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TITLE 7—AGRICULTURE

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

Subchapter D—Warehouse Regulations

PART 101—COTTON WAREHOUSES

MISCELLANEOUS AMENDMENTS

On August 8, 1952, there was published in the FEDERAL REGISTER a notice of proposed amendments of the cotton warehouse regulations (7 CFR Part 101) under the United States Warehouse Act, as amended (7 U. S. C. 241-273). No objection, data, views, or arguments having been filed pursuant to the notice, under the authority of section 28 of the act, said regulations are hereby amended as follows:

1. A new section 101.3a is added to read:

§ 101.3a *All facilities to be licensed or exempted.* All facilities within the same city or town used for the storage of cotton by an applicant for a warehouse license must qualify for a license and be licensed under the act if the applicant is to be licensed to operate as a cotton warehouseman in such city or town, unless the facilities which are not to be covered by a license are exempted by the Secretary or his designated representative upon a finding that, due to the exercise of adequate controls by some independent agency over the operation of nonfederally licensed facilities, there would be no likelihood of interchange or substitution of cotton stored in such facilities with cotton stored in the federally licensed facilities. If all such facilities do not qualify for a license or for an exemption under this paragraph, the applicant shall not be licensed under the act as a cotton warehouseman in the city or town in which the facilities in question are located. Each applicant for a warehouse license must apply for a license covering all facilities operated by him for the storage of cotton within the same city or town or for exemption as provided in this paragraph. If a licensed cotton warehouseman acquires any additional cotton storage facilities within the same city or town in which his licensed warehouse is located, he shall file promptly an application for a license or an exemption of the additional facilities. No cotton storage facility acquired by a licensed cotton warehouseman, subsequent to the issuance of his license, in the same city or town as his licensed facilities, shall be used for the storage of cotton until it qualifies for license and is licensed or is exempted as provided in this paragraph. If any one of the licensed cotton storage facilities operated by a warehouseman in the same city or town becomes ineligible for a license at any time for any reason, it shall not thereafter be used for the storage of cotton until the condition making it ineligible is removed or an exemption is granted as provided in this section. The use for the storage of cotton by a licensed warehouseman of a facility which is in the same city or town as his licensed facilities and is neither licensed nor exempted, or other violation of the provisions of this section, shall be cause for suspension or revocation of any license issued to the warehouseman for the storage of cotton.

2. Section 101.4 is amended to read:

§ 101.4 *Grounds for not issuing a license.* A license for the conduct of a warehouse, or any amendment to a license, shall not be issued if it be found by the Secretary, or his designated representative, that the warehouse is not suitable for the storage of cotton, that the warehouseman does not possess a good reputation or is insolvent or incompetent to conduct such warehouse in accordance with the act and the regulations in this part, or that there is any other sufficient reason within the intent of the act for not issuing such license. If all the facilities operated for the storage of cotton by the applicant within the same city or town are not to be licensed under the act, the applicant shall not be licensed as a cotton warehouseman with respect to any of such facilities, unless an exemption of the facilities which are not to be licensed is granted as provided in § 101.3a.

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FEDERAL REGISTER

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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.

3. Section 101.5 is amended to read:

§ 101.5 *Net assets.* (a) The warehouseman operating a warehouse for which application for license has been made, shall have and maintain, above all exemptions and liabilities, total net assets liable for the payment of any indebtedness arising from the operation of the warehouse equal to at least 4 percent of the total value of the maximum number of bales of cotton that the warehouse could accommodate when stored in the manner customary to the warehouse, calculated upon the basis of the unit price for cotton announced annually by the Administrator: *Provided*, That a warehouseman who does not meet the net assets requirement specified in this paragraph may be licensed under the act and the regulations in this part if he furnishes the bond required under § 101.12 for such warehouseman. In determining total net assets, credit may be given for insurable property such as buildings, machinery, equipment, and merchandise inventory, only to the extent that such property is protected by insurance against loss or damage by fire. Such insurance shall be in the form of lawful policies issued by one or more insurance companies authorized to do such business and subject to service of process in suits brought in the State in which the warehouse is located.

(b) In case a warehouseman has applied for a license to operate two or more warehouses in the same state, the maximum number of bales which all the warehouses to be licensed will accommodate when stored in the manner customary to the warehouses, shall be considered in determining whether the warehouseman meets the net worth requirements specified in paragraph (a) of this section.

(c) For the purposes of paragraphs (a) and (b) of this section only, capital stock as such shall not be considered a liability.

(d) In case a state agency licensed or applying for a license as provided in section 9 of the act has funds of not less than $500,000 guaranteeing the performance of obligations of the agency as a warehouseman, such funds shall be considered sufficient to meet the maximum net asset requirements of this section.

4. The third and fourth sentences in § 101.7 are amended to read: "The Secretary, or his designated representative, may, after opportunity for hearing has been afforded in the manner prescribed in this section, suspend or revoke a license issued to a warehouseman when such warehouseman (a) is bankrupt or insolvent; (b) has parted, in whole or in part, with his control over the licensed warehouse; (c) is in process of dissolution or has been dissolved; (d) has ceased to conduct such licensed warehouse; (e) has in any other manner become nonexistent or incompetent or incapacitated to conduct the business of the warehouse; (f) has made unreasonable or exorbitant charges for services rendered; (g) is operating in the same city or town in which his licensed warehouse facilities are located, any facility for storage of cotton which is not covered by a license or an exemption as provided in § 101.3a; or (h) has in any other manner violated or failed to comply with any provision of the act or the regulations in this part. Whenever any of the conditions mentioned in paragraphs (a) to (h) of this section shall come into existence, it shall be the duty of the warehouseman to notify immediately the Administrator of the existing condition."

5. Section 101.12 is amended to read:

§ 101.12 *Amount of bond; additional amounts.* (a) Exclusive of any amount which may be added in accordance with paragraph (c) of this section, the amount of bond to be furnished by a warehouseman who has met the net assets requirement of § 101.5 (a) shall be at least 6 percent of the total value of the maximum number of bales of cotton that his warehouse could accommodate when stored in the manner customary to the warehouse, calculated upon the basis of the unit price for cotton announced annually by the Administrator: *Provided*, That in any case the amount of bond shall not be less than $5,000 nor more than $200,000. The amount of bond, exclusive of any amount which may be added in accordance with paragraph (c) of this section, to be furnished by a warehouseman who has not met the net assets requirement of § 101.5 (a) shall be calculated in the manner prescribed above in this section except that it shall be at least 12 percent of the total value above specified and in any case shall not be less than $10,000 nor more than $400,000.

(b) In case a warehouseman has applied for licenses to operate two or more warehouses in the same State and his total assets are subject to the liabilities of each warehouse, he may if he desires give a single bond meeting the requirements of the act and the regulations in this part to cover all his warehouses within the State. In such case all of his warehouses in the State shall be deemed to be one warehouse and the maximum number of bales that all of said warehouses will accommodate when stored in the manner customary to each of such warehouses shall be considered for the purpose of determining the amount of bond required under §§ 101.12 through 101.15.

(c) In case the Secretary, or his designated representative, finds that conditions exist which warrant requiring additional bond, there shall be added to the amount fixed in accordance with paragraph (a) of this section a further amount to meet such conditions.

6. Section 101.16 (f) is amended to read:

§ 101.16 *Forms.* * * *

(f) Licensed receipts issued to cover linters shall be clearly and conspicuously marked "Linters".

7. Section 101.50 is amended to read:

§ 101.50 *License fees.* There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license, or amendment thereto, issued to a sampler, classifier, and/or weigher.

8. Section 101.51 is amended to read:

§ 101.51 *Warehouse inspection fee.* There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $20 for each 1,000 bales of the cotton storage capacity of the warehouse, or fraction thereof, determined in accordance with § 101.5 but in no case less than $20 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

9. The first sentence in § 101.86 is amended to read:

§ 101.86 *Bonds required.* Every person applying for a license, or licensed, under section 9 of the act, shall, as such, be subject to all portions of these regulations so far as they may relate to warehousemen. * * *

The amendments require all cotton warehouse facilities in the same city or town operated by a warehouseman holding a cotton warehouse license under the United States Warehouse Act, to be covered by such license, except under specified conditions. The amendments increase the amount of net assets and bond required of licensed warehousemen and the fees for inspection of warehouses, and for licenses of warehousemen, samplers, classifiers and weighers. The amendments also modify the provisions of the regulations relating to suspension and revocation of warehouse licenses.

The changes made in the present regulations by the amendments are deemed necessary for the better protection of depositors and other persons interested in cotton stored in warehouses licensed under the act. Since the cotton storage season has commenced in some areas and is about to commence in the balance of the cotton-producing area, in order to be of most benefit to such persons the amendments should be made effective as soon as possible. Accordingly under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) good cause is found for making the amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

Effective date. The foregoing amendments shall be effective September 5, 1952.

(Sec. 28, 39 Stat. 490; 7 U. S. C. 268)

Done at Washington, D. C., this 27th day of August 1952.

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

[F. R. Doc. 52-9544; Filed, Aug. 29, 1952; 8:49 a. m.]

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

PART 906—MILK IN TULSA, OKLAHOMA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

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

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

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than September 1, 1952. Any delay beyond September 1, 1952, in the effective date of this order amending the order, as amended, will seriously disrupt the orderly marketing of milk for the Tulsa, Oklahoma, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing it is hereby found that good cause exists for making this order effective September 1, 1952 (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

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

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

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

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1952), were engaged in the production of milk for sale in the said marketing area.

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

1. In § 906.51 (a) change the period at the end of the sentence to a colon and add the following proviso: "*And provided further*, That for the months of September through December, 1952, the amount to be added to the basic formula price shall be $2.25 in lieu of $1.85."

2. Delete § 906.65 (a) and substitute therefor the following:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

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

Issued at Washington, D. C., this 27th day of August 1952, to be effective on and after the 1st day of September 1952.

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

[F. R. Doc. 52-9574; Filed, Aug. 29, 1952; 8:52 a. m.]

PART 921—MILK IN THE SPRINGFIELD, MISSOURI, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

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

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

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

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

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

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than September 1, 1952. Any delay beyond that date in the effective date of this order would result in hardship to producers whose pastures and fields have been seriously affected by drought and extreme heat. Rates of milk production might suffer serious damage which could not be fully overcome before next spring.

The provisions of the said order are known to handlers, having been published in a decision which appeared in the FEDERAL REGISTER August 23, 1952 (17 F. R. 7743). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found therefore that good cause exists for making this order effective September 1, 1952. (Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

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

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

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

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1952), were engaged in the production of milk for sale in the said marketing area.

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

1. Change the period at the end of § 921.51 (a) to a colon and add the following proviso: "*Provided further*, That the Class I price shall be the basic formula price for the preceding delivery period plus $2.00 in the months of September 1952 through November 1952 and not less than the basic formula price for the preceding delivery period plus $1.58 in the months of December 1952 through February 1953."

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

Issued at Washington, D. C., this 27th day of August 1952, to be effective on and after September 1, 1952.

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

[F. R. Doc. 52-9573; Filed, Aug. 29, 1952; 8:52 a. m.]

[Pear Order 5, Amdt. 1]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

REGULATION BY GRADES AND SIZES

a. *Findings.* 1. Pursuant to the amended marketing agreement and order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of such pears grown in Oregon, Washington, and California.

b. It is therefore ordered as follows: The provisions of paragraph (b) (2) and (3) of § 939.305 (Pear Order 5; 17 F. R. 7274) are hereby amended to read as follows:

(2) Pears grown in the Hood River-White Salmon-Underwood District which fail to meet the requirements with respect to shape specified in the U. S. No. 2 grade only because of frost injury may be shipped to destinations other than export markets: *Provided,* That such pears are not very seriously misshapen.

(3) Pears grown in the Wenatchee District, in the Yakima District, or in the Medford District which fail to meet the requirements with respect to shape specified in the U. S. No. 2 grade only because of frost injury or healed hail marks may be shipped to destinations other than export markets: *Provided,* That such pears are not very seriously misshapen.

c. Nothing contained herein shall be construed (1) as affecting or waiving any right or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provisions of said Pear Order 5, or (2) as releasing or extinguishing any violation of said Pear Order 5, which has occurred or which, prior to the effective time of the provisions hereof, may occur.

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

Done at Washington, D. C., this 26th day of August 1952, to become effective at 12:01 a. m., P. s. t., August 27, 1952.

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

[F. R. Doc. 52-9542; Filed, Aug. 29, 1952; 8:49 a. m.]

[Lemon Reg. 450]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.557 *Lemon Regulation 450*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 28, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period specified in paragraph (b) of this section; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 31, 1952, and ending at 12:01 a. m., P. s. t., September 7, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 300 carloads;
(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 449 (17 F. R. 7717) and made a part hereof by this reference.

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

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

Done at Washington, D. C., this 28th day of August 1952.

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

[F. R. Doc. 52-9611; Filed Aug. 29, 1952; 9:05 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget of expenses and rate of assessment, to be made effective under Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER (17 F. R. 7019). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and amended order, the following rules and regulations are hereby approved.

§ 957.205 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and amended order, during the fiscal year ending May 31, 1953, will amount to $22,500.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be fifty cents per carload, or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957).

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

Done at Washington, D. C., this 27th day of August 1952, to become effective 30 days after publication in the FEDERAL REGISTER.

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

[F. R. Doc. 52-9543; Filed, Aug. 29, 1952; 8:49 a. m.]

PART 991—MILK IN THE ROCKFORD-FREEPORT, ILLINOIS, MARKETING AREA

ORDER, AS AMENDED, REGULATING HANDLING

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

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

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

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

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

(b) *Additional findings.* It is necessary that the amendments hereinafter set forth be made effective not later than September 1, 1952, so as to reflect current marketing conditions. Any delay beyond September 1, 1952, in the effective date of this order, as amended, will seriously threaten the orderly marketing of milk in the Rockford-Freeport, Illinois, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on December 4, 5, and 6, 1951, and reopened on March 17 and 18, 1952, the recommended decision having been published in the FEDERAL REGISTER on June 18, 1952, (17 F. R. 5471; 5831), and the final decision having been executed by the Secretary o nAugust 19, 1952 (17 F. R. 7748) and corrected on August 26, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date, and it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

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

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

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

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the determined representative period (February 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Rockford-Freeport, Illinois, area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

AUTHORITY: §§ 991.1 to 991.95 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

DEFINITIONS

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

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

§ 991.3. *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in §§ 991.50, 991.54 and 991.81.

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

§ 991.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determined after application by the association:

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

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 991.6 *Rockford-Freeport marketing area.* "Rockford-Freeport marketing area," hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Rockford, Loves Park and Freeport, together with the territory lying within the townships of Burritt, Cherry Valley, Harlem, Owen, Rockford and Winnebago, in Winnebago County, and Florence, Harlem, Lancaster and Silver Creek, in Stephenson County, all in the State of Illinois. "Rockford district" of the marketing area shall include the territory lying within the corporate limits of the cities of Rockford and Loves Park, and within the townships of Burritt, Cherry Valley, Harlem, Owen, Rockford and Winnebago, in Winnebago County, Illinois. "Freeport district" of the marketing area shall include that portion of the marketing area not included in the Rockford district.

§ 991.7 *Route.* "Route" means a delivery (including at a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s) other than to a milk processing or distributing plant(s).

