the work required under, or to make or furnish any commodity needed for the performance of a Defense Contract.

(k) "Tungsten concentrates" include wolframite, hubnerite, ferberite or natural or synthetic scheelite which has been separated from gangue or associated rocks by physical or chemical processes.

(l) "You" means a seller of any commodity or service and includes a manufacturer, wholesaler, and retailer.

*Effective date.* General Overriding Regulation 2, Revision 1, shall become effective the 26th day of July, 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.*

JULY 21, 1952.

[F. R. Doc. 52-8122; Filed, July 21, 1952; 4:00 p. m.]

---

[General Overriding Regulation 9, Amdt. 22]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

TRANSFER OF CERTAIN EXEMPTIONS AND SUSPENSIONS CONCERNING SALES TO THE UNITED STATES, ITS AGENTS AND SUPPLIERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 22 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 22 to General Overriding Regulation 9 removes from General Overriding Regulation 9 certain exemptions and suspensions concerning sales to the United States, its agents, and suppliers. Simultaneously with this action General Overriding Regulation 2 is being revised to cover all matters of a special and overriding nature applying to sales to the United States, its agents, and suppliers, including exemptions, suspensions and pricing procedures.

Among other things, General Overriding Regulation 2, Revision 1, now contains provisions dealing with the same subjects covered by those sections of General Overriding Regulation 9 which are being revoked. For example, General Overriding Regulation 2, Revision 1 exempts secret contracts, developmental contracts, (first production contracts) and emergency purchases, as well as certain military commodities and services, under the circumstances described in the regulation.

The reasons for this action are set forth in the statement of considerations accompanying General Overriding Regulation 2, Revision 1.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

1. Section 2 (a) (4) and section 2 (a) (5) are revoked.

2. Section 2 (b) (1), section 2 (b) (2), and section 2 (b) (3) are revoked.

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

*Effective date.* This Amendment 22 to General Overriding Regulation 9, is effective July 26, 1952.

ELLIS ARNALL,
*Director of Price Stabilization.*

JULY 21, 1952.

[F. R. Doc. 52-8123; Filed, July 21, 1952; 4:00 p. m.]

---

[General Ceiling Price Regulation, Amdt. 32]

GCPR—GENERAL CEILING PRICE REGULATION

SALES OF FERTILIZER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 32 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is issued to carry out the purposes of section 402 (d) (5) of the Defense Production Act of 1950, as amended. This provision was added by the Defense Production Act Amendments of 1952.

Section 402 (d) (5) provides, "For the purpose of determining the applicable ceiling price under the general ceiling price regulation issued January 26, 1951, as amended, any sale of fertilizer to the ultimate user by a person who acquired it for resale shall be considered a retail

sale." Accordingly, the definitions of "sale at retail" and "sale at wholesale" contained in section 22 of the General Ceiling Price Regulation are being amended to conform to this provision.

Heretofore dealers' sales of fertilizer to farmers have been treated under the General Ceiling Price Regulation as sales at wholesale because of the definition of wholesale sales contained in that regulation. As a consequence of this treatment, a dealer could not use a price as his ceiling price to a wholesale class of purchaser unless he made at least 10 percent by dollar volume of his total deliveries of the commodity during the period December 19, 1950 through January 25, 1951 to that class of purchaser at that price or at a higher price. This requirement is not applicable to sales at retail.

One effect of this amendment to the General Ceiling Price Regulation, therefore, is to remove from the coverage of the 10 percent rule resales of fertilizer to the ultimate user, including farmer-purchasers.

Another result of classifying these sales as retail sales is to render ineffective dealers' written price announcements as determinative of fertilizer ceiling prices under the circumstances set forth in section 3 (b) of the General Ceiling Price Regulation, since that paragraph deals only with sales by manufacturers and wholesalers.

One other change results from this amendment. Under section 6 of the GCPR, a seller prices new products by reference to a competitor's price and reports his action to OPS. If he is a wholesaler he must wait 30 days before selling at his proposed ceiling price, but if he is a retailer, he may sell as soon as the report is mailed. Under this amendment, the dealer is a retailer when selling fertilizer to an ultimate user and need not wait before selling a new fertilizer whose ceiling price is established by section 6.

Neither this amendment nor section 402 (d) (5) of the Defense Production Act of 1950, as amended, changes the general rule that a seller's ceiling price for fertilizer cannot exceed the highest price at which he delivered it during the period December 19, 1950 to January 25, 1951, inclusive, to a purchaser of the same class. A seller's own customary practice, during this base period, of charging different prices to different customers who may not have differed functionally, is sufficient to demonstrate his different classes of purchasers, and must be maintained, as explained in Interpretation 48 to the GCPR, issued February 15, 1952.

In view of the urgency of this amendment the Director has found it impracticable to consult with industry representatives, including trade association representatives.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is amended in the following respects:

1. The definition of "sale at retail and retailer" in section 22 is amended to read as follows:

*Sale at retail and retailer.* Sale at retail means a sale to an ultimate consumer other than an industrial or commercial user. In addition, for determining the applicable ceiling price under this regulation, any sale of fertilizer to the ultimate user by a person who acquired it for resale shall be considered a sale at retail. A seller who in the regular course of business makes sales at retail is a retailer.

2. The definition of "sale at wholesale and wholesaler" in section 22 is amended to read as follows:

*Sale at wholesale and wholesaler.* Sale at wholesale means a sale by a person who buys a commodity and resells it, without substantially changing its form, or who supplies a service, to an industrial or commercial user, or to any person other than the ultimate consumer. However, for determining the applicable ceiling price under this regulation, any sale of fertilizer to the ultimate user by a person who acquired it for resale shall be considered a sale at retail. A seller who in the regular course of business makes sales at wholesale is a wholesaler.

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

*Effective date.* This amendment is effective July 21, 1952.

ELLIS ARNALL,
*Director of Price Stabilization.*

JULY 21, 1952.

[F. R. Doc. 52-8120; Filed, July 21, 1952; 4:00 p. m.]

---

## Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-2 as Amended July 22, 1952]

### M-2—RUBBER

This order as amended is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 as amended, and the Rubber Act of 1948 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.

REGULATORY PROVISIONS

Sec.
1. Explanation.
2. Applicability of other regulations and orders.
3. Definitions.
4. Limitation on inventory of dry natural rubber.
5. Limitation on purchase of cold GR-S.
6. Limitation on use of pale crepe or sole crepe.
7. Reports of rubber consumption and stocks.
8. Reports by tire, tube, and camelback manufacturers.
9. Records and reports.
10. Request for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 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. *Explanation.* This amended order continues in effect certain restrictions applicable to cold GR-S and natural crepe rubber. The order contains no other controls on acquisition, inventories, and consumption of either natural or synthetic rubber. In the interest of national security, however, it has been jointly determined by the appropriate Government agencies that production by the Government-owned synthetic rubber plants should be maintained at levels substantially in excess of the minimum quantities required by the Rubber Act of 1948, as amended; viz, 200,000 long tons per annum for GR-S and 15,000 long tons per annum for butyl. In order to support the higher production levels desirable for national security, GR-S consumption cannot be permitted to fall below the rate of 450,000 long tons per annum, and butyl consumption cannot be permitted to fall below the rate of 60,000 long tons per annum. Since voluntary industry usage appears unlikely to drop below such levels, mandatory consumption of synthetic rubber has not been imposed, but if consumption falls below these levels the order will be amended by establishing industry-wide manufacturing specifications requiring the use of stated percentages of synthetic rubber in all rubber products. This action is in accord with the legislative policy of section 2 of the Rubber Act of 1948, as amended, which states that "In order to strengthen national security through a sound industry it is essential that * * * regulations requiring mandatory use of synthetic rubber * * * be ended and terminated whenever consistent with national security * * * ."

SEC. 2. *Applicability of other regulations and orders.* Nothing contained in this order as amended shall be construed to relieve any person from complying with such limitations as may be contained in any other applicable NPA regulation or order, or any order or regulation of any other competent authority. Moreover, nothing contained in this order as amended shall be construed as relieving any person of any obligation or liability incurred under this order as originally issued or as amended from time to time.

SEC. 3. *Definitions.* As used in this order:

(a) "Natural rubber" means all forms and types of tree, vine, or shrub rubber, both dry and latex, including all grades of wild rubber, but excluding balata, gutta percha, and reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis in solid or latex form, prepared from a diolefin or derivative therefrom as an essential component, similar in general properties and applications to natural

rubber and specifically capable of vulcanization, but excluding reclaimed synthetic rubber.

(e) "GR–S" means a general-purpose synthetic rubber of the butadiene or butadiene-styrene type produced in the United States, generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Cold rubber" means GR–S polymers produced at low temperatures as classified by the Reconstruction Finance Corporation.

(g) "Butyl" or "GR–I" means special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but excluding reclaimed special-purpose synthetic rubber.

(h) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(i) "New RHC" means total new rubber hydrocarbon. This is the total content of dry natural rubber, natural rubber latex, synthetic rubber (including the oil in oil-extended GR–S), uncured scrap rubber, and uncured in-process materials.

(j) "Pale crepe" means dry natural rubber produced from the fresh coagula of natural liquid latex meeting the specifications of the Rubber Manufacturers Association for pale latex crepes, thick or thin, number IX, 1, or 2.

(k) "Sole crepe" means dry natural rubber produced from pale crepe which has not been compounded, vulcanized, or physically attached to any manufactured product.

(l) "Consume" means (in the case of dry natural rubber, natural rubber latex, or synthetic rubber) to compound, expend, formulate, or in any manner make any substantial change in the form, shape, or chemical composition thereof.

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

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

SEC. 4. *Limitation on inventory of dry natural rubber.* Inventories of dry natural rubber are subject to the provisions of NPA Reg. 1.

SEC. 5. *Limitation on purchase of cold GR–S.* No person may purchase for delivery during the third calendar quarter of 1952, or any subsequent calendar quarter, a quantity of dry cold GR–S in excess of 70 percent of all of the dry GR–S he purchases from the Reconstruction Finance Corporation for delivery during that calendar quarter.

SEC. 6. *Limitation on use of pale crepe or sole crepe.* No person shall use or consume any pale crepe or sole crepe in the manufacture of pneumatic tires, shoes, shoe soles, heels, welting, or wrappers.