§ 991.8 *Approved plant.* "Approved plant" means a milk processing or distributing plant approved by the appropriate authorities for the distribution of Grade "A" milk under the milk ordinance of any municipality in the marketing area or under the Grade "A" milk and Grade "A" milk products law of the State of Illinois, and from which a route is operated wholly or partially within the marketing area. The term "approved plant" does not include any portions of the plant or facilities used for processing milk or any milk product required by the appropriate health authorities to be kept physically separate from that portion of the plant facilities used for receiving, processing, or packaging milk or milk products to be labeled Grade "A".

§ 991.9 *Rockford plant.* "Rockford plant" means a plant (a) located within the Rockford district, or (b) located outside the marketing area from which more than 50 percent of the Class I milk disposed of from such plant within the marketing area during the month is disposed of within the Rockford district.

§ 991.10 *Freeport plant.* "Freeport plant" means a plant (a) located within the Freeport district, or (b) located outside the marketing area from which more than 50 percent of the Class I milk disposed of from such plant within the marketing area during the month is disposed of within the Freeport district.

§ 991.11 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 991.12 *Handler.* "Handler" means any of the following:

(a) The operator of an approved plant in his capacity as such;

(b) The operator of an unapproved plant from which a route is operated wholly or partially within the marketing area; or

(c) Any cooperative association with respect to milk of producers caused to be diverted for its account from an approved plant to an unapproved plant from which no route is operated wholly or partially within the marketing area, which milk of producers shall be deemed as having been received by such cooperative association at the location of the plant from which the diversion was made.

§ 991.13 *Producer.* "Producer" means either of the following:

(a) "Grade A producer" means any person, except a producer-handler, who under inspection of the appropriate health authorities of any of the municipalities of the marketing area, or of the State of Illinois, produces milk approved by such authority for distribution as Grade "A" milk within the marketing area, which milk is received at an approved plant, or is diverted by a cooperative association for its account from an approved plant to an unapproved plant; or

(b) "Non-Grade A producer" means any person, except a producer-handler, who produces milk which is received at an unapproved plant from which a route is operated wholly or partially within the marketing area.

§ 991.14 *Producer milk.* "Producer milk" means either of the following:

(a) "Grade A producer milk" means milk of one or more producers produced and received or diverted under the conditions set forth in § 991.13 (a); or

(b) "Non-Grade A producer milk" means milk of one or more producers produced and received under the conditions set forth in § 991.13 (b).

§ 991.15 *Other source milk.* "Other source milk" means skim milk or butterfat received at an approved plant, or at an unapproved plant from which a route is operated wholly or partially within the marketing area, except that contained in (a) producer milk, (b) receipts from other handlers, (c) receipts from handlers under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area of items listed herein as Class I milk in packaged or bottled form ready for delivery to consumers, which are disposed of in the original package in which received, and (d) any non-fluid milk product received from a non-handler and disposed of in the form in which received.

§ 991.16 *Producer-handler.* "Producer-handler" means any person who produces milk and operates a route wholly or partially within the marketing area, but who receives no milk from producers.

MARKET ADMINISTRATOR

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

§ 991.21 *Powers.* The market administrator shall have the following powers with respect to this subpart.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

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

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

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

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

(d) Pay, out of the funds provided by § 991.85:

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

(2) His own compensation; and

(3) All other expenses, except those incurred under § 991.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such act, has not (1) made reports pursuant to §§ 991.30, 991.31 or 991.32, (2) maintained adequate records and facilities pursuant to § 991.33, or (3) made the payments required under §§ 991.80, 991.81, 991.83, 991.85, or 991.86;

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

(h) On or before the 10th day after the end of each month report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who have authorized such cooperative association to receive payments for them, to each handler to whom the cooperative association sells milk. For the purpose of this report the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in such class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices pursuant to §§ 991.50, 991.51 and 991.53 and the butterfat differentials for each class pursuant to § 991.52, and

(2) On or before the 11th day after the end of such month, the uniform prices computed pursuant to § 991.71 and the butterfat differential computed pursuant to § 991.81 and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 991.30 *Monthly reports of receipts and utilization.* On or before the 8th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator;

(a) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) all receipts within such month of (1) producer milk, (2) skim milk and butterfat in any form from any other handler, and (3) other source milk, and the sources thereof;

(b) The product pounds of Class I and Class II milk received in packaged or bottled form ready for delivery to consumers from handlers under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area, and disposed of in the form in which received;

(c) The product pounds of non-fluid milk products received from any nonhandler and disposed of in the same form;

(d) The utilization of all receipts required to be reported under paragraphs (a) and (b) and (c) of this section; and

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

§ 991.31 *Producer payroll reports.* On or before the 25th day after the end of each month each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show (a) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (b) the amount of payment to each producer and cooperative association and (c) the nature and amount of all deductions and charges involved in the payments referred to in paragraph (b) of this section.

§ 991.32 *Reports by producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 991.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form;

(b) The weights, samples and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each month.

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

CLASSIFICATION

§ 991.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the month by a handler, in producer milk, in other source milk, or from another handler shall be classified by the market administrator pursuant to the provisions of §§ 991.41 through 991.46.

§ 991.41 *Classes of utilization.* Subject to the conditions set forth in §§ 991.43 and 991.44 the skim milk and butterfat described in § 991.40 shall be classified separately by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat;

(1) Disposed of (except as provided in paragraph (b) (4) of this section) (i) in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drink, cream, any mixture which contains cream and milk or skim milk (not including ice cream mix) and not less than 6 percent butterfat, and eggnog, and (ii) in fluid or frozen form as concentrated milk, flavored milk, and flavored milk drink not sterilized; and

(2) Not specifically accounted for as any item included under subparagraph (1) of this paragraph or as Class II milk.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce a milk product other than any of those specified in paragraph (a) (1) of this section;

(2) In actual plant shrinkage of producer milk computed pursuant to § 991.42, but not in excess of 2 percent thereof;

(3) In inventory variation of milk, skim milk, cream or of any Class I milk product;

(4) In skim milk, flavored milk, flavored milk drink or buttermilk dumped or disposed of for livestock feed; and

(5) In actual plant shrinkage of other source milk computed pursuant to § 991.42.

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

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

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between producer milk and other source milk after deducting receipts from other handlers.

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

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

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

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to an approved plant or to an unapproved plant from which a route is operated wholly or partially within the marketing area (except the plant of a producer-handler) unless utilization as Class II milk is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the month within which such transaction occurred: *Provided,* That skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 991.46 (a) (2), and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk: *And provided further,* That in no event shall skim milk or butterfat so transferred or diverted be so classified that other source milk is assigned to any higher class in the plant of the transferring handler than the lowest class to which producer milk (other than allowable shrinkage) is assigned in the plant of the transferee-handler, after application of the allocation provisions of § 991.46.

(b) As Class I milk if moved in the form of milk, skim milk, or cream to (1) a producer-handler, or (2) any unapproved plant located 100 miles or more from the marketing area, by shortest highway distance as determined by the market administrator.

(c) According to his reported utilization, if moved in the form of milk, skim milk or cream to any unapproved plant from which no route is operated wholly or partially within the marketing area and which is not a plant covered by paragraph (b) of this section: *Provided*, That (1) the receiver (operator of the unapproved plant) maintains books and records showing the utilization of all skim milk and butterfat received at such plant from all sources, (2) if the reported utilization is Class II milk, the quantity of skim milk or butterfat transferred or diverted which may be allowed in such class shall not exceed the total amount of skim milk or butterfat, respectively, which the market administrator can establish definitely on the basis of such books and records as having been used by the receiver in Class II milk (as defined in § 991.41) in the month in which the milk, skim milk or cream so moved was received in the unapproved plant, and (3) any quantity in excess of such established Class II use shall be Class I milk: *And provided further*, That if such books and records are not made available to the market administrator at his request, the total quantity of skim milk and butterfat contained in the milk, skim milk or cream transferred or diverted by the handler shall be Class I milk.

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

§ 991.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(1) Subtract plant shrinkage of skim milk in producer milk pursuant to § 991.41 (b) (2) from the total pounds of skim milk in Class II milk;

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

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with available Class II milk, the pounds of skim milk in other source milk not otherwise subtracted pursuant to subparagrah (2) of this paragraph:

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to § 991.44; and

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk.

(b) Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk.

MINIMUM PRICES

§ 991.50 *Class I milk prices.* (a) The minimum price per hundredweight, on a 3.5 percent butterfat content basis, for Grade A producer milk received at, or diverted by a cooperative association from, Rockford plants and classified as Class I milk, shall be the price as determined for the month for the 70–85 mile zone pursuant to § 941.52 (a) (1) of this chapter, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area issued pursuant to the act, plus 4 cents.

(b) The minimum price per hundredweight, on a 3.5 percent butterfat content basis, for Grade A producer milk received at, or diverted by a cooperative association from, Freeport plants and classified as Class I milk shall be the price determined for the month for the 100–115 mile zone pursuant to § 941.52 (a) (1) of this subchapter, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area issued pursuant to the act, plus 4 cents.

(c) The minimum price per hundredweight for non-Grade A producer milk received at, or diverted by a cooperative association from, Rockford plants and classified as Class I milk shall be the Class I price computed pursuant to paragraph (a) of this section, less 10 cents.

(d) The minimum price per hundredweight for non-Grade A producer milk received at, or diverted by a cooperative association from, Freeport plants and classified as Class I milk shall be the Class I price computed pursuant to paragraph (b) of this section, less 10 cents.

§ 991.51 *Class II milk price.* The minimum price per hundredweight, on a 3.5 percent butterfat basis, for producer milk classified as Class II milk shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content determined by the market administrator for the month pursuant to paragraphs (a), (b) and (c) of this section, computed to the nearest tenth of a cent.

(a) The average of the prices per hundredweight reported to have been paid, or to be paid, for such month to farmers for milk containing 3.5 percent butterfat content delivered during such month at each of the following listed manufacturing plants or places for which prices are reported to the Department or to the market administrator:

Companies and Location

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

(b) The price per hundredweight computed as follows:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during such month, by 6;

(2) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price rang: as one price, for Wisconsin State Brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembling points, as reported by the Department for the trading days during the month, subtract 1.3 cents, and multiply by 2.4; and

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

(c) The price per hundredweight computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during such month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter;

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

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

§ 991.52 *Class butterfat differentials*—(a) *Class I milk.* Multiply by 1.31 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter in the Chicago market as reported by the Department for the month preceding that in which the producer milk to be priced was received and divide the result by 10.

(b) *Class II milk.* Multiply by 1.20 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month in which the producer milk to be priced was received, and divide the result by 10.

§ 991.53 *Computation of prices of skim milk and butterfat.* The prices per hundredweight of skim milk and butterfat to be paid by each handler for producer milk in each class shall be computed as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month (§§ 991.50 and 991.51) less the result of multiplying the applicable class butterfat differential for the month (§ 991.52) by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

APPLICATION OF PROVISIONS

§ 991.60 *Producer-handlers.* Sections 991.40 through 991.46, 991.50 through 991.55, 991.70 through 991.72, and 991.80 through 991.84, shall not apply to a producer-handler.

§ 991.61 *Milk subject to pricing under other Federal orders.* Except as follows, milk priced under any other Federal milk marketing agreement or order issued pursuant to the act for any other fluid milk marketing area shall not be subject to the provisions of this subpart:

(a) If such milk is disposed of on a route wholly or partially in the marketing area operated by or for a person subject to regulation as a handler under another order, such person shall report as requested by the market administrator, but shall not otherwise be considered a handler under this subpart;

(b) If such milk is received at the plant of a handler which is subject to the provisions of this subpart in any form other than those stated in § 991.15 (c) and (d), it shall be considered as other source milk; or

(c) If the provisions of the order for the other milk marketing area provide for determination as to the order under which milk shall be priced, the Secretary shall so determine.

§ 991.62 *Uniform price and payments for non-Grade A producer milk.* Sections 991.70, 991.71, 991.72, and 991.80 through 991.84 shall be applied to non-Grade A producer milk separately from Grade A producer milk.

DETERMINATION OF UNIFORM PRICES

§ 991.70 *Computation of value of producer milk.* The value of producer milk received during each month by each handler shall be computed by the market administrator by multiplying the pounds of skim milk and the pounds of butterfat in each class for such handler pursuant to § 991.46, by the applicable skim milk and butterfat prices computed pursuant to § 991.53, adding together the resulting amounts, and adding to this sum the amounts computed as follows: Multiply the pounds subtracted from the various classes pursuant to §§ 991.46 (a) (5) and 991.46 (b) by the applicable skim milk and butterfat prices.

§ 991.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of producer milk (3.5 percent butterfat content) for Rockford handlers and for Freeport handlers, as follows:

(a) Combine into one total the values computed pursuant to § 991.70 (and subject to the provisions of § 991.62) for all handlers who made the reports pursuant to § 991.30 except those in default of payments required pursuant to § 991.83 for the preceding month;

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

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

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

(e) Subtract not less than 4 cents but less than 5 cents:

Provided, That for any month for which the percentage of Class I milk to producer milk receipts for Rockford handlers does not exceed the percentage of Class I milk to producer milk receipts for Freeport handlers, the adjustments provided by paragraphs (f) and (g) of this section shall not apply.

(f) In the case of Rockford handlers an adjusted uniform price shall be computed as follows:

(1) Adjust the values for Freeport handlers, computed pursuant to § 991.70, to a 3.5 percent butterfat basis by the butterfat differential in § 991.81, combine the adjusted values into one total, and divide such total by the hundredweight of producer milk received by such handlers;

(2) Subtract from such result the amount per hundredweight (subtrahend) subtracted pursuant to paragraph (e) of this section and add an amount computed as follows: Divide the amount of the cash balance as set forth in paragraph (c) of this section by the total quantity of producer milk.

(3) Subtract such net amount from the per hundredweight figure resulting from paragraph (e) of this section;

(4) Determine the percentage which the total hundredweight of producer milk received by Freeport handlers bears to the total hundredweight of producer milk received by Rockford handlers, and multiply such percentage by the net amount per hundredweight resulting from subparagraph (3) of this paragraph;

(5) Add the amount computed under subparagraph (4) of this paragraph to the per hundredweight amount computed under paragraph (d) of this section;

(6) Adjust such sum to the full cent by subtracting not less than 4 cents but less than 5 cents.

(g) In the case of Freeport handlers an adjusted uniform price shall be computed as follows:

(1) Multiply the hundredweight of producer milk for Rockford handlers by the per hundredweight figure computed for such handlers as provided in paragraph (f) (5) of this section;

(2) Subtract such amount from the sum computed in paragraph (c) of this section;

(3) Divide such net amount by the hundredweight of producer milk for Freeport handlers; and

(4) Adjust such sum to the full cent by subtracting not less than 4 cents but less than 5 cents.

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

PAYMENTS

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

(a) On or before the 18th day after the end of each month, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the applicable uniform price for such month pursuant to § 991.71 adjusted by the producer butterfat differential pursuant to § 991.81, for all milk received from such producer during such month: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 991.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each month, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such month not less than the value of such milk computed at the applicable uniform price, adjusted by the producer butterfat differential pursuant to § 991.81.

§ 991.81 *Producer butterfat differential.* In making payments pursuant to § 991.80 there shall be added to, or subtracted from, the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month in which the producer milk to be priced was received, by 0.12 and rounding to the nearest tenth of a cent.

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

§ 991.83 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of producer milk (§ 991.70) received by such handler during such month is greater than the total of amounts to be paid pursuant to § 991.80.

§ 991.84 *Payments out of the producer-settlement fund.* On or before the 16th day after the end of each month, the market administrator shall pay to each handler the amount by which the value of producer milk (§ 991.70) received by such handler during such month is less than the sum of amounts due pursuant to §§ 991.83, 991.85, 991.86 and 991.87: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments uniformly per hundredweight and shall complete such payments as soon as the necessary funds are available.

§ 991.85 *Expense of administration.* As his prorata share of the expenses incurred pursuant to § 991.22 (d) each handler shall pay the market administrator on or before the 15th day after the end of each month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary from time to time may prescribe, with respect to producer milk (including such handler's own production) and other source milk (excluding that subject to administrative expense assessment under another Federal milk marketing agreement or order issued pursuant to the act) received during such month.

§ 991.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler for each month shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, from the payments made to each producer pursuant to § 991.80, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to check weights, samples and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, but for whom such cooperative association does not receive payment for milk, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of such month pay every such deduction to the cooperative association rendering such services.

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

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

§ 991.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

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

(1) The amount of the obligation;

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

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

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

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

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

MISCELLANEOUS PROVISIONS

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

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

§ 991.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 991.93 *Liquidation.* Upon the suspension or termination of this subpart, except this section, the market administrator, or such other liquidating agent, as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

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

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

Issued at Washington, D. C., this 28th day of August 1952, to be effective on and after the 1st day of September 1952.

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

[F. R. Doc. 52-9591; Filed, Aug. 29, 1952; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 11]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.10 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.10 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious, and communicable disease of swine known as vesicular exanthema exists in the following areas:

The State of California;
Cook County in Illinois;
The area within the corporate limits of Kansas City in Wyandotte County in Kansas;
City of Baltimore, in Maryland;
Kaw Township in Jackson County in Missouri;
Ashland, Benson, Florence, Loveland, May, McHugh, Moorhead, Omaha, Ralston, and Union Townships in Douglas County; Platte Township in Dodge County; Alda Township in Hall County; and Richland Township in Sarpy County, in Nebraska;
Burlington, Gloucester, Hudson, Morris, and Ocean Counties in New Jersey;
New York County and Clarkstown Township in Rockland County, in New York;
Townships 1 and 2 North, Range 1 East of Willamette Meridian, in Multnomah County in Oregon;
Lancaster County in Pennsylvania;
That part of Sioux Falls Township in Minnehaha County in South Dakota lying east of U. S. Highway 77 (Cliff Avenue in City of Sioux Falls) and north of U. S. Highway 16 (10th Street in City of Sioux Falls); and
Township 25 North, Range 5 West in King County in Washington.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States, in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition Bergen, Essex, Hunterdon, and Union Counties in New Jersey.

Effective date. This amendment shall become effective upon issuance.

This amendment includes within the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established, Morris County in New Jersey, City of Baltimore in Maryland, and Lancaster County in Pennsylvania. Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 7570) apply with respect to shipments of swine and carcasses, parts and offal of swine from these localities.

The amendment excludes from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established, Woodbury County in Iowa, Geary County in Kansas, and Sioux Falls Township in Minnehaha County, in South Dakota, except that part of said Township lying east of U. S. Highway 77 (Cliff Avenue in City of Sioux Falls) and north of U. S. Highway 16 (10th Street in City of Sioux Falls). Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070,7570) apply with respect to shipments of swine, and carcasses, parts and offal of swine from these localities.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 1, 2, 32 Stat. 791, 792, as amended, sec. 3, 33 Stat. 1265, as amended; 21 U. S. C. 111, 120, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended, sec. 1, 33 Stat. 1264, as amended; 21 U. S. C. 117, 123)

Done at Washington, D. C., this 26th day of August 1952.

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

[F. R. Doc. 52-9541; Filed, Aug. 29, 1952; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. P. L. 7]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

REMOVAL OF CONTROLLED MATERIALS DESIGNATION FROM CERTAIN COMMODITIES

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The letter "C" set forth in the column headed "Commodity Lists" opposite the commodity entries listed below is hereby deleted to indicate that these commodities are no longer "Controlled Materials" as defined in § 398.5. These entries otherwise remain unchanged on the Positive List.

Dept. of Commerce Schedule B No.	Commodity
	Metal powders:
619130	Aluminum or aluminum-bronze powders and pastes (aluminum content).
	Foil and leaf (less than 0.006 inch in thickness) (report paper-backed foil in 481600):
619230	Aluminum.

This amendment shall became effective as of August 29, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12235, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-9585; Filed, Aug. 29, 1952; 9:04 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5841]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNITED STATES NAVY WEEKLY, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections—Government connection: Government indorsement: Government goods: Size and extent:* § 3.45 *Content;* § 3.85 *Government approval, connections or standards.* Subpart—*Using misleading name—Goods:* § 3.2290 *Government indorsement or connection.* In connection with the solicitation for the sale of advertising space in, or the offering for sale, sale or distribution of respondents' magazine or any other publication in commerce, (1) using the name "United States Navy Magazine" as the title of any publication not officially connected with or sponsored by the United States Navy, or using any other title which falsely represents, directly or by implication, that the publication so entitled is officially connected with or sponsored by the United States Navy; or, (2) representing, directly or by implication, (a) that said publication is officially connected with or sponsored by the United States Navy or the United States Navy Department or any of their branches or divisions; (b) that said publication is owned, edited or published by naval personnel or by anyone acting in other than a civilian capacity; (c) that said publication contains a complete coverage of Navy news from the ships, stations, bases or yards of the United States Navy or from Washington, D. C.; or, (d) that said publication has a national office or an editorial office at any location contrary to the fact; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, United States Navy Weekly, Inc., et al., Philadelphia, Pa., Docket 5841, May 15, 1952]

In the Matter of United States Navy Weekly, Inc., a Corporation, and George L. Carlin and Ray E. Fenstemaker, Individually and as Officers of Said Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on January 18, 1951, issued and subsequently served its complaint in this proceeding upon respondents, United States Navy Weekly, Inc., a corporation, and George L. Carlin and Ray E. Fenstemaker, individually and as officers of said respondent corporation, charging them with the use of unfair and deceptive acts and practices in commerce and unfair methods of competition in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and said testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, the proceeding regularly came on for final consideration by said hearing examiner on the complaint, the answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel, and said hearing examiner, on May 31, 1951, filed his initial decision.

Within the time permitted by the Commission's rules of practice, counsel for respondents filed with the Commission an appeal from said initial decision, and thereafter this proceeding regularly came on for final consideration by the Commission upon the record herein, including briefs in support of and in opposition to said appeal and oral argument of counsel; and the Commission, having issued its order granting said appeal in part and denying it in part and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusion[1] drawn therefrom and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent, United States Navy Weekly, Inc., a corporation, and its officers, representatives, agents and employees and the individual respondents, George L. Carlin and Ray Fenstemaker, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the solicitation for the sale of advertising space in, or the offering for sale, sale or distribution of respondents' magazine or any other publication in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the name "United States Navy Magazine" as the title of any publication not officially connected with or sponsored by the United States Navy, or using any other title which falsely represents, directly or by implication, that the publication so entitled is officially connected with or sponsored by the United States Navy.

2. Representing, directly or by implication:

(a) That said publication is officially connected with or sponsored by the United States Navy or the United States Navy Department or any of their branches or divisions.

(b) That said publication is owned, edited or published by naval personnel or by anyone acting in other than a civilian capacity.

(c) That said publication contains a complete coverage of Navy news from the ships, stations, bases or yards of the United States Navy or from Washington, D. C.

(d) That said publication has a national office or an editorial office at any location contrary to the fact.

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 this order.

[1] Filed as part of the original document.

Issued: May 15, 1952.

By the Commission.

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

[F. R. Doc. 52-9523; Filed, Aug. 29, 1952; 8:45 a. m.]

[Docket 5968]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PHILIP KREMER ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service;* § 3.195 *Safety;* § 3.205 *Scientific or other relevant facts.* In connection with the offering for sale, sale or distribution in commerce of a rodenticide preparation designated "Zurd" or any other rodenticide preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name or names, representing, directly or by implication, (1) that said rodenticide preparation is 100 percent efficient, that it will kill all rats or all mice on the premises, or that it will achieve complete control of any rat or mouse problem or will prevent reinfestation by such rodents; (2) that according to the U. S. Department of the Interior reports the ingredient Warfarin has been proven to eliminate all rats or all mice on the premises; or, (3) that respondents' said preparation is safe and will not be harmful to humans, pets or domestic animals; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Philip Kremer et al. t. a. The Murd Company, Philadelphia, Pa., Docket 5968, May 8, 1952]

In the Matter of Philip Kremer and Harry Monoker, Co-partners, Trading as The Murd Company

This proceeding was instituted by complaint, which charged respondent with unfair and deceptive acts and practices in commerce and unfair methods of competition therein, within the intent and meaning of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated May 15, 1952, through the consent settlement procedure provided in Rule V of the Commission's rules of practice, as follows:

"The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on May 8, 1952, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

"The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof."

The order thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

It is ordered, That respondents Philip Kremer and Harry Monoker, individually and as co-partners trading as The Murd Company, or under any other name or names, their agents, representatives and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a rodenticide preparation designated "Zurd" or any other rodenticide preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name or names, do forthwith cease and desist from representing directly or by implication:

1. That said rodenticide preparation is 100 percent efficient, that it will kill all rats or all mice on the premises, or that it will achieve complete control of any rat or mouse problem or will prevent reinfestation by such rodents.

2. That according to the U. S. Department of the Interior reports the ingredient Warfarin has been proven to eliminate all rats or all mice on the premises.

3. That respondents' said preparation is safe and will not be harmful to humans, pets or domestic animals.

Issued: May 15, 1952.

By direction of the Commission.

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

[F. R. Doc. 52-9522; Filed, Aug. 29, 1952; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 780—AGRICULTURE, PROCESSING OF AGRICULTURAL COMMODITIES, AND RELATED SUBJECTS

SUBPART A—GENERAL, AND PROCESSING AGRICULTURAL COMMODITIES

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended, the present § 780.50 is hereby revoked and the following new sections, designated §§ 780.50, 780.51, and 780.52 are issued:

SUBPART A—GENERAL, AND PROCESSING AGRICULTURAL COMMODITIES

AUTHORITY: §§ 780.50 to 780.52 issued under 52 Stat. 1060, as amended; 29 U. S. C. 201-219.

§ 780.50 *Meaning of term "canning."* (a) As used in sections 7 (c) and 13 (a) (10) of the Fair Labor Standards Act (as in sections 13 (a) (5) and 13 (b) (4)), the term "canning" means hermetically sealing and sterilizing or pasteurizing and has reference to a process involving the performance of such operations. Other operations performed in connection therewith as integral parts of a single uninterrupted canning process are included, such as necessary preparatory operations performed on the products before they are placed in bottles, cans, or other containers to be hermetically sealed, as well as the actual placing of the commodities in such containers. Also included are subsequent operations such as the labeling of the cans or other containers and the placing of the sealed containers in cases or boxes whether such subsequent operations are performed as a part of an uninterrupted or interrupted process. The term "canning" does not include the placing of commodities or products in cans or other containers that are not hermetically sealed, nor hermetically sealing where no sterilization or pasteurization is performed, as such operations are "processing" as distinguished from "canning."

(b) This section replaces and supersedes the statement published in the FEDERAL REGISTER November 27, 1947, as § 780.50 of this part and as Release D-162, which is hereby rescinded and withdrawn. All prior interpretations of the meaning of the term "canning" as used in the Fair Labor Standards Act of 1938, as amended, contained in Interpretative Bulletin No. 14, in Release R-1892 dated January 25, 1943, and in any other releases, statements, rulings, or opinion letters issued by the Department of Labor are, to the extent that they are inconsistent or in conflict with paragraph (a) of this section, hereby rescinded and withdrawn.

§ 780.51 *First processing under section 7 (c)*—(a) *Introductory statement*. In the light of administrative experience and of certain relevant court decisions, the Secretary of Labor and the Administrator of the Wage and Hour and Public Contracts Divisions hereby set forth in this section a modification and clarification of certain interpretations published in Interpretative Bulletin No. 14, in Release R-1892, or in any other statements relating to the "first processing" exemptions provided in section 7 (c) of the Fair Labor Standards Act.

(b) *Perishable commodities*—(1) *Processing performed in a single place of employment*. An employer who commences processing operations on a perishable commodity to which the exemption in section 7 (c) for first processing applies, is considered engaged in the first processing of the named commodity throughout each series of operations, including byproduct operations, which commence with such initial processing of the named commodity and are performed in the same place of employment as a continuous series of operations during which the commodities remain perishable.[1] Thus, where an employer "first processes" perishable or seasonal fresh fruits or vegetables and after a certain point in the operations the processing line divides so that different portions of the material being worked on may be processed into different products or byproducts, his employees who continue to process such different portions into the respective products or byproducts will be considered engaged in the first processing of the perishable or seasonal fresh fruits or vegetables: *Provided*, That all the operations take place in the same place of employment and are part of a continuous series of operations throughout which the commodities being worked on remain perishable. For example, where an apple processor starts with whole apples which he peels and cores, and continues to process the main portions on one production line and the peelings and cores on another to produce pomace, first processing includes not only the primary operations on the whole apples and the main portions but also the byproduct operations, provided each series of processing operations is performed in the same place of employment as a continuous series of operations commencing with the peeling and coring of the whole apples. Similarly, where a citrus fruit canner or processor makes cattle feed and molasses from citrus waste as a part of a continuous series of operations beginning with the fresh fruit, the section 7 (c) exemption applies where both the primary operations on the edible fruit and the cattle feed and molasses operations take place in the same place of employment. The applicability of the section 7 (c) exemption to such byproduct operations of a canner of perishable or seasonal fresh fruits or vegetables does not mean that operations performed on the "waste" portions after removal of the main portions of the fruit are exempt as part of "canning"; the basis of the exemption is that the byproduct operations, performed as a continuous series of operations commencing with separation of the portions of the whole fruit, constitute "first processing" of the fresh fruit within the meaning of section 7 (c). The fact that the initial processing operation on the whole fruit is also a part of the canning" process performed on the main portions does not affect this result.

(2) *Processing performed in more than one place of employment*. Where first processing operations are performed at one place of employment on a commodity named in section 7 (c), and further processing operations on the processed commodity are then performed at another place of employment, such further processing operations are not part of the "first processing" of the named commodity which commenced at the first place of employment, but comprise a separate process.[2] Thus, where a processor makes pomace from apple peels and cores in a place of employment other than the place where the processor starts with whole apples, or where the processor purchases apple peels and cores from others, the section 7 (c) exemption will not be applicable to his employees en-

[1] McComb v. C. H. Musselman & Co., 74 F. Supp. 185, affirmed 167 F. 2d 918; Sugar Creek Creamery Co. v. Walker, 187 S. W. 2d 178 (Sup. Ct. Ark.); Shain v. Armour & Co., 50 F. Supp. 907 (W. D. Ky.); Walling v. Bridgeman-Russell Co., 2 W. H. Cases 785 (D. Minn.).