SEC. 7. *Reports of rubber consumption and stocks.* Every person who consumes or owns, at any time during any month, any type of rubber listed in this section shall file a monthly report on Form NPAF–3 with NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production, and shipments. Those persons who consume rubber for the production of both transportation and nontransportation products shall also file a monthly report on Form NPAF–3A, showing, separately, consumption by type of rubber for each of the two product groups. Also, any person who does not file a Form NPAF–3 for any type of rubber listed in this section for each month of any calendar year shall file an annual report for such year on Form NPAF–4. Any person who consumes rubber as part of a scientific laboratory experimental program only, shall file his report annually on Form NPAF–4. Each person who is hereby required to file Form NPAF–4 shall do so by the twentieth of January of each year.

TYPES TO BE REPORTED

Dry natural rubber.
Natural rubber latex.
Reclaimed rubber.
GR–S types, excluding latex.[1]
GR–S type latex.[1]
Butyl types.[1]
Neoprene, excluding latex.
Neoprene latex.
Butadiene-acrylonitrile types (N-type) excluding latex.
Butadiene-acrylonitrile types (N-type) latex.

SEC. 8. *Reports by tire, tube, and camelback manufacturers.*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file with NPA a report of his production, shipments, and inventory for each calendar month on Form NPAF–5 in accordance with the instructions accompanying the form.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file with NPA a report of his production of cured tires for each week on Form NPAF–6 in accordance with the instructions accompanying the form.

SEC. 9. *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 Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *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 adjustment 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. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–2.

SEC. 12. *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.

This order as amended shall take effect July 22, 1952.

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

[F. R. Doc. 52–8132; Filed, July 22, 1952; 11:14 a. m.]

[1] Includes all types; whether obtained from Government or other sources, including imports.

[NPA Order M-50, Direction 1 of July 22, 1952]

## M-50—Electric Utilities

### DIR. 1—TEMPORARY SUSPENSION OF INVENTORY LIMITATIONS ON COPPER AND ALUMINUM

This direction under NPA Order M-50 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, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Suspension of inventory limitations.

Authority: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 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 direction does.* In view of the work stoppage in the steel industry and consequent interruption in meeting schedules of construction authorized under NPA Order M-50, this direction temporarily accords electric utilities the privilege of exceeding inventory restrictions upon copper and aluminum.

Sec. 2. *Suspension of inventory limitations.* (a) An electric utility may accept delivery of any item of copper controlled material and any item of aluminum controlled material without regard to the inventory limitations of NPA Order M-50.

(b) Nothing in this section shall be construed to permit any electric utility to obtain any controlled material or to make allotments in excess of the related allotment received by it or in excess of the quantities for which it is permitted to self-authorize delivery orders.

This direction shall take effect July 22, 1952.

National Production Authority,
By John B. Olverson,
*Recording Secretary.*

[F. R. Doc. 52-8133; Filed, July 22, 1952; 11:14 a. m.]

---

[NPA Order M-82 as Amended July 22, 1952]

## M-82—Distribution of Brass Mill Products to Distributors

This amended NPA Order M-82 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, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the order affects many different trades and industries.

This amendment affects NPA Order M-82 as last amended May 28, 1952, by increasing the monthly quotas of X-6 orders which distributors may place with brass mills or other distributors.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. How a distributor obtains brass mill products.
4. Monthly X-6 quotas on orders placed with brass mills or other distributors.
5. Limitations on acceptance of X-6 orders by brass mills or distributors.
6. Limitations on acceptance of orders by distributors.
7. Inventory limitations.
8. Certification.
9. Applicability of other regulations and orders.
10. Records and reports.
11. Request for adjustment or exception.
12. Communications.
13. Violations.

Authority: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 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.* The purpose of this order is to provide for the restoration and maintenance of reasonable inventories by distributors of brass mill products. It describes how orders for brass mill products shall be accepted and filled by distributors and how such shipments shall be replaced by brass mills. It authorizes distributors to place authorized controlled material orders within certain limitations, sets forth limitations on the required acceptance of such orders by brass mills, and revokes the authority of distributors to place orders certified under Direction 1 to NPA Order M-11.

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

(a) "Base period" means the period commencing January 1, 1947, and ending June 30, 1950.

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

(c) "Brass mill products" means copper and copper-base alloys in the following forms: sheet, plate, and strip, in flat lengths or coils; rod, bar, shapes, and wire (except copper wire mill products); anodes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs.
Cups.
Blanks and segments.
Forgings (except anodes).
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.

(d) "Brass mill" means any person who produces brass mill products.

(e) "Item of brass mill products" means a particular brass mill product of one given dimension (except length), shape, temper, alloy, and finish.

(f) "Inventory" means brass mill products owned by a distributor or held by him on consignment within the United States, its territories and possessions, for resale as brass mill products. It does not include brass mill products held by him for fabrication, whether for his own account or for others, or direct mill shipments by a mill to a distributor's customer.

(g) "Distributor" means any person (including a warehouseman or jobber but not a retailer) engaged in the business of stocking brass mill products received from a brass mill or another distributor at a location regularly maintained by him for such purpose, for sale or resale in the form or shape as received, or after performing the operations described in this paragraph, and who, in connection therewith, maintains facilities and equipment necessary to conduct such business. Such operations are straightening, threading, chamfering, cutting to width and length, and edging. A distributor shall be deemed to be such only with respect to such brass mill products as are regularly maintained in his inventory. Occasional or accommodation sales, or purchases from brass mills or other distributors, shall not constitute engaging in the business of distributing brass mill products. Any brass mill maintaining an inventory of brass mill products at a location other than the mill and regularly engaging in the business of making sales from such inventory as a distributor shall be deemed to be a distributor with respect to such inventory and business for the purposes of this order. Any distributor operating more than one warehouse may consider all warehouses operated by him as one warehouse for the purpose of this order.

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

Sec. 3. *How a distributor obtains brass mill products.* (a) Commencing on September 1, 1951, and subject to the quantity limitations contained in sections 4 and 7 of this order, a distributor may apply the allotment symbol X-6 to orders for brass mill products for the purpose of replacing his inventory of such products.

(b) A delivery order bearing the symbol X-6, together with the certification provided for in section 8 of this order, shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(c) Commencing on May 28, 1952, any distributor who during the preceding calendar month has delivered brass mill products from his inventory to fill authorized controlled material orders which bear program identifications consisting of the letter A, B, C, or E, followed by a digit, or the program identification Z-2, or a program identification

containing the suffix B–5, in obtaining materials to replace in inventory the brass mill products covered by such orders may append as a suffix to the X–6 allotment symbol the program identification B–5, so that the authorized controlled material order placed by him will contain a program identification which reads X–6–B–5.

(d) Subject to the limitations of any other applicable NPA regulation or order, a distributor may purchase brass mill products without limitation where such purchase is not a purchase made from a domestic brass mill or another distributor which will result in a violation of section 4 or 7 of this order. A distributor may apply the allotment symbol X–6 to all his orders for brass mill products. Such orders are hereby designated authorized controlled material orders for the purpose of section 17 (d) of CMP Regulation No. 1.

SEC. 4. *Monthly X–6 quotas on orders placed with brass mills or other distributors.* Any distributor who during the preceding calendar month has delivered brass mill products from his inventory to fill authorized controlled material orders placed with him may place an order with a brass mill or another distributor for replacement in his inventory of an equal weight of brass mill products, to which order the allotment symbol X–6 may be applied. In addition, a distributor whose inventory (by weight) on the last business day of any calendar month is less than his average monthly inventory (by weight) during the base period may place an order bearing the allotment symbol X–6 with a brass mill or another distributor during the succeeding month for 15 percent of the difference between his average monthly inventory (by weight) during the base period and such inventory at the end of the month. The total weight of material covered by orders placed by any distributor with brass mills and other distributors in each month and bearing the allotment symbol X–6 shall, however, in no event exceed 150 percent of the average monthly weight of deliveries of brass mill products from brass mills and other distributors to such distributor during the base period. In determining average monthly inventory during the base period or average monthly deliveries of brass mill products during the base period, a distributor may exclude any months during the base period in which he was not engaged in the business of distributing brass mill products.

SEC. 5. *Limitations on acceptance of X–6 orders by brass mills or distributors.* (a) A brass mill or another distributor need not accept an X–6 order from any distributor if such distributor was not a purchaser of brass mill products from him during the base period.

(b) A brass mill or another distributor need not accept an X–6 order from a distributor for any item of brass mill products which such distributor did not purchase from him during the base period.

(c) Any distributor who is unable to place an order bearing the allotment symbol X–6 due to the limitations of this section should apply to the National Production Authority, Washington 25, D. C., Ref: M–82, specifying the brass mills or distributors that refused to accept the order. NPA will assist him in locating sources of supply.

SEC. 6. *Limitations on acceptance of orders by distributors.* (a) A distributor may not accept for delivery from his inventory (1) any one order from any one person for more than 2,000 pounds of any item of brass mill products except condenser tubes, or for more than 10,000 pounds of condenser tubes, without the written approval of NPA, or (2) orders for any brass mill products in excess of the distributor's inventory of such products (including such products in transit to the distributor) on the date of the receipt of such order. Distributors are not required to accept an authorized controlled material order for more than 500 pounds of any item of brass mill products or 50 percent of the distributor's inventory of such item, whichever is less, unless otherwise directed by NPA. For the purposes of the quantity limitations of this section, a distributor shall regard separate orders placed for delivery in the same month for the same item by any person as one order.

(b) A distributor may accept an order for brass mill products for direct shipment from the brass mill to the customer only to the extent that such order is acceptable to the brass mill. Such a transaction shall not be considered a sale or delivery by a distributor for the purposes of this order. In forwarding such an order to the brass mill for acceptance, the distributor must furnish the brass mill with the name and address of the customer, the date and number of the customer's order, the authorized controlled material order allotment symbol, and a copy of the certification, which copy, however, need not be a duplicate original. An order for brass mill products for direct shipment from the brass mill to the customer may be shipped to the distributor who placed the order with the brass mill, but in that event the distributor may not incorporate the material so received physically in his inventory, and must use all such material only for the purpose of filling the order for which it was received.

(c) A distributor may not accept any order for copper controlled materials except an authorized controlled material order, or ship or deliver any copper controlled material except pursuant to an authorized controlled material order valid for the calendar quarter in which delivery is requested, unless the quantity of material to be delivered on any one sale to any one person aggregates less than 25 pounds. Only sales on authorized controlled material orders are replaceable under the provisions of the first sentence of section 4 of this order.

SEC. 7. *Inventory limitations.* No distributor may accept delivery of brass mill products from domestic brass mills or other distributors if his inventory is, or by such receipt would become, in excess of his average monthly inventory during the base period (excluding therefrom the months during which he was not engaged in the business of distributing brass mill products) or in excess of a practicable minimum working inventory as defined in NPA Reg. 1, whichever is less.

SEC. 8. *Certification.* Any order for brass mill products placed by a distributor with a supplier and bearing the allotment symbol X–6 pursuant to this order shall contain a certification in substantially the following form:

Certified under CMP Regulation No. 1 and NPA Order M–82

This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an authorized controlled material order under the provisions of this order to obtain the material covered by the delivery order.

SEC. 9. *Applicability of other regulations and orders.* Nothing in this order shall be construed to relieve any person from the obligations of complying with such limitations as may be contained in any other applicable regulation or order of NPA or of any order of any other competent authority.

SEC. 10. *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 at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *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 his business operation was commenced during or after the base period, that any provision otherwise 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 adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation

of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-82.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This amended order shall take effect July 22, 1952.

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

[F. R. Doc. 52-8134; Filed, July 22, 1952; 11:15 a. m.]

---

[NPA Order M-86, Amendment 1 of July 22, 1952]

## M-86—DISTRIBUTION OF COPPER WIRE MILL PRODUCTS TO DISTRIBUTORS

### INCREASE IN MONTHLY QUOTAS OF X-6 ORDERS

This amendment of NPA Order M-86 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 amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different trades and industries.

### AMENDATORY PROVISIONS

This amendment affects NPA Order M-86 as last amended May 28, 1952, as follows:

Section 4 is amended by increasing the monthly quotas of X-6 orders which distributors may place with copper wire mills or other distributors, so that the section as amended now reads as follows:

SEC. 4. *Monthly X-6 quotas on orders placed with copper wire mills or other distributors.* (a) Subject to the inventory limitations of section 7 of this order, any distributor, who during the preceding calendar month (commencing with the preceding calendar month of June 1952 has delivered copper wire mill products from his inventory to fill authorized controlled material orders placed with him, may place an order or orders with a copper wire mill or another distributor for a quantity of copper wire mill products equal to 150 percent of such deliveries (measured in pounds of copper content) made during the preceding calendar month. The allotment symbol X-6 may be applied to any such order or orders so placed with a copper wire mill or another distributor: *Provided, however,* That, commencing with the first calendar month succeeding the calendar month in which any distributor's inventory has reached the maximum level permitted by section 7, he may not place an order or orders with copper wire mills or other distributors which in the aggregate require the delivery of a quantity of copper wire mill products in excess of 100 percent of the deliveries of such products which he made from his inventory to fill authorized controlled material orders during the preceding calendar month.

(b) A distributor shall reduce or cancel outstanding orders to the extent that the aggregate of such orders calls for delivery of a quantity of material in excess of the quantity he would be permitted to receive under section 7 at the time such orders are scheduled for delivery.

(c) A distributor may not place duplicate orders bearing the symbol X-6 in anticipation of cancelling one upon delivery of the other.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect July 22, 1952.

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

[F. R. Doc. 52-8135; Filed, July 22, 1952; 11:15 a. m.]

---

# Chapter XVII—Housing and Home Finance Agency

[CR 2, Amdt.]

## CR 2—RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR AREAS AFFECTED BY SAVANNAH RIVER (S. C. AND GA.), PADUCAH (KY.), AND REACTOR TESTING STATION (IDAHO) INSTALLATIONS OF THE ATOMIC ENERGY COMMISSION

### GEOGRAPHICAL AREAS AFFECTED

On February 27, 1952, Regulation CR 2, as revised and amended, was published in the FEDERAL REGISTER at 17 F. R. 1721. In section 3 of said regulation certain geographical limits are set forth describing three separate areas affected by installations of the Atomic Energy Commission. Paragraph (a) of section 3 describes the geographical area affected by the Savannah River Atomic Energy Commission installation. An amendment to this area was subsequently published in the FEDERAL REGISTER on April 4, 1952 (17 F. R. 2934). Paragraph (a) of section 3 of CR 2 is hereby further amended to read as follows:

(a) Savannah River, Georgia-South Carolina, Area. (Aiken, Allendale, Barnwell and Bamberg Counties, and Orangeburg County, except the Townships of Elloree, Eutaw, Holly Hill, Providence and Vance, all in South Carolina; and Richmond, Columbia, and McDuffie Counties, and District 81—Wrens (including Wrens Town) in Jefferson County, all in Georgia.)

B. T. FITZPATRICK,
*Acting Housing and Home Finance Administrator.*

JULY 23, 1952.

[F. R. Doc. 52-8042; Filed, July 22, 1952; 8:50 a. m.]

---

# Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 9]

[Rent Regulation 2, Amdt. 8]

## RR 1—HOUSING

## RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

### MISCELLANEOUS AMENDMENTS

Effective July 23, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of July 1952.

TIGHE E. WOODS,
*Director of Rent Stabilization.*

1. Sections 147, 148 and 149 of Rent Regulation 1 are amended to read as follows:

SEC. 147. *Adjustment in maximum rent for decreases.* The order on any petition under section 146 may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by section 146 may be decreased in accordance with the provisions of section 159.

SEC. 148. *Refund to tenant for decreases on or after April 1, 1948.* If the landlord fails to file the report required by section 146 within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or April 1, 1948, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment: *Provided, however,* That the Director may issue an order relieving the landlord of the duty to refund the excess rent for any rental period if the Director finds that during such period the landlord did not know of his obligation to furnish the services, furniture, furnishings or equipment, or the Direc-

tor may issue an order relieving the landlord of the duty to refund the excess rent, in whole or in part, if the Director finds that the issuance of such an order would not be inconsistent with the purposes of the act and regulation. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 3.

SEC. 149. *Adjustment in maximum rent for decreases prior to April 1, 1948.* Where a landlord decreased living space, services, furniture, furnishings, or equipment before April 1, 1948, while the accommodations were occupied, or decreased the living space, services, furniture, furnishings, or equipment during such period while the accommodations were vacant, and failed or fails to file a petition or a written report as was required by the provisions of former § 825.5 (b) prior to April 1, 1948 (24 CFR 1947 Supp.), the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in living space, services, furniture, furnishings, or equipment: *Provided, however,* That the Director may issue an order relieving the landlord of the duty to refund the excess rent for any rental period if the Director finds that during such period the landlord did not know of his obligation to furnish the living space, services, furniture, furnishings or equipment, or the Director may issue an order relieving the landlord of the duty to refund the excess rent, in whole or in part, if the Director finds that the issuance of such an order would not be inconsistent with the purposes of the act and regulation. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 3.

2. Section 149 of Rent Regulation 2 is amended to read as follows:

SEC. 149. *Refund to tenant for decreases.* If the landlord fails to file the report required by sections 146 and 147 within the time specified, or decreases the services, furniture, furnishings, equipment, or living space without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, or the effective date, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, equipment, or living space: *Provided, however,* That the Director may issue an order relieving the landlord of the duty to refund the excess rent for any rental period if the Director finds that during such period the landlord did not know of his obligation to furnish the living space, services, furniture, furnishings or equipment, or the Director may issue an order relieving the landlord of the duty to refund the excess rent, in whole or in part, if the Director finds that the issuance of such an order would not be inconsistent with the purposes of the act and regulation. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 3.

[F. R. Doc. 52-8047; Filed, July 22, 1952; 8:53 a. m.]

---

[Rent Regulation 1, Amdt. 65 to Schedule A]

[Rent Regulation 2, Amdt. 63 to Schedule A]

## RR 1—HOUSING

## RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

### SCHEDULE A—DEFENSE-RENTAL AREAS

### CALIFORNIA, IOWA, OHIO, AND PENNSYLVANIA

Effective July 23, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of July 1952.

TIGHE E. WOODS,
*Director of Rent Stabilization.*

1. Schedule A, Item 33a, is amended to describe the counties in the defense-rental area as follows:

Monterey County, except the Cities of Carmel-by-the-Sea and Salinas.

In Monterey County, the Townships of Alisal, Castroville, Gonzales, Monterey, Pacific Grove and Pajaro, except the Cities of Carmel-by-the-Sea and Salinas.

In Santa Cruz County, the Township and City of Watsonville; in San Benito County, the Townships of Hollister and San Juan.

This decontrols the City of Salinas in Monterey County, California, a portion of the Monterey Bay, California, Defense-Rental Area.

2. Schedule A, Item 38, is amended to describe the counties in the defense-rental area as follows:

San Francisco County.

This decontrols Sonoma County, California, a portion of the San Francisco Bay, California, Defense-Rental Area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended.

3. In Item 112 of Schedule A, all that which pertains to Lee County, Iowa, is deleted.

This decontrols the City of Keokuk in Lee County, Iowa, a portion of the Burlington, Iowa, Defense-Rental Area.

4. Schedule A, Item 113, is amended to describe the counties in the defense-rental area as follows:

In Linn County, the City of Cedar Rapids.

This decontrols the City of Marion in Linn County, Iowa, a portion of the Cedar Rapids, Iowa, Defense-Rental Area.

5. Schedule A, Item 228, is amended to describe the counties in the defense-rental area as follows:

Cuyahoga County, except the Cities of Bedford, Berea, Shaker Heights and University Heights, and the Villages of Bay, Beachwood, Bentleyville, Bratenahl, Brecksville, Chagrin Falls, Gates Mills, Highland Heights, Hunting Valley, Independence, Lyndhurst, Mayfield Heights, Moreland Hills, North Olmsted, North Royalton, Oakwood, Orange, Parkview, Pepper Pike, Seven Hills, Solon, Strongsville, Valley View, Warrensville Heights, Westlake and West View.

This decontrols the Village of Oakwood in Cuyahoga County, Ohio, a portion of the Cleveland, Ohio, Defense-Rental Area.

6. Schedule A, Item 261, is amended to describe the counties in the defense-rental area as follows:

In Erie County, the City of Erie, the Boroughs of Northeast and Wesleyville, and the Townships of Harborcreek, Lawrence Park, Millcreek and Northeast.