[2] Walling v. Bridgeman-Russell Co., 2 W. H. Cases 785; Shain v. Armour & Co., 50 F. Supp. 207; Abram v. San Joaquin Cotton Oil Co., 46 F. Supp. 969. See also Sugar Creek Creamery Co. v. Walker, 187 S. W. 2d 178 (Ark. Sup. Ct.). Contra, McComb v. Hunt Foods, 167 F. 2d 905 (this opinion does not appear to be in accord with the general principles applicable to construction of exemptions under the Fair Labor Standards Act).

gaged in the operations on these peels and cores. Similarly, where citrus waste is processed in a place of employment other than the one where the fresh fruit is processed, or where citrus waste is purchased, the processing of the waste is not within the section 7 (c) exemption. However, such separate processing performed in a second place of employment, viewed separately, can be exempt "first processing" but only if the operations in the second place of employment are themselves "first processing" of a commodity named in section 7 (c). Illustrative of this principle is the situation where a processor is engaged in separating milk, a named commodity, into skimmed milk and cream in one place of employment and is engaged in making powdered milk from such skimmed milk, also a named commodity, in another place of employment. (See also subparagraph (3) of this paragraph.)

(3) *Edible portions of fresh fruits or vegetables.* The edible portions of fresh fruits or vegetables are considered to be fresh fruits or vegetables for purposes of section 7 (c), even though they have been subjected to an operation such as peeling, shelling, coring, or slicing so long as the whole fruit or vegetable or any severed parts thereof remain raw, perishable and recognizable in the common understanding as fresh fruits or vegetables. If a whole fresh fruit or vegetable has been thus processed in one establishment, the peeling, shelling, coring or slicing will be considered a "first processing" operation. If the peeled, shelled, cored or sliced portions of the fresh fruit or vegetable, which are raw, perishable and recognizable in the common understanding as fresh fruits or vegetables, are then shipped to another establishment, these edible portions will be considered to be "fresh fruits or vegetables" and may themselves be "first processed" in the second establishment. On the other hand, if peels, shells, or cores produced by the processing operations in the first establishment are shipped to another establishment, processing operations performed in the second establishment on these peels, shells and cores will not be considered first processing operations on "fresh fruits or vegetables" and will not be exempt under section 7 (c). (See subparagraph (2) of this paragraph.) Such byproduct operations, which are performed at a place of employment other than the one where the "first processing" of the fresh fruit or vegetable takes place, are not considered within the scope of the exemption.

For example, where peas are shelled (vined) or green beans are trimmed and cut into pieces in one establishment, and the raw peas or beans sent to another establishment for freezing, the exemption can apply to the freezing operations in the second establishment as well as to the operations in the first establishment.

(c) *Nonperishable commodities.* The principles stated in subparagraphs (1) and (2) of paragraph (b) will apply, with appropriate adaptation, to the first processing of other agricultural or horticultural commodities referred to in section 7 (c), regardless of whether they are perishable. This means that the "first processing" of such a commodity will include operations on either a main or a branch processing line, with respect to either a primary product or a by-product (up to the end point for exempt first processing of such commodity), provided such operations are part of a continuous series of operations starting with the initial processing operation on the named commodity and are all performed in the same place of employment.

(d) *Earlier interpretations superseded.* To the extent that prior general or specific interpretations contained in Interpretative Bulletin No. 14, in releases, in opinion letters, or in other statements issued with respect to the meaning and application of "first processing" under section 7 (c) of the Fair Labor Standards Act of 1938, as amended, are inconsistent with the principles above stated, they are rescinded and withdrawn.

§ 780.52 *Shelling corn.* (a) The shelling of corn constitutes "preparing in their raw or natural state" within the meaning of section 13 (a) (10) and not "first processing" within the meaning of section 7 (c).

(b) Shelled corn is an agricultural commodity for the purpose of section 13 (a) (10) and section 7 (c), no matter where it is shelled.

(c) The "corn" referred to in this section is corn such as is used for feed, seed, or industrial uses, the kernels of which are in the hard or dry state, as distinguished from corn harvested as a perishable fresh vegetable while the kernels are soft, to be prepared for human consumption as "corn on the cob" or as canned or frozen corn.

(d) All prior interpretations concerning the shelling of corn under the Fair Labor Standards Act of 1938, as amended, contained in Interpretative Bulletin No. 14, dated December 1940, and in any other releases, statements, rulings or opinion letters issued by the Department of Labor are, to the extent that they are inconsistent or in conflict with paragraphs (a), (b), and (c) of this section, hereby rescinded and withdrawn.

Signed at Washington, D. C., this 26th day of August, 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 52-9520; Filed, Aug. 29, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 3 to Supplementary Regulation 4]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 4—UNIFORM CEILING PRICES FOR BRANDED ARTICLES

EXCEPTION FOR EXPIRATION OF ORDER DATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Supplementary Regulation 4 to Ceiling Price Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

This amendment creates an exception to the provisions of section 10 of Supplementary Regulation 4 to Ceiling Price Regulation 7 under which special orders which were issued to manufacturers under section 43 of Ceiling Price Regulation 7 expire on certain specified dates, if they do not terminate earlier by authorizations becoming effective under SR 4 to CPR 7.

In the case of a manufacturer who distributed his product exclusively through wholesalers at the time his section 43 order was issued, but who now distributes directly to the retailer, the regulation in most cases does not presently permit continuation of uniform pricing at retail. Therefore, while the Office of Price Stabilization develops an appropriate method to remedy this situation, this amendment is necessary in order to leave in effect such manufacturers' orders which might otherwise lapse before their customary method of uniform retail pricing could be continued.

In view of the remedial nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Section 10 of Supplementary Regulation 4 to Ceiling Price Regulation 7 is amended to read as follows:

SEC. 10. *Orders under section 43 of Ceiling Price Regulation 7*—(a) *Expiration of orders.* (1) Except as provided in subparagraph (2), each special order issued to a manufacturer or wholesaler and in effect under section 43 of Ceiling Price Regulation 7 (including orders amended as provided in paragraph (c) of this section) shall continue in effect but shall expire and be deemed revoked on the date uniform ceiling prices for any of his articles covered by that order are authorized under this supplementary regulation or on the following applicable date, whichever is earlier:

For orders numbered—	*Expiration date is—*
1 through 205	Sept. 1, 1952
206 through 599	Oct. 15, 1952
600 and following	Nov. 15, 1952

(2) No special order issued under section 43 to CPR 7 to a manufacturer who at the time of its issuance distributed his branded articles exclusively through wholesalers, but who at the time of his application for an authorization under SR 4 to CPR 7 distributed them directly to retailers, shall expire or be deemed revoked until 60 days after the applicable termination date provided above (unless terminated by the manufacturer's authorization becoming effective under SR 4 to CPR 7): *Provided, however,* That such manufacturer has applied for uniform retail ceiling prices for his branded articles under SR 4 to CPR 7 before his special order under section 43 to CPR 7 expires.

Within 10 days after September 1, 1952, or the date of the acknowledgment by the OPS of the manufacturer's application under SR 4 to CPR 7, whichever is later, a manufacturer covered by this subparagraph must:

(i) Send to each of his retailers who received a copy of his special order under section 43 of CPR 7, a notice of the date until which his special order remains in effect (unless terminated by an authorization becoming effective under SR 4 to CPR 7);

(ii) Send a notice to the Distribution Branch of the OPS, Washington 25, D. C., stating that he falls within the exception of this subparagraph.

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

Effective date. This amendment is effective August 29, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9635; Filed, Aug. 29, 1952; 12:00 m.]

[Ceiling Price Regulation 24, Interpretation 2]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

INT. 2—BEEF CUTS NOT PREPARED IN ACCORDANCE WITH THE DEFINITIONS OF CPR 24 (SEC. 11 (b))

A meat processor inquires whether under Ceiling Price Regulation 24 cuts specifically defined in that regulation may be further fabricated by him, if the wholesaler or retailer so requests, provided that no additional charge is made for this service, that all parts of the meat originally cut are delivered to the wholesaler or retailer, and that the product is billed on the basis of the original weight and the original cut.

In preparing Ceiling Price Regulation 24, it was necessary to prescribe standards for cutting and fabricating. These uniform standards were deemed necessary for effective administration of the regulation. Permission for further fabrication without additional charge to the buyer would open the door to evasion of the regulation, and create practical difficulties of enforcement. The uniform standards of fabrication established in CPR 24 conform to those generally in use in the beef packing business, and there is no practical alternative to such standardization.

For these reasons, the provisions of section 11 (b) were included in CPR 24 specifically to provide that no beef cut may be sold under that regulation except where prepared in accordance with the definitions in that regulation.

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

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9636; Filed, Aug. 29, 1952; 12:01 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 32]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 32—WAUKEGAN MILK MARKETING AREA, STATE OF ILLINOIS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Delegation of Authority No. 41 (16 F. R. 12679), this Area Milk Price Regulation, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 63 to the General Ceiling Price Regulation authorizes the issuance of an area milk price regulation. In such a regulation, ceiling prices are to be determined by adding to the January 1–June 30, 1950, selling prices the cost increases incurred between that period and a current period for plant wages, delivery wages, cans, cases and containers and raw milk.

Two large dairies representing about 60 percent of the Waukegan dairy volume have filed petitions with this office requesting the issuance of such a regulation for the Waukegan marketing area. In addition, the Accounting Division of this office has procured data from two small dairies which also serve this territory. March 1952 was selected as the current period for all firms. The information obtained from these firms indicates that the Waukegan dairies are entitled to an increase of one-half cent per sales point over the ceiling prices now in effect. The regulation does not provide, however, for a processor to take this increase on sales to distributors (i. e., vendors). Data was not submitted to support such an increase. The half-cent increase may be taken on sales by distributors.

The ceiling prices of processors are geared to the fluctuations in the producer prices. If the producer prices rise, processors may increase their ceiling prices; if producer prices fall, they must reduce their ceiling prices. The producer prices for March 1952 are adopted as the basis for such ceiling price changes. Distributors and operators of retail stores are permitted to increase, and are required to decrease, their ceiling prices where a change in cost to them is due to the above provisions.

In the judgment of the Regional Director of the Office of Price Stabilization, the provisions of this Area Milk Price Regulation No. 32 in Region VII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The Regional Director of the Office of Price Stabilization gave due consideration to the National effort to achieve the maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. The Director has consulted the industry involved to the fullest extent practicable and has given due consideration to its recommendation.

REGULATORY PROVISIONS

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation issued under the authority of Supplementary Regulation 63 to the General Ceiling Price Regulation establishes ceiling prices for sales of delivery of "milk products for fluid consumption" (as that term is defined in section 11 of Supplementary Regulation 63) in the Waukegan Milk Marketing Area.

SEC. 2. *Where this area milk price regulation applies.* This area milk price regulation applies to sales or deliveries of milk products for fluid consumption in Lake County (except for the townships of Libertyville, Shields, Vernon, West Deerfield, and Deerfield); Dundee Township in Kane County; and Richmond, Burton, Greenwood, McHenry, Dorr, Nunda, Grafton and Algonquin Townships in McHenry County, all in the State of Illinois.

SEC. 3. *Sales and sellers covered.* This area milk price regulation covers all sales of milk products for fluid consumption by processors, distributors (i. e. vendors) and operators of retail stores, except that it does not cover sales by operators of retail stores of packaged cottage, pot and baker's cheese, and sales by operators of receiving plants. Ceiling prices for sales of packaged cottage, pot and baker's cheese by operators of retail stores shall continue to be subject to Ceiling Price Regulations 15 and 16. Definitions of many of these terms are contained in Supplementary Regulation 63.

SEC. 4. *Ceiling prices for milk products for fluid consumption.* Your ceiling prices for any milk product for fluid consumption shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect on the day preceding the effective date of this regulation, plus (except for sales to distributors) one-half cent per sales point. Your ceiling price for any milk product for fluid consumption sold to distributors shall be your ceiling price determined under the provisions of the

General Ceiling Price Regulation and in effect on the day preceding the effective date of this regulation.

The following categories shall be considered one sales point for the specified container size. To determine the sales point value for a container of another size in any category, divide the contents of that container size by the contents of the container size in the same category specified in this section:

(a) One quart of each milk product for fluid consumption except as specified in the remaining paragraphs of this section.

(b) One-half pint of cream containing over 15 percent butterfat.

(c) One pint of cream containing between 10 percent and 15 percent of butterfat.

(d) Sixteen ounces of cottage cheese.

(e) Sixteen ounces or one pint of specialty products such as yogurt.

SEC. 5. *Initial reporting requirements.* (a) You shall report the ceiling prices resulting from the application of section 4 to the Regional Office of the Office of Price Stabilization, 9 West Washington Street, Chicago 2, Illinois, by registered mail, return receipt requested, within 5 days after the effective date of this regulation. The report shall be filed on OPS Public Form 124.

(b) Your price lists in effect during any part or all of the General Ceiling Price Regulation base period, including the time during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Director who is issuing this regulation. You shall not sell at the ceiling prices computed pursuant to section 4 until the Office of Price Stabilization has received the report required by this paragraph as shown by your return postal receipt.

(c) In column (a) of OPS Public Form 124 the description of the product must include the butterfat content. In column (f) the ceiling price shown shall be your ceiling price determined under the General Ceiling Price Regulation and in effect on the day preceding the effective date of this regulation. In column (g) the uniform adjustment shall be the amount of the increases specified in section 4 for those products the ceiling prices of which are increased. All the other portions of OPS Public Form 124 shall be filled in as indicated by the form.

SEC. 6. *Ceiling prices for milk products for which ceiling prices cannot be determined under section 4.* If you cannot determine a ceiling price for a product being sold by you under the provisions of section 4 of this regulation, you may apply to the Regional Director of the Office of Price Stabilization, 9 West Washington Street, Chicago 2, Illinois, for the establishment of a ceiling price for that product in line with the other ceiling prices established by this regulation. Your application should contain:

(a) The name and address of your company;

(b) A complete description of the item being priced including the butterfat content;

(c) A description and the ceiling price of the most comparable commodity dealt in by you during the period between December 19, 1950, and the effective date of this area milk price regulation;

(d) An explanation as to why you are unable to determine a ceiling price under section 4 of this regulation;

(e) The types of customers to whom you will be selling;

(f) Your proposed ceiling price and the method used by you to determine it and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation.

If the Regional Director is satisfied that he has sufficient information upon which to base a ceiling price, he will, within a reasonable time, issue a letter order establishing your ceiling prices for all proposed sales of the milk products for fluid consumption being priced.

SEC. 7. *Specified producer prices; parity adjustments for processors; reporting requirements.* (a) The prices set forth in this regulation are predicated upon a producer paying price (exclusive of premiums and handling charges) of \$4.984 per hundredweight for 3.5 percent Grade A Class I milk in the 55–70 mile zone, and of \$4.684 per hundredweight for 3.5 percent Grade A Class II milk in the 55–70 mile zone, as these terms are defined in the order relating to the Chicago, Illinois, Milk Marketing Area (Order 41) (16 F. R. 6348), as amended. These producer prices are the specified producer prices to be used as a basis for computing the parity adjustment in ceiling prices under section 8 of Supplementary Regulation 63. In determining the ceiling prices under this area milk price regulation, consideration has been given to all available information as to increases and decreases from the January 1 through June 30, 1950 base period to the current period of March 1952, relating to premiums, hauling charges, Milk Administrator's charges and handling charges. No increases or decreases in premiums or in handling charges shall be taken into account in computing increases or decreases permitted or required under section 8 of Supplementary Regulation 63. Increases to and decreases from the specified producer price shall be governed solely by the monthly official price announcement made by the Market Administrator under §§ 941.51 and 941.52 of the order relating to the Chicago, Illinois, Milk Marketing Area (16 F. R. 6348) as amended.