This decontrols the Boroughs of Middleboro, North Girard, Platea and Wattsburg, and the Townships of Greene, Greenfield, McKean, Summit and Venango, all in Erie County, Pennsylvania, portions of the Erie, Pennsylvania, Defense-Rental Area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended.

7. Schedule A, Item 270, is amended to describe the counties in the defense-rental area as follows:

Mercer County, except the Boroughs of Fredonia, Jackson Center, Jamestown, New Lebanon, Sandy Lake, Sheakleyville and Stoneboro, and the Townships of Deer Creek, Delaware, East Lackawannock, Fairview, French Creek, Greene, Jackson, Jefferson, Lackawannock, Lake, Liberty, Mill Creek, New Vernon, Otter Creek, Perry, Salem, Sandy Creek, Sandy Lake, Sugar Grove, Wilmington, Wolf Creek and Worth.

This decontrols the Boroughs of Fredonia, Jamestown, New Lebanon, Sandy Lake, Sheakleyville and Stoneboro, and the Townships of Deer Creek, Delaware, East Lackawannock, Fairview, French Creek, Greene, Jackson, Jefferson, Lackawannock, Lake, Liberty, Mill Creek, New Vernon, Otter Creek, Perry, Salem, Sandy Creek, Sandy Lake, Sugar Grove, Wilmington, Wolf Creek and Worth, all in Mercer County, Pennsylvania, portions of the Sharon-Farrell, Pennsylvania, Defense-Rental Area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended.

All decontrols effected by these amendments, except those in items 2, 6 and 7 thereof, are based on resolutions submitted in accordance with section 204 (j) (3) of the act.

[F. R. Doc. 52-8049; Filed, July 22, 1952; 8:54 a. m.]

[Rent Regulation 2, Amdt. 14 to Schedule B]

## RR 2—Rooms in Rooming Houses and Other Establishments

### Schedule B—Specific Provisions Relating to Individual Defense-Rental Area or Portions Thereof

COLORADO

Effective July 23, 1952, Rent Regulation 2 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of July 1952.

TIGHE E. WOODS,
*Director of Rent Stabilization.*

A new item 65 is added to Schedule B of Rent Regulation 2, reading as follows:

65. *Provisions relating to the Pueblo, Colorado, Defense-Rental Area (Item 46 of Schedule A):*

The application of this regulation is terminated with respect to housing accommodations which on July 3, 1952, were furnished, consisted of one room, and did not contain any housekeeping facilities.

All provisions of this regulation insofar as they are applicable to the Pueblo, Colorado, Defense-Rental Area, are hereby amended to the extent necessary to carry into effect the provisions of this item 65 of Schedule B.

[F. R. Doc. 52-8051; Filed, July 22, 1952; 8:54 a. m.]

---

[Rent Regulation 3, Amdt. 8]

[Rent Regulation 4, Amdt. 2]

## RR 3—Hotels

## RR 4—Motor Courts

MISCELLANEOUS AMENDMENTS

Effective July 23, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of July 1952.

TIGHE E. WOODS,
*Director of Rent Stabilization.*

1. Section 82 of Rent Regulation 3 is amended to read as follows:

SEC. 82. *Adjustment in maximum rent for decreases.* The order on any petition under sections 80 and 81 may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by sections 80 and 81 may be decreased in accordance with the provisions of section 86. If the landlord fails to file the report required by sections 80 and 81 within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment: *Provided, however,* That the Director may issue an order relieving the landlord of the duty to refund the excess rent for any rental period if the Director finds that during such period the landlord did not know of his obligation to furnish the services, furniture, furnishings or equipment, or the Director may issue an order relieving the landlord of the duty to refund the excess rent, in whole or in part, if the Director finds that the issuance of such an order would not be inconsistent with the purposes of the act and regulation. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 3.

2. Section 149 of Rent Regulation 4 is amended to read as follows:

SEC. 149. *Refund to tenant.* If the landlord fails to file the report required by sections 146 and 147 within the time specified, or decreases the services, furniture, furnishings, equipment, or living space without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease, or the effective date, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, equipment, or living space: *Provided, however,* That the Director may issue an order relieving the landlord of the duty to refund the excess rent for any rental period if the Director finds that during such period the landlord did not know of his obligation to furnish the living space, services, furniture, furnishings or equipment, or the Director may issue an order relieving the landlord of the duty to refund the excess rent, in whole or in part, if the Director finds that the issuance of such an order would not be inconsistent with the purposes of the Act and Regulation. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 3.

[F. R. Doc. 52-8048; Filed, July 22, 1952; 8:54 a. m.]

---

[Rent Regulation 3, Amdt. 73 to Schedule A]

[Rent Regulation 4, Amdt. 17 to Schedule A]

## RR 3—Hotels

## RR 4—Motor Courts

### Schedule A—Defense-Rental Areas

CALIFORNIA

Effective July 23, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of July 1952.

TIGHE E. WOODS,
*Director of Rent Stabilization.*

Schedule A, Item 33a, is amended to describe the counties in the defense-rental area as follows:

In Monterey County, the Townships of Alisal, Castroville, Gonzales, Pacific Grove, Pajaro and Monterey, except the Cities of Carmel-by-the-Sea and Salinas; in Santa Cruz County, the Township and City of Watsonville; in San Benito County, the Townships of Hollister and San Juan.

This decontrols the City of Salinas in Monterey County, California, a portion of the Monterey Bay, California-Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-8052; Filed, July 22, 1952; 8:55 a. m.]

---

[Rent Regulation 3, Amdt. 12 to Schedule B]

[Rent Regulation 4, Amdt. 6 to Schedule B]

## RR 3—Hotels

## RR 4—Motor Courts

### Schedule B—Specific Provisions Relating to Defense-Rental Area or Portions Thereof

TEXAS AND MISSISSIPPI

Effective July 23, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of July 1952.

TIGHE E. WOODS,
*Director of Rent Stabilization.*

1. Item 17 is added to Schedule B of Rent Regulation 3, reading as follows:

17. *Provisions relating to the Howard County, Texas, Defense-Rental Area (Item 303 of Schedule A):*

The application of this regulation is terminated with respect to rooms in any hotel which on January 22, 1952, (a) had no more than 20 percent of its rooms rented on the basis of a weekly or monthly term of occupancy, and (b) provided to persons occupying its rooms customary hotel services, including elevator service, bellboy service, telephone and switchboard services, maid service, use and upkeep of furniture, and the furnishing and laundering of linens.

All provisions of this regulation insofar as they are applicable to the Howard County, Texas, Defense-Rental Area, are hereby amended to the extent necessary to carry into effect the provisions of this item 17 of Schedule B.

2. Item 18 is added to Schedule B of Rent Regulation 4, reading as follows:

18. *Provisions relating to Harrison County, Mississippi, a portion of the Biloxi-Pascagoula, Mississippi, Defense-Rental Area (Item 162 of Schedule A):*

Maximum daily rates established by this regulation shall no longer be applicable to those housing accommodations which on June 20, 1952, had a maximum daily rent established by this regulation of $6.00 or more, properly registered with the area rent office.

All provisions of this regulation insofar as they are applicable to Harrison County, Mississippi, are hereby amended to the extent necessary to carry into effect the provisions of this item 18 of Schedule B.

[F. R. Doc. 52-8050; Filed, July 22, 1952; 8:54 a. m.]

# TITLE 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

BRANDYWINE RIVER AT WILMINGTON, DEL.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.230 is hereby amended by deleting all references to the Highway Bridge at Church Street from the provisions of paragraph (b) and prescribing paragraph (c) to govern the operation of this bridge, as follows:

§ 203.230 *Brandywine River at Wilmington, Del.*—(a) Highway bridge at *Seventh Street, Wilmington, Del.* • • •

(b) *Bridges (highway and railroad).* The following regulations are prescribed to govern the operation of the drawspans in the following-named drawbridges crossing the Brandywine River in the City of Wilmington, Delaware:

Pennsylvania Railroad Bridge above Seventh Street drawbridge.
State Highway Bridge at Sixteenth Street.

(1) Owners of these drawbridges will not be required to keep draw tenders in attendance at these bridges: *Provided,* That the said owners shall keep conspicuously posted on both the upstream and downstream sides of the drawbridges in such manner that it can be easily read at any time a copy of the regulations in this section together with a notice stating to whom requests for the opening of the draw shall be made and explaining exactly how such persons can be reached.

• • • • •

(5) [Revoked.]

(c) *Highway bridge at Church Street, Wilmington, Del.* (1) The owner of or agency controlling this bridge will not be required to open the drawspan for the passage of vessels.

(2) The owner of or agency controlling this bridge shall keep a legible copy of these regulations in this section posted conspicuously on both the upstream and downstream sides of the bridge.

[Regs., July 1, 1952, 823.01-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

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

[F. R. Doc. 52-8012; Filed, July 22, 1952; 8:45 a. m.]

# TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

MISCELLANEOUS AMENDMENTS

1. Section 21.106, inadvertently removed from the Code of Federal Regulations by 14 F. R. 3408, June 23, 1949 is hereby reinstated and reads as follows:

§ 21.106 *Compensation for productive labor, definition of.* Compensation for productive labor means wages, salary, commission, bonus, or other payments received by a veteran by reason of his employment, whether self-employed or otherwise, and regardless of whether such employment is related to his training.

(a) For the purpose of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), the term "wages" means only so much of the compensation as is derived from productive labor based on the standard workweek for the particular trade or industry in the immediate community in which the veteran is employed. If there is not a uniform practice for a trade or industry within a community, the standard workweek in the establishment in which the veteran is employed shall be considered in computing the rates payable. Any compensation received for productive labor performed beyond the standard workweek is not to be considered as compensation to be reported. (On or after August 8, 1946, and prior to April 1, 1948, the term "wages" included as compensation customarily scheduled overtime in the establishment where the veteran was employed.)

(b) When lodging, meals, laundry, or other services are furnished a person in training, the reasonable value of such services will constitute a part of the wages or salary for the purpose of determining the rate of compensation for productive labor, except that, if living quarters or meals are furnished to the employee-trainee for the convenience of the employer-trainer, the value thereof need not be computed and added to the compensation otherwise received by the employee-trainee for these purposes. A certification by the employer-trainer to this effect will be accepted by the Veterans' Administration for the purpose of subsistence allowance authorizations.

(c) All advancements, drawing accounts, allowances, commissions, bonuses, wages, or salaries paid to a veteran pursuing training in the field of insurance or other fields where the manner of employment compensation is similar are considered as compensation from productive labor. Any money advanced or paid as reimbursement to the veteran for his own actual training expenses incurred in connection only with the training phase of his course and which is not income from productive labor to be retained by the trainee as such is excepted and should not be reported as compensation for productive labor. Such training expense money must maintain a separate entity as expense as distinguished from income and particularly reported as such. Only such amounts as are actually expended for necessary expenses incurred in connection with the pursuit of the approved training program may be considered as such expense in determining the trainee's income from productive labor.

(d) Advertising and promotional expenses incurred by the trainee for the purpose of increasing sales (and hence his income) shall, in general, not be considered as necessary expense incurred in connection with the training phase of the veteran's program. They will not be deductible from amounts received or advanced by the employer-trainer but will be included in the computation and reporting of compensation for productive labor within the meaning of the law.

(e) In general, only those sums reportable by the trainee and/or trainer-employer as expense rather than income to the Bureau of Internal Revenue for income tax purposes shall be considered as training expense as distinguished from compensation for productive labor.

(f) Christmas gifts in reasonable amounts, where such gifts are made by a firm or business establishment in the same amount to each employee, veteran and nonveteran alike, without regard to the length of service or wage or salary paid to the individual employee, need not be reported as income for productive labor.

2. In § 21.114, paragraphs (a) and (e) are amended to read as follows:

§ 21.114 *Repayment of value of training supplies; Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note).* (a) Supplies furnished a trainee are deemed released to him and should not be marked to indicate ownership by the United States. A trainee will not be required to repay the value of consumable supplies nor will he be required to pay the reasonable value of nonconsumable supplies in the event he fails to complete his course of education or training if he has turned them in to a school which effects recovery of nonconsumable supplies through contractural arrangements with the Veterans' Administration. In all other cases a trainee will not be required to pay the reasonable value of nonconsumable supplies in the event he fails to complete his course of education or training unless it be determined that his failure to do so was because of fault on his part and, in making such determination, the trainee will be given the benefit of any reasonable doubt. Determination of the presence or absence of fault will be made by the registration officer, and the findings will be filed in the R&E folder.

• • • • •

(e) When repayment is in order the veteran will be required to pay the value at which the nonconsumable supplies were issued to him less a percentage equivalent to the percentage of the term or period completed. For example, a veteran who discontinued training after completing one-third of a term during which supplies were issued would be required to repay two-thirds of the issue value. However, if no supplies were issued during such period, he would not be required to repay any amount. Under no circumstances will supplies be accepted in lieu of repayment.

• • • • •

[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)

[SEAL] H. V. STIRLING,
*Deputy Administrator.*

[F. R. Doc. 52-8058; Filed, July 22, 1952; 8:57 a. m.]

## TITLE 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Federal Security Agency

PART 71—FOREIGN QUARANTINE

LANDING REQUIREMENTS

CROSS REFERENCE: For amendment to § 71.503, *Landing requirements*, see Title 19, Chapter I, Part 6, *supra*.

## TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 855]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH ACTIVITIES OF ALASKA NATIONAL GUARD

By virtue of the authority vested in the President by section 1 of the act of March 12, 1914, 38 Stat. 305, 307 (48 U. S. C. 303), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, including the rights of the public, if any, to the alley, the following-described public lands are hereby withdrawn from sale or other disposal and reserved for the use of the Department of the Army in connection with the activities of the Alaska National Guard:

EAST ADDITION TO ANCHORAGE TOWN SITE

Lots 1 to 12, inclusive, and the 20 foot alley in Block 32C as shown on the supplemental plat of survey of the East Addition to Anchorage Town Site accepted August 30, 1941.

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

OSCAR L. CHAPMAN,
*Secretary of the Interior.*

JULY 17, 1952.

[F. R. Doc. 52-8017; Filed, July 22, 1952; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 953 ]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO REVISION OF RULES AND REGULATIONS

Notice is hereby given that the Department is considering the approval of a proposed revision, hereinafter set forth, of the rules and regulations (7 CFR 953.110 et seq.; Subpart—Lemon Administrative Committee rules and regulations; 16 F. R. 5530) that are currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 16 F. R. 5525), regulating the handling of lemons grown in California and Arizona. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The revision of the said rules and regulations has been proposed by the Lemon Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed revision is as follows:

SUBPART—RULES AND REGULATIONS

DEFINITIONS



COMMUNICATIONS



NOMINATION PROCEDURE



PRORATE BASE AND ALLOTMENTS



REPORTS



DEFINITIONS

§ 953.100 *General.* Terms used in this subpart shall have the meaning as prescribed for such terms in the marketing agreement and order.

§ 953.101 *Marketing agreement.* "Marketing agreement" means Marketing Agreement No. 94, as amended, regulating the handling of lemons grown in the States of California and Arizona.

§ 953.102 *Order.* "Order" means Order No. 53, as amended (7 CFR Part 953; 16 F. R. 5525), regulating the handling of lemons grown in the States of California and Arizona.

§ 953.103 *Central points.* "Central points" shall mean the handler's packing house and such other facilities for the assembly of lemons as may be approved by the Manager of the Lemon Administrative Committee.

§ 953.104 *Storage facilities.* "Storage facilities" shall mean those facilities available to a handler for the purpose of curing and storing lemons, as outlined and defined on blueprints prepared under the direction of the Lemon Administrative Committee for each handler on the Prorate base having such facilities.

COMMUNICATIONS

§ 953.110 *Communications.* Unless otherwise prescribed in this subpart, or in the marketing agreement and order, or required by the Lemon Administrative Committee, all reports, applications, requests, and communications in connection with the marketing agreement and order shall be submitted to:

Lemon Administrative Committee, 111 West Seventh Street, Los Angeles 14, California.

NOMINATION PROCEDURE

§ 953.115 *Time of nomination.* The time of nominating members and alternate members of the Lemon Administrative Committee shall be not later than 20 days preceding the date of expiration of the terms of the members and alternate members of the said committee.

§ 953.116 *Manner of nomination.* The manner of nominating members and alternate members of said committee shall be as follows:

(a) Sunkist Growers, Inc., a California nonprofit cooperative marketing association with its principal place of business at Los Angeles, California, so long as it continues to market more than 60 percent of the total volume of lemons marketed in fresh form, as provided in the marketing agreement and order, shall by resolution adopted by its board of directors, nominate not less than 6 growers for 3 members and 6 growers for 3 alternate members of the committee.

(b) A meeting shall be held, at such time and place as may be designated by the agent of the Secretary, at which all cooperative marketing organizations, other than Sunkist Growers, Inc. (which includes its affiliated district exchanges and local associations), shall nominate not less than 2 growers for a member and 2 growers for an alternate member of the committee. The vote of each such organization shall be weighted by the quantity of lemons which is marketed in fresh form during the fiscal year (as defined in the marketing agreement and order), the end of which is nearest the date on which the meeting is held. Any person who votes at any such meeting shall submit to the agent of the Secretary written evidence of his authority to vote for such an organization.

(c) Not less than 5 and not more than 10 meetings shall be held, at such times and places, throughout the lemon-producing areas in California and Arizona, as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included in paragraphs (a) and (b) of this section may vote. At each such meeting, the growers present shall nominate 1 grower. The number of ballots to be cast in selecting the nominee for each meeting shall be determined at the respective meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

(d) The name and address of the grower who has been selected at each of the grower meetings to be held pursuant to paragraph (c) of this section shall be placed on a ballot which shall be mailed to all growers of record, and otherwise made available to growers, who are not members of, or affiliated with, a cooperative marketing organization which markets lemons, with instruction to vote for only 1 grower whose name appears on the ballot, and to sign the ballot and return it within such reasonable time as may be determined by the agent of the Secretary.

(e) The agent of the Secretary shall give adequate notice of any meeting to be held pursuant to this section and of the voting for nominees by growers who are not members of, or affiliated with, a cooperative marketing organization, as provided in paragraph (d) of this section.

PRORATE BASE AND ALLOTMENTS

§ 953.120 *Application.* Each handler shall submit an application for a prorate base and allotment to the Lemon Administrative Committee at the beginning of each season. Each such application shall contain the following information on LAC Form 101, "Application for a prorate base and allotments":

(a) Name and address of applicant handler.

(b) The net cubical content of each box or container used by the applicant for the assembling or storage of lemons.

(c) Total acreage of lemons, bearing and nonbearing, which the applicant owns or has authority to market under written contract and estimated production of lemons therefrom for the current season.

(d) Location of the applicant's packing and storage facilities for lemons.

(e) Signature of the applicant.

§ 953.121 *Advance credit count.* Advance credit count computed under § 953.53 (d) on lemons to be exported other than to Canada shall be issued subject to the following conditions:

(a) Except on shipments to Mexico, advance credit count on export shipments may be computed but shall not be credited to the handler until after each box of lemons is packed in a container which is marked for export.

(b) With respect to each export shipment of lemons to Mexico, the handler shall obtain from the purchaser, at time of delivery of such lemons, a certification on LAC Form 11, to the United States Department of Agriculture and the Lemon Administrative Committee that such lemons are to be exported to Mexico and will not re-enter the United States or be re-shipped to Canada. Such certificate shall state the date of shipment, the quantity of lemons included in such shipment, the truck license number or other identification of the carrier of such lemons, and the signature and address of the purchaser. The certificate shall also be signed by the handler or his authorized representative and shall be submitted to the committee with the handler's next weekly report (§ 953.130 (c)).

(c) With respect to each sale of lemons to the Armed Forces for export, the handler shall complete LAC Form 12 "Certificate of Sale of Lemons for Export to the Armed Forces" showing the date of shipment, the quantity of lemons included in such shipment, their destination or port of departure, and the purchase order number. Such certificate shall be signed by the handler or his authorized representative and shall be submitted to the committee with the handler's next weekly report (§ 953.130 (c)).

(d) Except as provided in paragraphs (b) and (c) of this section, each handler shall submit to the committee, as soon as possible following each export shipment of lemons by such handler, a copy of the "on-board" bill of lading, or other shipping document acceptable to the committee, covering such shipment.