(b) (1) In any month in which the official producer price announcement requires a decrease in your ceiling prices, you must put such decreases into effect no later than the 7th day of the month. In any month in which the official price announcement permits an increase in your ceiling prices, you may not put such increases into effect prior to the 7th day of the month.

(2) In making price increases or decreases on products which contain more or less than 3.5 percent butterfat, you must make appropriate allowance for the value of the butterfat and skim milk in the product.

(c) Prior to charging any increased prices permitted under section 8 of Supplementary Regulation 63, you must file with the Regional Director of the Office of Price Stabilization, 9 West Washington Street, Chicago 2, Illinois, a report including the following information:

(1) The name and description of the product being priced;

(2) The container size of the product;

(3) The butterfat content of the product;

(4) Your proposed ceiling price for the product.

If you are required to decrease your ceiling prices as a result of the operation of section 8 of Supplementary Regulation 63, you must file a report containing the information requested in the preceding paragraph within five days after you are required to make the decreases.

SEC. 8. *Rounding of fractions.* (a) If in computing an adjusted ceiling price under section 7 you arrive at a unit price involving a fraction of a cent, you must round the price in accordance with section 8 (b) of Supplementary Regulation 63 to the General Ceiling Price Regulation.

(b) If you sell at one time a single unit of a product covered by this regulation, a fraction of a cent shall be dropped if less than one-half cent and may be increased to the nearest higher cent if one-half cent or more. If you sell at one time more than one unit of a product covered by this regulation, the maximum sum due shall be figured by adding the ceiling prices including fractions of a cent of each unit sold. If the maximum sum contains a fraction of a cent, it shall be dropped if less than one-half cent and may be increased to the nearest higher cent if one-half cent or more.

(c) If you have customarily billed any purchaser or any class of purchasers for items covered by this regulation on a monthly (or other billing period) basis, you must continue to do so, and the maximum amount due must be figured under paragraph (b) of this section as though all sales for the month (or other billing period) had been made at one time.

SEC. 9. *Modification of proposed ceiling prices.* The Regional Director may at any time revoke, disapprove or revise ceiling prices reported under section 5 or established by him under section 6 of this regulation.

SEC. 10. *Reference to the General Ceiling Price Regulation.* Except insofar as inconsistent with the provisions of this area milk price regulation all sections of the General Ceiling Price Regulation as amended and supplemented including, but not restricted to, sections 15, 16, 17 and 19 are incorporated in and made a part of this area milk price regulation as though fully recited herein.

SEC. 11. *Prohibitions.* After the effective date of this area milk price regulation, regardless of any contract or other obligation, you shall not sell and you shall not buy in the regular course of business or trade, any milk product for fluid consumption at a price exceeding the ceiling price established by this regulation.

SEC. 12. *Parity adjustments for distributors and retail stores.* (a) This section applies to you only if (1) you are a distributor of an item of a milk product or an operator of a retail store who sells an item of a milk product; (2) the cost to you of a current customary purchase of the item differs from the highest ceiling price applicable to sales of that item to you from a customary source of supply on the day preceding the effective date of this regulation; and (3) the change in the cost to you is due to the operation of the provisions of section 7 of this area milk price regulation relating to parity adjustments for processors.

(b) In such case, on the first day following the effective change in your cost, you may increase and you must decrease your ceiling prices in effect on the day preceding the effective date of the regulation, by the dollars-and-cents difference per item in these costs.

Effective date. This area milk price regulation under Supplementary Regulation 63 to the General Ceiling Price Regulation shall become effective August 29, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

LELAND J. ANDERECK,
Acting Regional Director,
Office of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9637; Filed, Aug. 29, 1952; 12:01 p. m.]

[General Overriding Regulation 23, Amdt. 5]

GOR 23—TERRITORIAL EXEMPTIONS

SUSPENSION OF PRICE CONTROLS IN GUAM

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 5 to General Overriding Regulation 23 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 23 suspends price control in Guam.

Recent reports from the Territorial Staff in Guam indicate the economy of that island is now reasonably stable. Since a preponderance of sales to civilians in Guam are from Armed Forces Canteens, Commissaries, and post exchanges this stability may be expected to continue.

The recent congressional action in drastically reducing the Office of Price Stabilization appropriation makes it impossible to maintain a staff in Guam sufficiently large to provide adequate enforcement of OPS regulations or to assure the continuing administration of generally fair and equitable regulations as applied to this area. Continuation of controls in the face of this reduction in staff would result in hardship to consumers and businessmen alike.

Suspension rather than decontrol is recommended since it is believed that the latter action, in the climate of rising costs, might upset the stabilizing influence which has been exercised by the territorial operation on the island, and, in the event of any sharp price upturn over the period of the next few months, could lead to inflationary markups and prices charged by civilian distributors, service establishments and restaurants. Should it appear, following suspension, that inflationary forces are again disturbing the stability of the economy, thought will be given to the restoration of controls.

To assist in the maintenance of a stabilized economy on Guam a small territorial staff operating as an arm of the Director of Region 14 will be retained. It will continue to meet with the industry advisory committees and consumer groups to report regularly to the Regional Office on price pressures and fluctuations and to operate, within the framework of the act, a moderate program of voluntary controls.

Because of the nature of this action consultation with industries affected, including trade association representatives, has been impractical. The OPS, however, has consulted with the Office of Territories in the Department of the Interior concerning this matter and has given full consideration to the recommendations of that office.

AMENDATORY PROVISIONS

1. A new article, Article 4—Suspensions, is added to General Overriding Regulation 23, as follows:

ARTICLE 4—SUSPENSIONS

SEC. 4.1. *Guam.* The application to Guam, of any ceiling price regulation heretofore or hereafter issued, is suspended until further notice by the Director of Price Stabilization. Persons in Guam who were required by any regulation heretofore issued to keep, prepare, or preserve any records shall continue to preserve and make available for examination by the Office of Price Stabilization, in the manner and for the period set forth in the regulation all such records which they were required to have on August 31, 1952.

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

Effective date. This Amendment 5 to General Overriding Regulation 23 is effective September 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9638; Filed, Aug. 29, 1952; 12:01 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 19, as amended August 28, 1952]

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

DIR. 19—EX-ALLOTMENT ACQUISITION AND USE OF CARBON CONVERSION STEEL

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

This amendment affects Direction 19 to CMP Regulation No. 1 by amending sections 2, 3, 4, and 6 thereof. As so amended, Direction 19 to CMP Regulation No. 1 reads as follows:

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definitions.
3. Acquisition and use without submitting application.
4. Acquisition and use pursuant to application submitted and approved.
5. Orders for carbon conversion steel.
6. Transfer of carbon conversion steel.
7. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 7 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.* This direction establishes a procedure by which persons with authorized production schedules for the manufacture of Class A and B products containing steel may obtain quantities of carbon conversion steel without charging allotment authority received under the Controlled Materials Plan. This procedure is designed to limit the use of the additional authority granted herein to situations where such carbon conversion steel will be produced in excess of the supply of carbon steel available for delivery against other orders.

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

(a) "Finished carbon conversion steel" means carbon steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, which has been obtained by a person in consequence of such person or some other person having furnished, directly or indirectly, to one or more steel producers or converters, semifinished carbon conversion steel (which is carbon steel in a less-finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot-rolled sheets in coils) for the express purpose of having such semifinished carbon conversion steel processed into another form indicated in Schedule I of CMP Regulation No. 1.

(b) "Product class" means a product class code as shown in the Official CMP Class B Product List.

SEC. 3. *Acquisition and use without submitting application.* Any producer of Class B products may, by self-authorization and without charging any allotment, order up to 500 tons of finished carbon conversion steel per calendar quarter for delivery during the third and fourth calendar quarters of 1952 and the first calendar quarter of 1953 with respect to each product class for which he has received or hereafter receives one or more authorized production schedules and related allotments of carbon steel. He may use any finished carbon conversion steel so acquired to increase such authorized production schedule or schedules: *Provided, however,* That if any such authorized production schedule contains a specific limitation on the number of units which may be produced, he may not exceed that unit limitation. A producer of Class B products shall submit an application in accordance with the provisions of section 4 of this direction for any calendar quarter and product class in which his requirements for delivery of finished carbon conversion steel exceed 500 tons.

SEC. 4. *Acquisition and use pursuant to application submitted and approved.* (a) Any producer of Class A products who desires to order finished carbon conversion steel for delivery during the third or fourth calendar quarters of 1952 or the first calendar quarter of 1953, without charging an allotment, shall submit an application to NPA in acordance with the provisions of paragraph (c) of this section: *Provided, however,* That no such producer shall request authorization to order for delivery during the third calendar quarter of 1952 with respect to any authorized production schedule, without charging the related allotment, a quantity of finished carbon conversion steel which exceeds 20 percent of his related allotment of carbon steel for such schedule: *And provided further,* That no such producer shall request authorization to order for delivery during the fourth calendar quarter of 1952 or the first calendar quarter of 1953 with respect to any authorized production schedule, without charging the related allotment, a quantity of finished carbon conversion steel which exceeds 40 percent of his related allotment of carbon steel for such schedule.

(b) Any producer of Class B products who desires to order more than 500 tons of finished carbon conversion steel with respect to any product class for delivery during the third or fourth calendar quarters of 1952 or the first calendar quarter of 1953, without charging an allotment, shall submit an application to NPA in accordance with the provisions of paragraph (c) of this section for authorization to order finished carbon conversion steel with respect to such product class for delivery during such calendar quarter: *Provided, however,* That no such producer shall request authorization to order for delivery during the third calendar quarter of 1952 with respect to any product class, without charging an allotment, a quantity of finished carbon conversion steel which exceeds 20 percent of his total net allotment of carbon steel for such product class for the third calendar quarter of 1952: *And provided further,* That no such producer shall request authorization to order for delivery during the fourth calendar quarter of 1952 or the first calendar quarter of 1953 with respect to any product class, without charging an allotment, a quantity of finished carbon conversion steel which exceeds 40 percent of his total net allotment of carbon steel for such product class for the third calendar quarter of 1952.

(c) Each application filed pursuant to paragraphs (a) or (b) of this section shall be submitted by letter in triplicate to the Iron and Steel Division, National Production Authority, Washington 25, D. C., Ref: Direction 19 to CMP Regulation No. 1. Each application shall set forth the following facts:

(1) The name and address of the plant of the supplier of semifinished carbon conversion steel.

(2) For each such plant, a description of the semifinished carbon conversion steel product (ingot, billet, bloom, slab, etc.).

(3) For each such product, the tonnage by months of shipment.

(4) For each such product, the name and address of each plant providing a finishing facility in the conversion process.

(5) For each such plant (finishing facility) a description of the carbon steel product to be produced in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(6) For each such carbon steel product, the tonnage by months of shipment.

(d) NPA will issue authorizations to acquire and use carbon conversion steel pursuant to applications submitted in accordance with the provisions of this section. Any person who receives such an authorization may, subject to the terms and conditions of such authorization, acquire finished carbon conversion steel in the quantities indicated without charging his allotment authority and use such steel to increase his authorized production schedule: *Provided, however,* That no person who has received an authorized production schedule for a Class B product or products which contains a specific limitation on the number of units which may be produced, shall exceed such unit limitation. In appropriate cases NPA may, in such authorization, specify restrictions upon the use of the related allotment authority to prevent increases in demand for certain forms and shapes of carbon steel which are in short supply.

SEC. 5. *Orders for carbon conversion steel.* (a) Any person who is authorized to acquire and use finished carbon conversion steel pursuant to section 3 or section 4 of this direction, may place authorized controlled material orders, without charging his allotment, for such finished carbon conversion steel with the finished conversion steel producer, and such producer may accept and fill such orders if they will not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with the acceptance and filling of orders which such steel producer is required to accept pursuant to any regulation or order of NPA. The person ordering such steel shall make his own arrangements for obtaining the semifinished carbon conversion steel with the original ingot producer, or the finished conversion steel producer. In arranging to purchase the semifinished carbon conversion steel from an original ingot producer or an intermediate producer, such person shall furnish to such original ingot producer or intermediate producer a certification in the following form:

Certified under Direction 19 to CMP Regulation No. 1

which shall be signed as provided in section 8 of NPA Reg. 2. The certification shall constitute a representation to the original ingot producer or intermediate producer and to NPA that such person is authorized to place such order under the provisions of this direction to obtain the quantity of semifinished conversion steel covered by the delivery order, for conversion into finished conversion steel, and that he will furnish an authorized controlled material order to the finished conversion steel producer. Notwithstanding the provisions of any NPA regulation or order, a producer of semifinished carbon conversion steel may deliver semifinished carbon conversion steel pursuant to such a certification: *Provided, however,* That such delivery shall not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with delivery on orders which such steel producer is required to accept pursuant to any regulation or order of NPA.

(b) An authorized controlled material order placed pursuant to the provisions of paragraph (a) of this section shall contain the same allotment symbol which identifies the allotment that accompanies the authorized production schedule in which the finished carbon conversion steel will be used.

SEC. 6. *Transfer of carbon conversion steel.* (a) In addition to increasing his own authorized production schedule, a person who is entitled to order, who has ordered, or who has received delivery of, finished carbon conversion steel pursuant to the provisions of this direction, may direct the delivery of all or part of such steel to a producer of Class A products to whom he has given an authorized production schedule. A person who so directs delivery of a quantity of finished carbon conversion steel to a producer of Class A products must charge such quantity against the total quantity of such steel which he is entitled to order. A producer of Class A products who receives such steel from his customer may use it to fulfill the authorized production schedule which he has received from that customer or to replace in inventory material used to fulfill such schedule. If such a producer has received authorization from NPA pursuant to section 4 of this direction to order finished carbon conversion steel with respect to such schedule, he must charge the quantity of such steel which he receives from his customer against the quantity which he was authorized to order with respect to such schedule.

(b) If it develops after a person has received delivery of finished carbon conversion steel pursuant to the provisions of this direction that he cannot use such steel for a purpose permitted by this direction, he shall not use or dispose of it except as provided in paragraph (a) of this section or in section 17 (d) of CMP Regulation No. 1.

SEC. 7. *Applicability of other regulations and orders.* The provisions of CMP Regulation No. 1, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction. A user of controlled material may accept delivery of finished carbon conversion steel acquired pursuant to the provisions of this direction without regard to the inventory provisions of CMP Regulation No. 2, and need not include such steel in computing his inventory for purposes of that regulation. In all other respects, the provisions of all NPA regulations and orders heretofore issued shall remain in full force and effect.

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

This direction as amended shall take effect August 28, 1952.

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

[F. R. Doc. 52-9608; Filed, Aug. 28, 1952; 4:41 p. m.]

[Revised CMP Regulation 6, Direction 7, as Amended August 28, 1952]

CMP REG. 6—CONSTRUCTION

DIR. 7—EX-ALLOTMENT ACQUISITION AND USE OF CARBON CONVERSION STEEL

This amended direction under Revised CMP Regulation 6 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 direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

This direction as amended changes sections 3 and 4, by providing for the placing of orders for delivery in the third calendar quarter of 1952 of finished carbon conversion steel. Further, section 7 is amended to clarify the use to which finished carbon conversion steel may be put.