§ 953.122 *Computation of available lemons.* (a) Any handler requesting a computation of available lemons in accordance with § 953.53 (e) shall submit a written application to the Lemon Administrative Committee. This application shall be submitted not less than 5 days prior to the date as of which the computation of available lemons is to be made and shall include the following information on LAC Form 102:

(1) The lemon acreage and number of trees under control of the applicant during the current season, and for the two preceding seasons.

(2) An estimate of the current crop of lemons on the trees which are under control of the applicant.

(3) Description of facilities owned or controlled by the applicant for the assembling of lemons.

(4) Description of facilities suitable for the purpose of assembling lemons, which are available to the handler within the area of production.

(5) Record of the quantity of lemons picked, by weeks, during the current season and during the two preceding seasons.

(6) Record of the quantity of lemons disposed of, by weeks, in the following channels during the current season and during the two preceding seasons:

(i) Interstate commerce or Canada.

(ii) Intrastate commerce.

(iii) Exported.

(iv) Diverted to by-products uses.

(v) Disposed of otherwise.

(7) Description of marketing methods and policy followed by the applicant in the handling of lemons.

(8) Record of the quantity of lemons the applicant has in storage.

(9) Certification to the United States Department of Agriculture and the Lemon Administrative Committee that, except as set forth in the application, there are no facilities for the assembling and storage of lemons available to the handler.

(b) Each applicant shall submit to the Lemon Administrative Committee, upon request, such additional data and information as the committee may require in order to determine whether the applicant is entitled to a computation of available lemons under § 953.53 (e).

(c) The committee shall consider the evidence submitted by a handler pursuant to paragraphs (a) and (b) of this section to determine whether such evidence establishes unavailability of facilities.

(d) In the event such handler has no storage facilities, the unavailability of facilities is established.

(e) In the event such handler has storage facilities, the committee in making its determination shall consider such evidence to establish unavailability of facilities only if:

(1) The proportion of such handler's total tree crop which can be stored in his storage facilities is at least 33⅓ percent less than the proportion of the total tree crops of all handlers within his district that can be stored in the total storage facilities within such district;

(2) Such handler has diverted to by-products channels at least as large a percentage of his total volume marketed during the then current season to date as the average of such volume so diverted by all handlers within his district;

(3) Storage boxes of lemons are well filled;

(4) Storage boxes of lemons are stacked as high as is consistent with good industry practice (i. e., eleven boxes high or within one storage box of the ceiling);

(5) Aisles and all other temporary space are fully utilized; and

(6) The handler has certified to the United States Department of Agriculture and the Lemon Administrative Committee that, except as stated in his application, there are no facilities for the assembling and storage of lemons available to him.

(f) If the committee from the available information determines that the handler is entitled to a computation of his available lemons under § 953.53 (e), it shall compute for such handler the quantity of lemons available for current shipment during the applicable 2-week period which such handler would have picked and assembled if facilities were available to him; for handlers referred to in paragraph (e) of this section, the quantity of unharvested lemons included in said computation shall not exceed the total number of field boxes picked during the two weeks prior to the available lemon count date.

(g) In the event a handler previously has submitted an application for a computation of available lemons in accordance with paragraph (a) of this section, and desires to re-apply for such a computation, he may make such reapplication by submitting the following infor-

mation with respect to the current season on LAC Form 103:

(1) The Lemon acreage and number of trees controlled by the applicant.

(2) Estimated crop of lemons so controlled.

(3) Lemon picks, by weeks, since the last week shown on previous application.

(4) Disposition of lemons, by weeks, since the last week shown on previous application.

(5) Quantity of lemons which the applicant has assembled.

(6) Certification to the United States Department of Agriculture and the Lemon Administrative Committee that, except as set forth in the previous application, there are no facilities for the assembling and storage of lemons available to him.

§ 953.123 *Allotment loans.* Allotment loans shall be deemed repaid if such loans fall due in a week during which there is no limitation on shipments of lemons.

§ 953.124 *Overshipment tolerances.* The overshipment tolerance provided in § 953.57 is not available to a handler during any week or weeks in which such handler is required to reduce the quantity of lemons which he may handle by reason of prior shipments of lemons in excess of his allotments therefor: *Provided*, That repayments of borrowed allotments shall not preclude a handler from claiming and using overshipment tolerances in cases where otherwise appropriate.

§ 953.125 *Agreement with by-products manufacturers.* By-products manufacturers may apply to the Lemon Administrative Committee on LAC Form 104, to be placed upon the committee's list of approved by-products manufacturers. Such application shall include:

(a) Name and address of applicant.

(b) An agreement that all lemons purchased by the applicant, on which the committee has issued advance credit count, will be used solely for manufacturing purposes.

(c) A statement indicating that it is understood that failure of the applicant to comply with the agreement prescribed in paragraph (b) of this section will cause removal of the manufacturer's name from the list of approved by-products manufacturers.

(d) Signature of the applicant.

REPORTS

§ 953.130 *Reports.* Handlers shall submit to the Lemon Administrative Committee the reports prescribed in this section. Unless otherwise prescribed on the report form, all lemons shall be reported in terms of packed "boxes" as defined in § 953.9. Where shipment is made in any manner other than in packed boxes, the lemons shall be converted to packed boxes on the basis of 79 pounds per packed box: *Provided*, That the following conversion factors may be used:

One box of fresh loose lemons (market pack) equals 81 percent of one packed box.

One box of by-products lemons equals 63.3 percent of one packed box.

Copies of report forms may be obtained from the committee.

(a) *Lemon diversion report (LAC Form 5).* Name and address of approved by-products plant or charitable organizations, or other diversion of lemons from fresh fruit channels; number of loose gross boxes and the advance credit count number of juice grade or non-juice grade lemons; net weights of juice grade and non-juice grade lemons, respectively, and total net weight of such lemons; and certification of handler and of receiver of such lemons. This report shall be submitted within 5 days following such diversion of lemons.

(b) *Certificate of assignment of allotment (LAC Form 6).* Certificates of assignment of allotment as provided for in § 953.63 shall be issued by the first handler at the time of each sale or transfer of any lemons which move by truck and which require prorate allotment. Each such certificate shall cover the total quantity of lemons so shipped and shall contain the following information: Date lemons are shipped; handler's invoice number when and if available; name of consignee (purchaser or receiver); destination (address of consignee); truck driver's name; truck driver's address; number of packed boxes of lemons covered by the assignment. Each such certificate shall be signed by the handler or his authorized agent and shall show the address of the handler issuing it. This report shall be submitted daily.

(c) *Weekly report (LAC Form 8).* The weekly report required by § 953.70 shall be submitted to the Lemon Administrative Committee on or before 12:01 p. m., P. s. t., Monday of each week, and shall contain the following information with respect to shipments of lemons during the preceding week:

(1) The total movement of fresh lemons subject to prorate in interstate commerce and intrastate commerce; quantities exported other than to Canada; quantities sold or disposed of to canners or by-products manufacturers; quantities shipped for distribution to persons on relief or donated for charitable institutions; and

(2) Detailed information concerning each shipment of lemons showing the number of packed boxes; whether shipped in interstate commerce or intrastate commerce or exported to destinations other than to Canada; and identification of the carrier (railroad car number or, if shipment is made by truck, the date and number of the certificate of assignment of allotment or, if exported to destinations other than Canada, the name of the steamship if known). This report shall be signed by the handler submitting it or his authorized agent.

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed revision of the rules and regulations should do so by forwarding the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077 South Building, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 18th day of July 1952.

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

[F. R. Doc. 52-8060; Filed, July 22, 1952; 8:57 a. m.]

---

## [7 CFR Part 961]

[Docket No. AO-160-A-14]

### HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

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

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held, concurrently with a hearing by the Pennsylvania Milk Control Commission, in Room 246, City Hall, Philadelphia, Pennsylvania, beginning at 10:00 a. m., e. d. s. t., August 12, 1952, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order as amended, for the Philadelphia, Pennsylvania, marketing area have been proposed as follows:

By Inter-State Milk Producers Cooperative, Inc.:

1. Consider the recommendations of a committee study on butterfat differentials, which would amend the order as follows:

(a) The basic test for quoting prices and calculating butterfat payments would be 3.7 percent;

(b) The producer or "pay out" differential would be 7 cents per point of fat at the present Class I price;

(c) The producer butterfat differential would change automatically with the annual level of the Class I price;

(d) The producer butterfat differential would fluctuate in 1 cent intervals;

(e) The Class I "pay in" differential and the producer "pay out" butterfat differential would be equal except as noted in paragraph (f);

(f) The Class I "pay in" differential for items containing less than 3 percent and items containing more than 6 percent butterfat would continue to be determined as at present;

(g) No change would be made in the present method of distributing among producers the "pay in" butterfat differential on Class II milk; and

(h) Grade A producers would continue to receive for milk testing more

than 3.7 percent, a butterfat differential 2 cents in excess of the differential on Grade B milk.

By Milk Distributors Association of the Philadelphia Area, Inc.:

2. That § 961.40 be opened to consider downward adjustments of the Class I prices set forth in the Class I price table to offset on a market wide basis any other upward adjustments that may be made in the Class I pay-in butterfat differentials.

3. That § 961.41 be opened to consider the adjustment of the price ranges for milk under 3 percent and over 6 percent in connection with other adjustments that may be made in the butterfat differentials.

4. That § 961.85 be opened to consider a downward adjustment of the butterfat premium of 2 cents on Grade A milk in connection with other adjustments which may be made in the butterfat differentials.

5. That adjustments be made elsewhere in the order as may be necessary to equalize any changes in the order that may be made as a result of the proposed hearing.

By Mifflin Creamery Company, Inc., Lancaster Milk Company, Chenango Farm Products Company, Inc., W. M. Evans Dairy Company, Inc., and Grover Farms, Inc.:

6. Amend § 961.43, the second proviso thereof to read: "*And provided further*, That in the case of Class I milk disposed of in an area where the handling of milk is regulated by another order of the Secretary the price effective under such other order shall apply, except that when disposed of in the New York metropolitan milk marketing area, the price for such milk shall be the Class II price pursuant to subparagraphs (1) (exclusive of the proviso) and (2) of § 961.40 (b)."

By the Dairy Branch, Production and Marketing Administration:

7. Reconsider § 961.43 (Class I milk disposed of outside the marketing area).

Copies of this notice of hearing, the said order, as amended, and the said tentative marketing agreement may be procured from the Market Administrator, 1612 Market Street, Philadelphia, Pennsylvania, or from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: July 18, 1952.