Direction 7 to Revised CMP Regulation 6 of August 18, 1952, is amended to read as follows:

REGULATORY PROVISIONS

AUTHORITY: Sections 1 to 8 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.* This direction establishes a procedure by which persons with construction schedules authorized pursuant to Revised CMP Regulation 6, or NPA Order M-100, may obtain quantities of carbon conversion steel without charging allotment authority received under the Controlled Materials Plan. This procedure is designed to limit the use of the additional authority granted herein to situations where such carbon conversion steel will be produced in excess of the supply of carbon steel available for delivery against other orders.

SEC. 2. *Definition.* As used in this direction, "finished carbon conversion steel" means carbon steel in the forms and shapes indicated in Table II of Revised CMP Regulation 6, which has been obtained by a person in consequence of such person or some other person having furnished, directly or indirectly, to one or more steel producers or converters, semifinished carbon conversion steel (which is carbon steel in a less-finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot-rolled sheets in coils) for the express purpose of having such semifinished carbon conversion steel processed into another form indicated in Table II of Revised CMP Regulation 6.

SEC. 3. *Acquisition and use without submitting application.* Except as provided in section 6 of this direction, any person who has received an authorized construction schedule and a related allotment of carbon steel for the third or fourth calendar quarters of 1952 or the first calendar quarter of 1953 may, by self-authorization, order for delivery in each of such calendar quarters, with respect to each such authorized construction schedule, up to 500 tons of finished carbon conversion steel without charging the related allotment; and use such steel to increase such authorized construction schedule: *Provided, however,* That if his requirements for delivery with respect to any such schedule in any such calendar quarter exceed 500 tons of finished carbon conversion steel, he shall submit an application in accordance with the provisions of section 4 of this direction.

SEC. 4. *Acquisition and use pursuant to application submitted and approved.* (a) Except as provided in section 6 of this direction, any person who has received an authorized construction schedule and a related allotment of carbon steel for the third or fourth calendar quarters of 1952, or the first calendar quarter of 1953, and who desire to acquire and use, without charging the related allotment, more than 500 tons of finished carbon conversion steel in either of such quarters with respect to any such authorized schedule, shall submit an application to NPA in accordance with the provisions of paragraph (b) of this section: *Provided, however,* That no such person shall request authorization to order for delivery with respect to any such schedule in any such calendar quarter, without charging the related allotment, a quantity of finished carbon conversion steel which exceeds 20 percent of the tonnage of his allotment of carbon steel for such schedule in the third calendar quarter of 1952, or 40 percent of the tonnage of his allotment of carbon steel for such schedule in the fourth calendar quarter of 1952 or the first calendar quarter of 1953.

(b) Each application filed pursuant to paragraph (a) of this section shall be submitted by letter in triplicate to the Iron and Steel Division, National Production Authority, Washington 25, D. C., Ref: Direction 7 to Revised CMP Regulation 6. Each application shall set forth the following facts:

(1) The name and address of the plant of the supplier of semifinished carbon conversion steel.

(2) For each such plant, a description of the semifinished carbon conversion steel product (ingot, billet, bloom, slab, etc.).

(3) For each such product, the tonnage by months of shipment.

(4) For each such product, the name and address of each plant providing a finishing facility in the conversion process.

(5) For each such plant (finishing facility) a description of the carbon steel product to be produced in the forms and shapes indicated in Table II of Revised CMP Regulation 6.

(6) For each such carbon steel product, the tonnage by months of shipment.

(c) NPA will issue authorizations to acquire and use carbon conversion steel pursuant to applications submitted in accordance with the provisions of this section. Any person who receives such an authorization may, subject to the terms and conditions of such authorization, acquire finished carbon conversion steel in the quantities indicated without charging his allotment authority and use such steel to increase his authorized construction schedule. In appropriate cases NPA may, in such authorization, specify restrictions upon the use of the related allotment authority to prevent increases in demand for certain forms and shapes of carbon steel which are in short supply.

SEC. 5. *Orders for carbon conversion steel.* (a) Any person who is authorized to acquire and use finished carbon conversion steel pursuant to section 3 or section 4 of this direction, may place authorized controlled material orders, without charging his allotment, for such finished carbon conversion steel with the finished conversion steel producer, and such producer may accept and fill such orders if they will not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with the acceptance and filling of orders which such steel producer is required to accept pursuant to any regulation or order of NPA. The person ordering such steel shall make his own arrangements for obtaining the semifinished carbon conversion steel with the original ingot producer, or the finished conversion steel producer. In arranging to purchase the semifinished carbon conversion steel from an original ingot producer or an intermediate producer, such person shall furnish to such original ingot producer or intermediate producer a certification in the following form:

Certified under Direction 7 to Revised CMP Regulation 6

which shall be signed as provided in section 12 of Revised CMP Regulation 6. This certification shall constitute a representation to the original ingot producer or intermediate producer and to NPA that such person is authorized to place such order under the provisions of this direction to obtain the quantity of semifinished conversion steel covered by the delivery order, for conversion into finished conversion steel, and that he will furnish an authorized controlled material order to the finished conversion steel producer. Notwithstanding the provisions of any NPA regulation or order, a producer of semifinished carbon conversion steel may deliver semifinished carbon conversion steel pursuant to such a certification: *Provided, however*, That such delivery shall not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with delivery on orders which such steel producer is required to accept pursuant to any regulation or order of NPA.

(b) An authorized controlled material order placed pursuant to the provisions of paragraph (a) of this section shall contain the same allotment symbol which identifies the allotment that accompanies the authorized construction schedule in which the finished carbon conversion steel will be used.

SEC. 6. *Exemptions.* This direction is not applicable to any person engaged in the construction of a recreational, entertainment or amusement construction project (see Table I of Revised CMP Regulation 6).

SEC. 7. *Disposal of carbon conversion steel.* (a) In addition to increasing his own authorized construction schedule, a person who is entitled to order, who has ordered, or who has received delivery of, finished carbon conversion steel pursuant to the provisions of this direction, may direct the delivery of all or part of such steel to a producer of Class A products to whom he has given an authorized production schedule. A person who so directs delivery of a quantity of finished carbon conversion steel to a producer of Class A products must charge such quantity against the total quantity of such steel which he is entitled to order. A producer of Class A products who receives such steel from his customer may use it to fulfill the authorized production schedule which he has received from that customer or to replace in inventory material used to fulfill such schedule. If such a producer has received authorization from NPA pursuant to section 4 of this direction to order finished carbon conversion steel with respect to such schedule, he must charge the quantity of such steel which he receives from his customer against the quantity which he was authorized to order with respect to such schedule.

(b) If it develops after a person has received delivery of finished carbon conversion steel pursuant to the provisions of this direction that he cannot use such steel for a purpose permitted by this direction, he shall not use or dispose of it except as provided in paragraph (a) of this section or in section 17 (d) of CMP Regulation No. 1.

SEC. 8. *Applicability of other regulations and orders.* The provisions of CMP Regulation No. 1, Revised CMP Regulation 6, and NPA Order M-100, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction. A user of controlled material may accept delivery of finished carbon conversion steel acquired pursuant to the provisions of this direction without regard to the inventory provisions of CMP Regulation No. 2, and need not include such steel in computing his inventory for purposes of that regulation. Further, no person shall obtain or use any form or shape of finished carbon conversion steel pursuant to this direction if the acquisition or use of such type of form or shape is prohibited by Revised CMP Regulation 6 or NPA Order M-100. In all other respects, the provisions of all NPA regulations and orders heretofore issued shall remain in full force and effect.

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

This direction shall take effect August 28, 1952.

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

[F. R. Doc. 52-9609; Filed, Aug. 28, 1952; 4:42 p. m.]

[CMP Regulation No. 1, Direction 16 as Amended August 29, 1952]

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

DIR. 16—THIRD AND FOURTH QUARTER AUTHORIZED CONTROLLED MATERIAL ORDERS

This direction as amended 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 direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

EXPLANATORY

Direction 16 to CMP Regulation No. 1 is amended by revising section 4 to clarify the relationship between NPA Order M-1 and this direction.

REGULATORY PROVISIONS

AUTHORITY: Sections 1 to 4 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.* The purpose of this direction is to permit the placement and acceptance of certain third quarter 1952 and fourth quarter 1952 authorized controlled material orders even though they call for delivery after the end of such quarters.

SEC. 2. *Third quarter authorized controlled material orders.* (a) The provisions of this section apply to all authorized controlled material orders for the third calendar quarter of 1952 which are placed on and after the effective date of this direction.

(b) An authorized controlled material order for steel placed pursuant to an allotment for the third calendar quarter of 1952 which contains the quarterly identification 3Q52, or an authorized controlled material order for steel placed pursuant to self-authorization (for example, Direction 1 to CMP Regulation No. 1) or quota (for example, CMP Regulation No. 5) for the third calendar quarter of 1952 which does not contain a quarterly identification, may call for delivery at any time up to November 30, 1952: *Provided, however*, That such order is placed pursuant to lead time requirements. A steel controlled materials producer or a steel controlled materials distributor who receives an authorized controlled material order for steel which bears the quarterly identification 3Q52 and which calls for delivery between October 1, 1952, and November 30, 1952, shall accept and fill such order in preference to an authorized controlled material order which bears the quarterly identification 4Q52 and which calls for delivery between October 1, 1952, and November 30, 1952, notwithstanding the sequence of order placement.

SEC. 3. *Fourth quarter authorized controlled material orders.* (a) The provisions of this section apply only to authorized controlled material orders for the fourth calendar quarter of 1952 which do not bear a program identification A, B, C, or E, and a digit (including the suffix B-5), or Z-2, and which are placed on and after the effective date of this direction.

(b) An authorized controlled material order for steel placed pursuant to an allotment for the fourth calendar quarter of 1952 which contains the quarterly identification 4Q52, or an authorized controlled material order for steel placed pursuant to self-authorization (for example, Direction 1 to CMP Regulation No. 1) or quota (for example, CMP Regulation No. 5) for the fourth calendar quarter of 1952 which does not contain a quarterly identification, may call for delivery at any time from October 1, 1952, to February 28, 1953: *Provided, however*, That such order is placed pursuant to lead time requirements. A steel controlled materials producer or a steel controlled materials distributor who receives an authorized controlled material order for steel which bears the quarterly identification 4Q52 and which calls for delivery between January 1, 1953, and February 28, 1953, shall accept and fill such order in preference to an order which bears the quarterly identification 1Q53 and which calls for delivery between January 1, 1953, and February 28, 1953, notwithstanding the sequence of order placement.

SEC. 4. *Applicability of other regulations and orders.* The provisions of CMP Regulations Nos. 1 and 4, Revised CMP Regulation No. 6, NPA Orders M-1 and M-6a, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction, but in all other respects the provisions of such regulations and orders shall remain in full force and effect. This direction shall not be construed to interfere with the option given steel controlled material producers by section 8 of NPA Order M-1 to determine which authorized controlled material orders not bearing a program identification A, B, C, or E, and a digit (including the suffix B-5), or Z-2, they will accept and schedule prior to the 15-day period immediately preceding the commencement of the lead time. However, with regard to the acceptance and filling of such orders during the said 15-day period, the provisions of this direction shall govern, and in appropriate instances shall require the rescheduling of orders accepted prior to such 15-day period. This direction does not supersede the provisions of section 8 (a) (2) of NPA Order M-1, which limits the quantity of orders which steel controlled material producers may accept for shipment during any one month.

This direction as amended shall take effect August 29, 1952.

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

[F. R. Doc. 52-9628; Filed, Aug. 29, 1952; 11:24 a. m.]

[CMP Regulation No. 1, Direction 18 as Amended August 29, 1952]

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

DIR. 18—AUTOMATIC ALLOTMENT PROCEDURE FOR PRODUCERS OF CLASS B PRODUCTS

This direction as amended 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 rendered impracticable due to the need of this amended direction, consultation with industry representatives has been for immediate action and because the direction affects many different industries.

EXPLANATORY

Direction 18 to CMP Regulation No. 1 is amended by the addition of two sentences at the end of paragraph (b) of section 2.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definitions.
3. Persons affected by automatic allotment procedure.
4. Use of allotment symbol to obtain controlled materials.
5. Use of rating to obtain production materials other than controlled materials.
6. Certification.

AUTHORITY: Sections 1 to 6 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.* This direction relates only to producers of Class B products who received allotments pursuant to applications submitted on Form CMP-4B for the third calendar quarter of 1952. Such producers may calculate their own allotments and place purchase orders for delivery in any calendar quarter, beginning with the first calendar quarter of 1953, only if their allotments for the third quarter of 1952 did not exceed certain maximum amounts. A producer of a Class B product who received an allotment for such product pursuant to Form CMP-4B for the third quarter of 1952 which did not exceed such maximum amounts, but who desires quantities of controlled materials commencing with the first quarter of 1953 which exceed the automatic allotment quantities as calculated under this direction, must submit an application on Form CMP-4B. The provisions of Direction 1 to CMP Regulation No. 1 may be used only through the fourth quarter of 1952.

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

(a) "Product class" means a Product Class Code as shown in the Official CMP Class B Product List.

(b) "Total third-quarter allotment" means the total net allotments of a particular kind of controlled material (carbon steel, alloy steel, nickel-bearing stainless steel, all copper or aluminum) received by a producer of a Class B product for a particular product class for the third calendar quarter of 1952 pursuant to an allotment on Form CMP-4B or Form CMP-10, plus any quantity of such kind of controlled material for which such producer was entitled to self-authorize pursuant to Direction 1 to CMP Regulation No. 1 for the third calendar quarter of 1952 in such product class. Total net alloments shall be computed as of the close of business on August 29, 1952. In making such computation, the producer shall deduct any allotment decrease which he has received on Form CMP-11 and any portion of his third-quarter allotments which he has returned on Form CMP-12.

SEC. 3. *Persons affected by automatic allotment procedure.* (a) Subject to the limitations of paragraph (b) of this section, a producer of any Class B product which is listed in the Official CMP Class B Product List may, without submitting an application on Form CMP-4B, calculate his own allotments and place purchase orders calling for delivery in any calendar quarter, beginning with the first calendar quarter of 1953, if his total third-quarter allotment of each kind of controlled material (including controlled material for Class A product components) for the production of that product and all other products in the same product class did not exceed the amounts specified below:

Carbon steel (including wrought iron).	500 tons.
Alloy steel (except nickel-bearing stainless steel).	90 tons.
Nickel-bearing stainless steel.	10,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	40,000 pounds.
Aluminum	60,000 pounds.

Provided, however, That no such producer, unless specifically authorized by NPA, shall avail himself of the automatic allotment procedure provided by this direction if he has not received an allotment pursuant to application submitted on Form CMP-4B for the third calendar quarter of 1952, or if his total third quarter allotment of any kind of controlled material exceeded the above amounts, for the manufacture of the same product and all other products in the same product class. Instead, a producer who has not received such third quarter allotment, or whose total third quarter allotment of any kind of controlled material exceeded the above amounts, shall obtain his controlled material requirements beginning with the first calendar quarter of 1953 either pursuant to Direction 17 to CMP Regulation No. 1 or pursuant to application submitted on Form CMP-4B, whichever is appropriate.