[SEAL] GEORGE A. DICE,
*Acting Assistant Administrator.*

[F. R. Doc. 52-8061; Filed, July 22, 1952; 8:58 a. m.]

## [7 CFR Part 982]

### HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

### NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

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 governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed marketing agreement and order to regulate the handling of milk in the Central West Texas marketing area, which was issued July 2, 1952 (17 F. R. 6116) is hereby extended to August 2, 1952.

Dated: July 18, 1952.

[SEAL] GEORGE A. DICE,
*Acting Assistant Administrator.*

[F. R. Doc. 52-8062; Filed, July 22, 1952; 8:58 a. m.]

# NOTICES

## DEPARTMENT OF STATE

[Public Notice 110, Delegation of Authority No. 57]

### ASSISTANT ADMINISTRATOR, INFORMATION CENTER SERVICE, UNITED STATES INTERNATIONAL INFORMATION ADMINISTRATION

### DELEGATION OF AUTHORITY TO MAKE AND ADMINISTER INFORMATION MEDIA GUARANTEES

JULY 14, 1952.

Pursuant to the authority vested in me by Department of State Public Notice 8 of May 26, 1949 (14 F. R. 2931), I hereby delegate to the Assistant Administrator, Information Center Service, United States International Information Administration, the following authority vested in the Secretary of State by section 2 (b) of Executive Order 10368 of June 30, 1952 (17 F. R. 5931): (1) to make information media guarantees under section III (b) (3) of the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1509 (b) (3)), and section 536 of the Mutual Security Act of 1951, as amended; and (2) to administer such guarantees made prior to July 1, 1952.

W. K. SCOTT,
*Acting Deputy Under Secretary for Administration.*

[F. R. Doc. 52-8040; Filed, July 22, 1952; 8:49 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

[Public Notice 59, Supp. 2]

### YUMA PROJECT, ARIZONA; CALIFORNIA VALLEY AND RESERVATION DIVISIONS

### SUPPLEMENT TO PUBLIC NOTICE NO. 59, AUG. 22, 1947, OPENING PUBLIC LAND TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER THEREFOR

JULY 9, 1952.

SECTION 1. *Lands for which water will be available.* Water will be available from and after July 9, 1952 for those irrigable public lands on the Valley Division of the Yuma Project shown on approved farm unit plats on file in the office of the District Manager, Lower Colorado River District, Yuma, Arizona, and in the Land and Survey Office, Bureau of Land Management, Phoenix, Arizona, which are described as follows:

GILA AND SALT RIVER BASE AND MERIDIAN, ARIZONA

TOWNSHIP 10 SOUTH, RANGE 25 WEST

| Section | Farm unit | Description | Total irrigable acres |
|---|---|---|---|
| 11 | K | Lots 3 and 4, sec. 11; lot 10, sec. 12; lot 3, sec. 13; and lots 1 and 6, sec. 14 | 109.2 |

Application may be made in accordance with this supplement to Public Notice No. 59 dated August 22, 1947, beginning at 2 p. m., July 9, 1952, for a certificate of qualification which will entitle the holder to file an application for entry on the said public lands.

SEC. 2. *Extent to which provisions in Public Notice No. 59 applicable.* Except as otherwise provided in this supplement, the provisions of Public Notice No. 59 dated August 22, 1947, copies of which are available for inspection in the office of the District Manager, Lower Colorado River District, Yuma, Arizona; Regional Director, Bureau of Reclamation, Boulder City, Nevada; Commissioner, Bureau of Reclamation, Washington, D. C.; and the Land and Survey Office, Bureau of Land Management, Phoenix, Arizona, shall be applicable to applications filed hereunder. Application forms in which an applicant may express his desire to enter upon the above-described unit, certify that he considers himself qualified within the provisions of said public notice to enter the same, and indicate whether he claims veterans preference under section 3 of said notice, may be obtained from the above offices and must be filed with the District Manager, Bureau of Reclamation, Yuma, Arizona, before 2:00 p.m., October 7, 1952.

Applicants should not submit any proof or evidence of veterans status or

of their qualifications, as provided in sections 3, 4 and 6 of said public notice until they are requested to do so by the Examining Board.

SEC. 3. *Procedure for award of farm unit.* The board will conduct a public drawing of the names of the applicants who in their application claim veterans preference under the provisions of section 3 of said notice. After the drawing a sufficient number of applicants, in the order of their priority as established in the drawing, will be supplied with forms on which to submit additional information corroborating their statements in the application, and showing that they meet the qualifications set forth in sections 4 and 5 of said public notice and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of said public notice. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be mailed or delivered to the District Manager, Bureau of Reclamation, Yuma, Arizona, within 30 days of the date the form is mailed to the last known address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the period specified will subject his application to rejection.

SEC. 4. *Construction and other charges and payment thereof.* The initial charge which the applicant to whom an award is made will be required to remit pursuant to section 9a (iii) of said public notice is $9.43 for each irrigable acre of land in said unit in lieu of the initial charge of $5.93 mentioned in said section. Said initial charge of $9.43 consists of the first annual per-acre construction charge installment of $2.93 and $6.50 representing the second installment of the assessment of $15.50 per acre levied by the Yuma County Water Users' Association to meet operation and maintenance charges for the calendar year 1952 under its Public Notice No. 20. The first installment of said assessment, amounting to $9.00, has been paid by the lessee under the lease mentioned in section 5 hereof. According to said notice, payment of said assessment will permit the delivery of not to exceed 5 acre-feet of water per acre for the lands described in section 1 hereof. The applicant's share of said water shall, under the Association's present policy, be limited to the balance which shall remain unused by said lessee as of June 30, 1952. According to said notice, additional water will be available to the applicant at the rate of $1.50 per acre-foot.

The construction charge of $85.00 for each irrigable acre contained in said farm unit shall become due and payable to the United States as follows: $2.93 by inclusion in said initial charge; $2.83 on December 1, 1953; and $2.83 on December 1 of each year thereafter to and including December 1, 1981.

The Association is operating and maintaining certain of the irrigation and drainage works and other appurtenant structures utilized for the benefit of lands in the Valley Division pursuant to a contract between the United States of America and the Association dated June 15, 1951, copy of which is available for inspection at the office of the District Manager, Bureau of Reclamation, Yuma, Arizona.

OSCAR L. CHAPMAN,
*Secretary of the Interior.*

JULY 9, 1952.

[F. R. Doc. 52-8019; Filed, July 22, 1952; 8:47 a. m.]

---

[Commissioner's Order 18]

ASSISTANT COMMISSIONERS OF RECLAMATION

REDELEGATION OF AUTHORITY FOR EXECUTION OF CONSTRUCTION, SUPPLY, AND SERVICE CONTRACTS

JULY 14, 1952.

Pursuant to the authority contained in section 50 of Departmental Order No. 2509 (14 F. R. 306), subject to applicable regulations and available appropriations, the Assistant Commissioners of Reclamation are severally authorized, irrespective of amounts involved:

a. To approve, award, and execute contracts for construction, supplies, or services.

b. To approve and execute change orders and extra work orders pursuant to contracts for construction, supplies, or services.

c. To approve and enter into modifications of contracts for construction, supplies, or services, which are legally permissible.

d. To terminate contracts for construction, supplies, or services, if such action is legally authorized.

e. Except in those cases in which the Commissioner or an Assistant Commissioner is the contracting officer, to act, with respect to contracts entered into on United States standard forms, as the authorized representative of the Secretary within the meaning of Articles 3 and 4 of Form No. 23 (Revised April 3, 1942), and Article 2 of Form No. 32 (Revised June 18, 1935), and, for the purpose of extending the time within which a contractor may notify a contracting officer of the causes of delay, Article 9 of Form No. 23 (Revised April 3, 1942), Article 5 of Form No. 32 (Revised June 18, 1935), and Condition 4 of Form No. 33 (Revised January 17, 1939).

MICHAEL W. STRAUS,
*Commissioner.*

[F. R. Doc. 52-8020; Filed, July 22, 1952; 8:47 a. m.]

---

## Office of the Secretary

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH ACTIVITIES OF ALASKA NATIONAL GUARD [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
*Secretary of the Interior.*

JULY 17, 1952.

[F. R. Doc. 52-8018; Filed, July 22, 1952; 8:45 a. m.]

[1] See F. R. Doc. 52-8017, Title 43, Chapter I, Appendix, PLO 855, *supra*.

---

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

TRANS-PACIFIC PASSENGER CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Trans-Pacific Passenger Conference:

Agreement No. 131-216, between the regular Member Lines of the above named Conference, modifies the basic agreement of that Conference (No. 131) to bring the By-Law governing the classification of the lines into membership groups in line with recently approved modification of the geographical scope of the Conference agreement.

North Atlantic Red Sea & Gulf of Aden Freight Conference:

Agreement No. 7530-2 between the member lines of the above named Conference modifies Article 1 of the basic agreement of said Conference (No. 7530) by extending the geographical scope of the agreement to include the trade from Gulf and South Atlantic ports to Suez and ports on the Red Sea and Gulf of Aden. Agreement No. 7530 presently covers the trade from U. S. North Atlantic ports (Hampton Roads/Portland range) to Suez and ports on the Red Sea and Gulf of Aden.

Middle East Mediterranean Westbound Freight Conference:

Agreement No. 7880-1 between the member lines of the above named Conference modifies the basic agreement of said Conference (No. 7880) by enlarging the range of ports on the U. S. Atlantic Coast covered by the agreement from "Hampton Roads/Portland, Maine, range" to "Charleston, S. C./Portland, Maine, range". Agreement No. 7880

presently covers the trade from Egyptian, Palestinian, Syrian, Lebanese, Latakian, Grecian, Turkish, Russian (Black Sea), Bulgarian and Roumanian Ports, and from the Islands in the Eastern Mediterranean to North Atlantic ports of the United States, in the Hampton Roads/Portland, Maine, range.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 18, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52-8066; Filed, July 22, 1952; 8:58 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 5142]

BRANIFF AIRWAYS, INC.; FINAL MAIL RATES, DOMESTIC OPERATIONS

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Braniff Airways, Inc., in its domestic operations.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, heretofore assigned for July 28, 1952, is postponed and will be held on August 12, 1952 at 10:00 a. m., e. d. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., July 18, 1952.