(b) Subject to the limitations of paragraph (a) of this section, a producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section, shall calculate as his allotment authority for any calendar quarter a quantity of each of the following kinds of controlled material equal to the specified percentage or percentages of his total third quarter allotment of such material for the manufacture of the same product and all other products in the same product class:

Kinds of controlled material	Calculation of allotments on basis of total third quarter 1952 allotments
Carbon steel (including wrought iron).	100 percent of first 60 tons of total third quarter 1952 allotment, plus 60 percent of any excess between 60 tons and 500 tons.
Alloy steel (except nickel-bearing stainless steel).	100 percent of first 16 tons of total third quarter 1952 allotment, plus 80 percent of any excess between 16 tons and 90 tons.
Nickel-bearing stainless steel.	100 percent of first 500 pounds of total third quarter 1952 allotment, plus 80 percent of any excess between 500 pounds and 10,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	100 percent of total third quarter 1952 allotment if it did not exceed 40,000 pounds.
Aluminum	100 percent of total third quarter 1952 allotment if it did not exceed 60,000 pounds.

Provided, however, That such a producer need not during any calendar quarter, regardless of the foregoing calculation, reduce his allotment authority below the specified quantity of each of the following kinds of controlled material for the manufacture of the same product and all other products in the same product class:

Carbon steel (including wrought iron).	25 tons.
Alloy steel (except nickel-bearing stainless steel).	1 ton.
Nickel-bearing stainless steel.	500 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	10,000 pounds.
Aluminum	20,000 pounds.

(c) A producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section, but who has already received allotments for the first or a succeeding calendar quarter of 1953 pursuant to application or applications previously submitted on Form CMP-4B for such Class B product and others in the same product class, and has placed orders for controlled materials pursuant to such allotments, must deduct the quantity of orders so placed from the quantity of his calculated allotment under this section for such quarter.

(d) A producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section but who has already received allotments for the first or a succeeding calendar quarter of 1953 pursuant to application or applications previously submitted on Form CMP-4B for such Class B product and others in the same product class, which exceed his automatic allotment authority as calculated under this section with respect to any kind of controlled material, need not return such excess allotments, but his allotment authority shall be limited to the amounts calculated under this section for such quarter.

(e) A producer of any Class B product who need not submit an application on Form CMP-4B pursuant to this direction shall be subject to all applicable regulations and orders of NPA. For example, he shall make allotments of controlled material to a person producing Class A product components for him in the manner prescribed by CMP Regulation No. 1.

(f) Class A products which a producer has been authorized by NPA to treat as Class B products in accordance with section 24 (b) of CMP Regulation No. 1, and Class A products which are sold to a distributor or for use as maintenance, repair, or operating supplies in accordance with paragraph (b) or (c) of section 15 of CMP Regulation No. 1, shall be deemed Class B products for purposes of this direction. A producer may calculate his own allotments and place purchase orders without filing a Form CMP-4B for any calendar quarter, beginning with the first calendar quarter of 1953, in which his total requirements for delivery from suppliers of each kind of controlled material (including controlled material for Class A product components) for the production of all Class A products which are deemed Class B products for purposes of this direction do not exceed the quantities indicated in this section.

(g) Except as otherwise provided by NPA, a producer of a Class B product must obtain his requirements of all kinds of controlled materials in a particular calendar quarter for a particular product class pursuant to this direction or pursuant to Direction 17 to CMP Regulation No. 1 or pursuant to application submitted on Form CMP-4B, and may not use the automatic allotment procedure of this direction or the self-authorization procedure of Direction 17 for one or more kinds of controlled materials and submit a Form CMP-4B for one or more other kinds of controlled materials.

SEC. 4. *Use of allotment symbol to obtain controlled materials.* Any producer of Class B products who, pursuant to this direction, may calculate his own allotments and place purchase orders without filing a Form CMP-4B, is authorized to use the allotment symbol which identifies the allotment he has received for the same products pursuant to application submitted on Form CMP-4B for the third calendar quarter of 1952 (and not the allotment symbol SU), or such other allotment symbol as NPA may expressly authorize, on delivery orders for controlled materials within the limits set forth in section 3 of this direction. He may also append the suffix program identification B-5 to such allotment symbol in accordance with the provisions of section 11 (d) of CMP Regulation No. 1. An order so designated, when certified as provided in section 6 of this direction, shall constitute an authorized controlled material order. The quantity of such Class B products which may be produced with controlled materials obtained with the use of such allotment symbol, or with such other allotment symbol as NPA may expressly authorize, plus controlled materials properly contained in inventory, shall constitute an authorized production schedule for the purpose of all CMP regulations.

SEC. 5. *Use of rating to obtain production materials other than controlled materials.* Any producer of Class B products who, pursuant to this direction, may calculate his own allotments and place purchase orders without filing a Form CMP-4B, is authorized to use the DO rating which accompanies the allotment he has received for the same products pursuant to application submitted on Form CMP-4B for the third calendar quarter of 1952 (and not the rating DO-SU), or such other rating as NPA may expressly authorize, on delivery orders for production materials as defined in CMP Regulation No. 3 in accordance with the provisions of that regulation. He may also append the suffix program identification B-5 to such rating in accordance with the provisions of section 6 (f) of CMP Regulation No. 3.

SEC. 6. *Certification.* Every delivery order placed under the provisions hereof shall contain, in the case of an order for controlled materials, the certification required by section 19 of CMP Regulation No. 1, or, in the case of an order for production materials other than controlled materials, the certification required by section 6 of CMP Regulation No. 3.

This amended direction shall take effect August 29, 1952.

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

[F. R. Doc. 52-9629; Filed, Aug. 29, 1952; 11:24 a. m.]

[CMP Regulation No. 2 as Amended August 29, 1952]

CMP REG. 2—INVENTORIES OF CONTROLLED MATERIALS

This regulation as amended 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 the amendment of this regulation, consultation with industry representatives was found to be impracticable due to the necessity for immediate action. However, there was consultation with industry representatives prior to the original issuance of this regulation on May 10, 1951.

EXPLANATORY

This amendment affects CMP Regulation No. 2 by amending sections 3, 6 (a), and 10, and by adding a footnote to section 3 (a). Concurrently with this amendment, Direction 1 to CMP Regulation No. 2, exempting copper and aluminum from inventory control, will be revoked, effective October 1, 1952.

REGULATORY PROVISIONS

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 regulation does.* The purpose of this regulation is to prevent the accumulation of excessive inventories of controlled materials. It does this by limiting the quantities of such materials that may be ordered, received, or delivered.

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

(a) "Item of controlled material" means any item in any class of controlled material listed in Schedule I of CMP Regulation No. 1, which is different from all other items in that class by reason of one or more of its specifications, such as length, width, thickness, temper, alloy, or finish.

(b) "User of controlled material" means any person who uses any item of controlled material for production, construction, or maintenance, repair, or operating supplies.

SEC. 3. *General maximum inventory limitations.* (a) No user of controlled material shall accept delivery of any item of steel listed in Schedule I of CMP Regulation No. 1,[1] if his inventory of such item is, or by such receipt would become, in excess of the quantity of such item necessary to meet his deliveries, supply his services, or perform his operations, on the basis of his currently scheduled method and rate of operation during the succeeding 45-calendar-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less: *Provided, however,* That from September 1, 1952, to December 31, 1952, the above specified 45-calendar-day period shall be a 30-calendar-day period.

(b) Commencing October 1, 1952, no user of controlled material shall accept delivery of any item of copper or aluminum listed in Schedule I of CMP Regulation No. 1, if his inventory of such item is, or by such receipt would become, in excess of the quantity of such item necessary to meet his deliveries, supply his services, or perform his operations, on the basis of his currently scheduled method and rate of operation during the succeeding 60-calendar-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less.

[1] Non-nickel-bearing stainless steel (containing less than one percent nickel) is not a controlled material (see Direction 9 to CMP Regulation No. 1) and therefore is not subject to this regulation but is subject to NPA Reg. 1.

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(c) For the purpose of this regulation, any item of controlled material which is to be further processed is considered to be in inventory until actually put into process or actually installed or assembled. For the purpose of this regulation, processing does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming, or other operation, unless such initial operation is a part of a continuous fabricating or assembling operation; nor does it include operations such as inspection, testing, segregation or earmarking for a specific job.

SEC. 4. *Exceptions.* Notwithstanding the provisions of section 3 of this regulation, any person may accept delivery of any item of controlled material in excess of the prescribed inventory limits under the following circumstances:

(a) If any producer of controlled material exercises his privilege under section 20 of CMP Regulation No. 1 of making delivery prior to the delivery date specified by the user of controlled material, such delivery may be accepted and the prescribed limits exceeded to the extent that such excess results from such prior delivery.

(b) If a user of controlled material has instructed a producer or other supplier to reduce, postpone, or cancel a delivery, and the material has been shipped or loaded for shipment before receipt of such instruction, delivery of such material may be accepted and the prescribed limits exceeded to the extent that such excess results from such delivery.

(c) If a user of controlled material has instructed a producer to reduce, postpone, or cancel a delivery of a special item of controlled material which the producer has already produced or has in production, or for the production of which he has acquired special materials, delivery of such special item may be accepted and the prescribed limits exceeded to the extent that such excess results from such delivery. For the purposes of this section, a special item of controlled material is one which the producer does not usually make, stock, or sell, and which he cannot readily dispose of to others.

(d) If a user of controlled material would be authorized under section 3 of this regulation to accept delivery of a quantity of an item of controlled material less than the minimum shown for such item in Schedule IV of CMP Regulation No. 1, he may accept delivery of the full minimum shown in such schedule, provided that the controlled material involved is not procurable from a distributor.

(e) If any producer of controlled material, under a directive of NPA, makes delivery of controlled material to a person who will convert such controlled material into another form of controlled material, the person to whom such delivery was made may accept the delivery and exceed the prescribed limits to the extent that such excess results from such delivery.

(f) If a user of controlled material imports any controlled material that he acquired prior to landing, he may accept delivery of such material and exceed the prescribed limits to the extent that such excess results from such delivery. However, if by such acceptance his inventory exceeds the prescribed limits, he may not accept further deliveries of such controlled material from domestic sources until his inventory thereof is reduced to permitted levels.

SEC. 5. *Adjustment of receipts and orders.* Every user of controlled material must place orders and schedule receipts in such manner that deliveries of controlled material to him may be made without violating the provisions of this regulation. If, by reason of change in his operations, slowing or stoppage of production, delayed delivery by a controlled materials producer or other supplier, or other cause, a person who has ordered material for future delivery would, if he accepted delivery on the dates specified, exceed the limits prescribed by this regulation, he shall promptly revise and adjust his outstanding orders and scheduled receipts and, if necessary, reduce, postpone, or cancel the same, so that his acceptance of deliveries will conform to this regulation.

SEC. 6. *Separate inventories.* (a) A person who has more than one operating unit may elect to maintain separate inventory records for each such unit and, if he does, the provisions of this regulation shall apply to each such unit independently. After such an election has been made, it may not at any time thereafter be changed without the prior written approval of NPA.

(b) In determining his inventory, a person shall include all items of controlled material in his possession and all such items held for his account by another person, but not items of controlled material held by him for the account of another person.

SEC. 7. *Prohibited deliveries.* No person shall deliver any item of controlled material if he knows or has reason to believe that acceptance of such delivery would be in violation of this regulation.

SEC. 8. *Excess inventories.* This regulation does not provide for disposal of excess inventories which may be on hand. However, excess inventories of items of controlled material, including inventories of such items which are not in form usable by the holder, are subject to requisition, under appropriate circumstances, as provided in Title II of the Defense Production Act of 1950, as amended.

SEC. 9. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this regulation 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 regulation. This regulation 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 regulation 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 regulation 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. *Applications for adjustment or exception.* Any person subject to any provision of this regulation may file a request for adjustment, exception, or other relief 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 claiming that the public interest is prejudiced, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate, 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 regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 2.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, 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 regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation as amended shall take effect August 29, 1952.

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

[F. R. Doc. 52-9630; Filed, Aug. 29, 1952; 11:24 a. m.]

[CMP Regulation No. 2, Direction 1—Revocation]

CMP REG. 2—INVENTORIES OF CONTROLLED MATERIALS

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

Direction 1 (17 F. R. 5894) to CMP Regulation No. 2 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 1 to CMP Regulation No. 2, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

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

This revocation is effective October 1, 1952.

Issued August 29, 1952.

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

[F. R. Doc. 52-9631; Filed, Aug. 29, 1952; 11:24 a. m.]

[NPA Order M-2 as Amended August 29, 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, consultation with industry representatives has been impossible because of the need for immediate action.

EXPLANATORY

This amended order revises NPA Order M-2 of July 22, 1952, by deleting section 5, *Limitation on Purchase of Cold GR-S.*

REGULATORY PROVISIONS

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 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. [Deleted August 29, 1952.]

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).

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

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 August 29, 1952.

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

[F. R. Doc. 52-9632; Filed, Aug. 29, 1952; 11:25 a. m.]

[NPA Order M-50, Direction 1—Revocation]

M-50—ELECTRIC UTILITIES

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

Direction 1 (17 F. R. 6741) to M-50 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 1 to M-50, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

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

This revocation is effective October 1, 1952.

Issued August 29, 1952.

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

[F. R. Doc. 52-9633; Filed, Aug. 29, 1952; 11:25 a. m.]

[NPA Order M-66, Direction 1 of Aug. 29, 1952]

M-66—ARTIFICIAL GRAPHITE AND CARBON ELECTRODES

DIR. 1—ALLOCATION AUTHORIZATIONS OF ARTIFICIAL GRAPHITE AND CARBON ELECTRODES FOR THE FOURTH QUARTER 1952

This direction to NPA Order M-66 as last amended on September 11, 1951, 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 by reason of the need for immediate action and because of the number of different industries affected.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Allocations for fourth quarter 1952.
3. Quarterly report by users (revised Form NPAF-97).

AUTHORITY: Sections 1 to 3 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.* This direction grants allocation authorizations for delivery of artificial graphite and carbon electrodes, during the fourth calendar quarter of 1952, to the same persons and in the same quantities, sizes, and shapes as were authorized for the third calendar quarter of 1952 without requiring specific individual applications for such allocation authorizations. This direction also makes provision for supplemental allocations, as well as for applications for fourth quarter 1952 allocation authorizations, by persons to whom allocation authorizations were not issued for the third quarter 1952. In addition, this direction provides for quarterly reporting by users of artificial graphite and carbon electrodes on revised Form NPAF-97.

SEC. 2. *Allocations for fourth quarter 1952.* All those allocation authorizations which were issued by NPA for the delivery of artificial graphite or carbon electrodes during the third calendar quarter of 1952, pursuant to section 5 of NPA Order M-66 as amended, are hereby made effective to authorize delivery of artificial graphite or carbon electrodes in the same quantities, sizes, and shapes during the fourth calendar quarter of 1952 without individual application for such allocation authorization on Form NPAF-97, as provided in paragraph (b) of section 5 of such order. Persons desiring supplemental allocations may make application therefor by letter in duplicate, Ref: M-66. Except as provided in section 6 of NPA Order M-66, any person, to whom no allocation authorization for the third quarter of 1952 was issued, may apply for an allocation authorization for delivery of artificial graphite or carbon electrodes during the fourth calendar quarter of 1952 by letter application in duplicate, Ref: M-66, filed no later than September 15, 1952.

SEC. 3. *Quarterly report by users (revised Form NPAF-97).* Any person, who during any calendar quarter uses 500 pounds or more of artificial graphite or carbon electrodes or both (excluding graphite electrodes of less than ¾-inch cross section), shall file revised Form NPAF-97 on or before the 15th day of the month following the close of the calendar quarter for which the report is required to be made. The first such quarterly report shall be filed on or before October 15, 1952 with respect to such person's use of artificial graphite and carbon electrodes during the third calendar quarter of 1952.