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

[F. R. Doc. 52-8053; Filed, July 22, 1952; 8:55 a. m.]

## ECONOMIC STABILIZATION AGENCY

### Office of the Administrator

[Determination 2, Amdt. 2]

SAVANNAH RIVER, GEORGIA-SOUTH CAROLINA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the Acting Secretary of Defense and the Acting Director of Defense Mobilization, dated July 15, 1952 (17 F. R. 6450), that the Savannah River, Georgia-South Carolina, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 2 (17 F. R. 1363) is hereby amended to apply to the area described as:

Savannah River, Georgia-South Carolina (this area consists of Aiken, Allendale, Barnwell, and Bamberg Counties, and Orangeburg County, except the Townships of Elloree, Eutaw, Holly Hill, Providence and Vance, all in South Carolina; and Richmond, Columbia, McDuffie Counties, and District 81-Wrens (including Wrens Town), in Jefferson County, all in Georgia).

ROGER L. PUTNAM, *Administrator.*

JULY 17, 1952.

[F. R. Doc. 52-8076; Filed, July 22, 1952; 9:13 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-1921, G-1922, G-1969]

TENNESSEE GAS TRANSMISSION CO. AND NIAGARA GAS TRANSMISSION LTD.

ORDER FIXING DATE OF HEARING

JULY 16, 1952.

In the matters of Tennessee Gas Transmission Company, Docket No. G-1921; and Niagara Gas Transmission Limited and Tennessee Gas Transmission Company, Docket Nos. G-1922, G-1969.

On July 1, 1952, the Commission consolidated proceedings on the joint application of Tennessee Gas Transmission Company and Niagara Gas Transmission Limited in Docket No. G-1921 and those on the applications of Tennessee Gas Transmission Company in Docket Nos. G-1922 and G-1969 and ordered a hearing thereon at a time and place to be fixed by further order of the Commission.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 3, 7, and 15 of the Natural Gas Act and Executive Order No. 8202 dated July 13, 1939, and the Commission's rules of practice and procedure, a public hearing be held commencing on August 6, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, Hurley Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforesaid applications.

Date of issuance: July 17, 1952.

By the Commission.

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

[F. R. Doc. 52-8043; Filed, July 22, 1952; 8:50 a. m.]

[Docket No. G-1964]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE FOR ORAL ARGUMENT ON MOTION AND FOR FILING BRIEFS

JULY 16, 1952.

On July 7, 1952, Commission staff counsel filed a motion in the above-entitled proceedings for an order disallowing Texas Eastern Transmission Corporation's proposed FPC Gas Tariff, First Revised Volume No. 1, and First Revised Sheets Nos. 77 and 78 to its FPC Gas Tariff, Original Volume No. 1, and dismissing the proceedings. Additionally, staff counsel prayed that the motion be set for oral argument and that a date be fixed for the filing of briefs or memoranda of law with respect to the motion.

The Commission finds: It is necessary or appropriate to carry out the provisions of the Natural Gas Act that the motion of Commission staff counsel be set for oral argument and that Commission staff counsel and each party to the proceeding in Docket No. G-1964 be given an opportunity to file a memorandum of law or brief with respect to said motion as hereinafter ordered.

The Commission orders:

(A) The motion of Commission staff counsel filed July 7, 1952, be set for argument before the Commission and orally argued on July 28, 1952, at 10 a. m., e. d. s. t., in the Hearing Room, Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., and that Commission staff counsel and each party to the proceeding may file a memorandum of law or brief with respect to said motion on or before July 23, 1952.

(B) Parties to this proceeding who intend to participate in the oral argument shall so notify the Secretary of the Commission on or before July 23, 1952, and of the time requested for presentation of their argument.

Date of issuance: July 17, 1952.

By the Commission. Commissioner Draper dissenting.

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

[F. R. Doc. 52-8044; Filed, July 22, 1952; 8:50 a. m.]

[Docket No. G-1977]

LOPENO GAS CO.

ORDER FIXING DATE OF HEARING

JULY 16, 1952.

On June 19, 1952, Lopeno Gas Company (Applicant), a Texas corporation having its principal place of business at Dallas, Texas, filed an application, which was supplemented on July 14, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, all as more fully described in said application on file with the Commission and open to public inspection.

Applicant has represented that it proposes to remove approximately 25 miles of 8-inch, 10-inch, and 12-inch pipe from its existing transmission system in connection with the operations proposed in its application, as supplemented, and that said pipe has been sold to Utilities Natural Gas Company to be used by the latter, along with other pipe, in the construction of a pipeline to supply an electric utility customer in Victoria, Texas.

Applicant further represents that construction of said pipeline has been started and all available pipe has been laid. Construction of said pipeline has been halted awaiting the delivery of pipe from Applicant's existing line. Applicant states that any delay in delivery of pipe which it has sold to Utilities Natural Gas Company will result in failure to institute service by the latter company on August 1, 1952, in accordance with its contract for service.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure for shortened proceedings, and no request to be heard, protest, or petition has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 28, 1952 (17 F. R. 5480).

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on July 28, 1952, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application, as supplemented: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by § 1.8 and § 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 17, 1952.

By the Commission.

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

[F. R. Doc. 52-8023; Filed, July 22, 1952; 8:48 a. m.]

---

[Docket No. G-1991]

MISSISSIPPI RIVER FUEL CORP. AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

JULY 17, 1952.

Take notice that on July 2, 1952, Mississippi River Fuel Corporation (Mississippi) and Texas Eastern Transmission Corporation (Texas Eastern), Delaware corporations with their principal places of business at St. Louis, Missouri, and Shreveport, Louisiana, respectively, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural-gas transmission pipeline facilities hereinafter described for the transportation and sale of natural gas subject to the jurisdiction of the Commission.

Applicants propose to establish an interconnection between their respective natural-gas systems at a point near Bald Knob, Arkansas, by the construction by Mississippi of approximately 2,000 feet of 10-inch pipeline extending from a point north of its West Point compressor station to the suction side of Texas Eastern's compressor station No. 6, at which point of interconnection Mississippi proposes to construct and operate a meter station and Texas Eastern to install appurtenant facilities.

By means of such facilities, Mississippi proposes to deliver and sell to Texas Eastern near Bald Knob such quantities of gas as may be requested from time to time by The East Ohio Gas Company (East Ohio), a Rate Schedule TLS (Temporary Limited Service) customer of Texas Eastern, but not exceeding the quantity (1) which is available for sale in Mississippi's system at Bald Knob after the requirements of its regular customers, both firm and interruptible, are met: *Provided, however*, That Mississippi's obligation to deliver shall not exceed 35,000 Mcf per day, and (2) which Texas Eastern can transport to the point of delivery to East Ohio without impairment of its existing obligations.

It appears that, in accordance with the terms of a contract between Mississippi, Texas Eastern, and East Ohio, dated June 26, 1952 (Exhibit No. 1 to the application), Mississippi is to sell and Texas Eastern to transport, natural gas to East Ohio in the volumes noted above. Applicants state that Mississippi will deliver its gas into the Texas Eastern system at a price of 17 cents per Mcf, and Texas Eastern will transport the gas at a charge of 7 cents per Mcf, resulting in a total cost to East Ohio of 24 cents per Mcf which is equal to its cost of gas presently under contract for storage purposes under Rate Schedule TLS. The tripartite agreement is to terminate by its terms on October 31, 1952.

The estimated total cost of the facilities proposed is $17,300.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of August 1952. The application is on file with the Commission for public inspection.

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

[F. R. Doc. 52-8045; Filed, July 22, 1952; 8:51 a. m.]

---

[Docket No. G-1995]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION

JULY 17, 1952.

Take notice that Mississippi River Fuel Corporation (Mississippi River), a Delaware corporation, having its principal place of business at St. Louis, Missouri, filed on July 9, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of transmission, metering, and regulating facilities for the purpose of rendering natural-gas service to Union Electric Company of Missouri in Jefferson County, Missouri. Mississippi proposes to sell and deliver natural gas, on an interruptible basis, to Union Electric for firing boilers in an electric power plant of that company.

The estimated cost of the facilities is stated to be $140,690. Mississippi River states that it will finance such cost from cash on hand.

In addition to the aforementioned application, Mississippi River petitions the Commission for the issuance of a declaratory order, pursuant to § 1.7 (c) of the Commission's rules of practice and procedure, declaring that the construction and operation of the facilities proposed to be constructed and operated for the purpose of rendering the sale of natural gas as hereinbefore described, does not come within the purview of the Commission's "certificate jurisdiction under section 7 of the Natural Gas Act as amended."

The application and petition are on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of August 1952.

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

[F. R. Doc. 52-8046; Filed, July 22, 1952; 8:51 a. m.]

---

[Docket Nos. ID-947, ID-1049]

ORMROD TITUS AND EDWARD W. MOREHOUSE

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

JULY 17, 1952.

Notice is hereby given that on July 16, 1952, the Federal Power Commission issued its orders entered July 15, 1952, authorizing applicants to hold 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. 52-8021; Filed, July 22, 1952; 8:47 a. m.]

EAST OHIO GAS CO.

NOTICE OF ORDER FURTHER EXTENDING TIME FOR COMPLIANCE WITH GAS PLANT ACCOUNTS INSTRUCTIONS

JULY 17, 1952.

Notice is hereby given that on July 16, 1952, the Federal Power Commission issued its order entered July 15, 1952, further extending time for compliance with gas plant accounts instruction 2-D of the Uniform System of Accounts in the above-entitled matter.

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

[F. R. Doc. 52-8022; Filed, July 22, 1952; 8:47 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order 18959]

CERTAIN UNKNOWN GERMAN NATIONALS

In re: Currency owned by unknown German nationals.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the Bank Deutscher Laender, Frankfurt/Main, Germany, on or about June 28, 1952, shipped to the Federal Reserve Bank of New York United States currency in the amount of $5,995.00;

2. That the persons who own the property described in subparagraph 3 hereof, who if individuals there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and which, if corporations, partnerships, associations or other business organizations, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were, organized under the laws of and had their principal places of business in Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows: United States currency in the aggregate amount of $5,995.00 shipped on or about June 28, 1952, by the Bank Deutscher Laendar, Frankfurt/Main, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraph 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 52-8056; Filed, July 22, 1952; 8:56 a. m.]