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

This direction shall take effect August 29, 1952.

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

[F. R. Doc. 52-9634; Filed, Aug. 29, 1952; 11:25 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

FORT KOBBE ARMY RESERVATION AND HOWARD AIR FORCE BASE

CROSS REFERENCE: For regulations affecting Fort Kobbe Military Reservation in the tabulation of § 21.3, see Canal Zone Order 28, which supersedes Executive Order 8354 of February 25, 1940 (5 F. R. 820), in the Appendix to this chapter, *infra*.

Appendix—Canal Zone Orders

[Canal Zone Order 28]

FORT KOBBE ARMY RESERVATION, AND HOWARD AIR FORCE BASE, CANAL ZONE

SETTING APART OF RESERVATIONS; BOUNDARIES; CONDITIONS AND LIMITATIONS

By virtue of the authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of Act September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, and after consultation with the Secretary of the Air Force in the case of Howard Air Force Base, it is ordered as follows:

SECTION 1. *Setting apart of reservations; boundaries.* The following-described area of land in the Canal Zone is hereby set apart as, and assigned to the uses and purposes of (a) an Army reservation which shall be known as "Fort Kobbe Army Reservation" and shall be under the control and jurisdiction of the Secretary of the Army, subject to the provisions of section 2 of this order, and (b) an Air Force reservation which shall be known as "Howard Air Force Base" and shall be under the control and jurisdiction of the Secretary of the Air Force, subject to the provisions of section 2 of this order, the allocation of such area as between the two reservations to be accomplished by agreement between the Department of the Army and the Department of the Air Force:

Beginning at monument A. T. F. 2, which is a 2½-inch iron pipe set in concrete, located on the eastern boundary of the Arraijan Tank Farm Naval Reservation and on the right bank of the Rio Velasquez, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°57' N. plus 2,611.6 feet and longitude 79°36' W. plus 2,100.1 feet from Greenwich.

Thence by said initial point by metes and bounds:

N. 65° 27' 30" E., 125.1 feet, to monument No. 33, which is a 2½-inch iron pipe;

N. 15° 10' 10" E., 150.2 feet, to monument No. 34, which is a 2-inch iron pipe, located 50 feet southwesterly from the centerline of the pavement of Thatcher Highway;

Easterly along a line parallel to, and 50 feet southerly from the centerline of Thatcher Highway pavement, to monument No. 35, which is a 3-inch iron pipe, the geodetic position of which is in latitude 8°57' N. plus 2,651.5 feet and longitude 79°36' W. plus 1,504.0 feet;

S. 00° 04' 50" E., 152.3 feet, to monument No. 36, which is a 10-inch square concrete monument;

S. 82° 23' 20" E., 493.2 feet, to monument No. 36-1, which is a 2-inch iron pipe;

S. 82° 20' 10" E., 238.9 feet, to monument No. 36-2, which is a 2-inch iron pipe set in concrete;

S. 82° 20' 00" E., 119.4 feet, to monument No. 36-3, which is a 2-inch iron pipe set in concrete;

S. 82° 22' 30" E., 662.0 feet, to monument No. 37, which is a 10-inch square concrete monument;

S. 00° 02' 20" E., 198.7 feet, to monument No. 37-1, which is a 10-inch square concrete monument;

S. 00° 55' 40" E., 22.5 feet, to monument No. 37-2, which is an iron rod in concrete;

S. 00° 02' 00" E., 213.2 feet, to monument No. 37-3, which is an iron rod in concrete;

S. 00° 01' 10" E., 335.7 feet, to monument No. 37-4, which is an iron rod in concrete;

S. 00° 01' 00" E., 511.2 feet, to monument No. 37-5, which is an iron rod in concrete;

S. 00° 01' 00" W., 530.9 feet, to monument No. 37-6, which is an iron rod in concrete;

S. 00° 00' 30" E., 200.0 feet, to monument No. 37-7, which is an iron rod in concrete;

S. 00° 05' 20" E., 289.1 feet, to monument No. 38, which is a 10-inch square concrete monument;

N. 89° 57' 50" E., 1,842.2 feet, through monuments Nos. 38-1 and 38-2, which are 10-inch square concrete monuments, to monument No. 38-3, which is a 10-inch square concrete monument, the distances being 536.2 feet, 768.1 feet and 537.9 feet, successively, from beginning of the course;

N. 89° 58′ 00″ E., 574.1 feet, to monument No. 38-4, which is a 10-inch square concrete monument;

N. 89° 58′ 10″ E., 53.1 feet, to monument No. 39, which is a 10-inch square concrete monument, located 50 feet northwesterly from the centerline of Bruja Road pavement;

Northeasterly, along a line parallel to, and 50 feet from the centerline of Bruja Road pavement, to monument No. 40, which is a 2½-inch iron pipe, located 50 feet southwesterly from the centerline of Thatcher Highway pavement, the geodetic position of which is in latitude 8°57′ N. plus 1,269.6 feet and longitude 79°35′ W. plus 2,871.9 feet;

S. 49° 42′ 40″ E., 103.3 feet, crossing Bruja Road, to monument No. 41, which is a 2-inch iron pipe, located 50 feet southeasterly from the centerline of Bruja Road pavement and 50 feet southwesterly from the centerline of Thatcher Highway pavement;

Southwesterly, along a line parallel to, and 50 feet from the centerline of Bruja Road pavement, to monument No. 42, which is a 2-inch iron pipe, located 50 feet southwesterly from the centerline of the road to Panama Canal West Bank Tank Farm Area No. 1, the geodetic position of which is in latitude 8°56′ N. plus 5,594.6 feet and longitude 79°35′ W. plus 3,646.9 feet;

Southeasterly and northeasterly, along a line parallel to and 50 feet from the centerline of the road to Panama Canal West Bank Tank Farm Area No. 1, to monument No. 43, which is a 2-inch iron pipe, the geodetic position of which is in latitude 8°56′ N. plus 4,729.0 feet and longitude 79°35′ W. plus 2,179.5 feet;

S. 87° 22′ 40″ E., 641.4 feet, to monument No. 44, which is a 10-inch square concrete monument;

N. 89° 59′ 00″ E., 1,318.6 feet, to monument No. 45, which is a 10-inch square concrete monument;

N. 78° 23′ 00″ E., 224.0 feet, to monument No. 46, which is a 10-inch square concrete monument, located 56.8 feet southwesterly from the centerline of Thatcher Highway pavement, and 20.7 feet northwesterly from the centerline of K-2D road pavement;

Due South, 822.9 feet, to monument No. 47, which is a 10-inch square concrete monument;

S. 00° 03′ 00″ W., 721.3 feet, to monument N. B. which is an 8-inch square concrete post, located on the northerly boundary of the Farfan Naval Radio Station;

Due West, 2,190.6 feet, along the above-mentioned Naval boundary, through monuments N-10A, N-10, N-9, N-8 and N-7, which are 2½-inch iron pipes, to monument N-6, which is a 2½-inch iron pipe, the distances being 634.3 feet, 213.0 feet, 324.9 feet, 231.7 feet, 507.7 feet and 279.0 feet, successively, from beginning of the course;

S. 87° 46′ 20″ W., 30.9 feet, along the above-mentioned Naval boundary, to monument H-1, which is a 10-inch square concrete monument;

S. 77° 59′ 30″ W., 965.5 feet, along the above-mentioned Naval boundary, through monuments H-2B and H-2A, which are 2½-inch iron pipes, to monument H-2, which is a 10-inch square concrete monument, the distances being 295.0 feet, 474.5 feet and 196.0 feet, successively, from beginning of the course;

S. 89° 58′ 00″ W., 470.6 feet, along the above-mentioned Naval boundary, to monument H-3, which is a corner post of a cyclone fence, located at the northwest corner of the Farfan Naval Radio Station;

Due South, 5,389.3 feet, along the westerly boundary of the above-mentioned Naval Station, through monument N-3, which is a brass plug in the side of a concrete ditch, monuments N-2 and N-1, which are 2½-inch iron pipes, monument "J", which is an 8-inch square concrete post, monuments Nos. 51, 52, 53, 54 and 55, which are 2½-inch iron pipes, to monument N-26N, which is an 8-inch square concrete post, the distances being 272.7 feet, 1,069.7 feet, 767.7 feet, 687.7 feet, 500.0 feet, 580.0 feet, 530.0 feet, 303.0 feet, 600.0 feet and 78.5 feet, successively, from beginning of the course;

S. 52° 07′ 00″ E., 2,452.1 feet, along the southwesterly boundary of the above mentioned Naval Station, through monuments N-25A and N-25N, which are 2½-inch iron pipes, to monument N-24N, which is an 8-inch square concrete post, the distances being 500.0 feet, 463.0 feet and 1,489.1 feet, successively, from beginning of the course;

Due East, 3,464.0 feet, along the southerly boundary of the above mentioned Naval Station, to an unmarked point called N. D., located in the swamp on the southerly side of the Rio Farfan;

S. 71° 29′ 20″ E., 1,413.2 feet, to monument "A", which is a 12-inch by 10-inch concrete post, located at the northwest corner of the Palo Seco Leper Colony;

S. 13° 27′ 50″ W., 408.3 feet, along the westerly boundary of the Palo Seco Leper Colony, to monument B-2, which is a 2-inch iron pipe;

S. 13° 28′ 50″ W., 1,342.3 feet, along the above mentioned boundary, through monument B-1, which is a 2-inch iron pipe, to monument "B", which is a 12-inch square concrete post, the distances being 510.2 feet and 832.1 feet, successively, from beginning of the course;

S. 44° 59′ 50″ E., 1,398.2 feet, along the above mentioned boundary, through monument E-12, which is a 2-inch iron pipe, to monument E-11, which is a 2-inch iron pipe, the distances being 759.7 feet and 638.5 feet, successively, from beginning of the course;

S. 44° 59′ 40″ E., 164.0 feet, along the above mentioned boundary, to monument E-10, which is a 2-inch iron pipe;

S. 44° 59′ 30″ E., 300.0 feet, along the above mentioned boundary, to monument E-9, which is a 12-inch square concrete monument;

Due East, 373.3 feet, along the above mentioned boundary to monument E-8, which is a 12-inch square concrete monument;

S. 40° 58′ 30″ E., 249.9 feet, along the above mentioned boundary, to monument E-7, which is a 12-inch square concrete monument;

S. 28° 23′ 40″ E., 628.7 feet, along the above mentioned boundary, to monument E-6, which is a 2-inch iron pipe;

S. 28° 20′ 40″ E., 156.7 feet, along the above mentioned boundary, to monument E-5, which is a 12-inch square concrete monument;

S. 29° 33′ 50″ E., 337.4 feet, along the above mentioned boundary, through monument E-4, which is a 2-inch iron pipe, to monument E-3, which is a 2-inch iron pipe, the distances being 92.9 feet and 244.5 feet, successively, from beginning of the course;

S. 29° 33′ 10″ E., 724.0 feet, along the above mentioned boundary, to monument E-2, which is a 2-inch iron pipe;

S. 29° 34′ 00″ E., 525.6 feet, along the above mentioned boundary, to monument E-1, which is a 2-inch iron pipe, located above high water mark on the shore of Panama Bay, the geodetic position of which is in latitude 8°54′ N. plus 2,468.2 feet and longitude 79°34′ W. plus 308.9 feet;

S. 29° 34′ 00″ E., 540 feet, more or less, to an unmarked point called "E", located on the mean low water line, on the shore of Panama Bay;

In a general southwesterly direction, along the mean low water line on the shore of Panama Bay, to an unmarked point called "F", located due South, 3,600 feet, more or less, from monument F-1;

Due North, 3,600 feet, more or less, to monument F-1, which is a 10-inch square concrete monument located above the high water mark on the shore of Panama Bay, the geodetic position of which is in latitude 8°53′ N. plus 4,038.1 feet and longitude 79°35′ W. plus 6,014.3 feet;

Due North, 2,009.3 feet, through monuments F-2, F-3, F-4, which are 3-inch iron pipes, to monument "G", which is a 2½-inch iron pipe, beneath the surface of the ground in a rock crushing plant, the distances being 162.5 feet, 851.8 feet, 905.0 feet and 90.0 feet, successively, from beginning of the course;

N. 89° 59′ 30″ W., 1,514.0 feet, through monument No. 1-A, which is a 2-inch iron pipe, to monument No. 1, which is a 2-inch iron pipe, the distances being 159.1 feet and 1,354.9 feet, successively, from beginning of the course;

S. 89° 59′ 20″ W., 700.0 feet, through monument No. 2, which is a 1½-inch iron pipe, to monument No. 3, which is a 1½-inch iron pipe, the distances being 570.0 feet and 130.0 feet, successively, from beginning of the course;

S. 89° 59′ 50″ W., 95.0 feet, to monument No. 4, which is a 1½-inch iron pipe;

N. 89° 59′ 10″ W., 435.0 feet, to monument No. 5, which is a 2-inch iron pipe;

N. 89° 59′ 40″ W., 3,270.2 feet, through monuments Nos. 6, which is a 2-inch iron pipe, 7, which is a 1½-inch iron pipe, and 8, which is a 2½-inch iron pipe, to monument "H", which is an 8-inch square concrete monument, the geodetic position of which is in latitude 8°54′ N. plus 0.0 feet and 79° 36′ W. plus 6,014.3 feet, the distances being 1,020.0 feet, 1,000.0 feet, 750.0 feet and 500.2 feet, successively, from beginning of the course;

N. 00° 00′ 10″ W., 650.0 feet, to monument No. 9, which is a 2½-inch iron pipe;

N. 00° 00′ 20″ E., 647.0 feet, to monument No. 10, which is a 2½-inch iron pipe;

N. 00° 00′ 10″ W., 1,205.0 feet, through monument No. 11, which is a 2½-inch iron pipe, to monument No. 12, which is a 2½-inch iron pipe, the distances being 750.0 feet and 455.0 feet, successively, from beginning of the course;

N. 00° 00′ 40″ W., 189.1 feet, to monument No. 13, which is a 2½-inch iron pipe;

N. 00° 00′ 10″ W., 540.0 feet, through monument No. 14, which is a 2½-inch iron pipe, to monument No. 15, which is a 2½-inch iron pipe, the distances being 360.0 feet and 180.0 feet, successively, from beginning of the course;

N. 00° 02′ 40″ W., 406.0 feet, to monument No. 16, which is a 2½-inch iron pipe;

N. 00° 00′ 40″ E., 683.0 feet, through monument No. 17, which is a 2½-inch iron pipe, to monument No. 18, which is a 2½-inch iron pipe, the distances being 400.0 feet and 283.0 feet, successively, from beginning of the course;

N. 00° 00′ 50″ E., 185.0 feet, to monument No. 19, which is a 2½-inch iron pipe;

N. 00° 01′ 20″ W., 705.0 feet, to monument No. 20, which is a 2½-inch iron pipe;

N. 00° 00′ 40″ W., 1,052.0 feet, through monument No. 21, which is a 2½-inch iron pipe, to monument No. 22, which is a 2½-inch iron pipe, the distances being 520.0 feet and 532.0 feet, successively, from beginning of the course;

N. 00° 01′ 00″ W., 100.0 feet, to monument No. 23, which is a 2½-inch iron pipe;

N. 00° 01′ 10″ W., 157.0 feet, to monument No. 24, which is a 2½-inch iron pipe;

N. 00° 00′ 20″ W., 966.1 feet, through monument No. 25, which is a 2½-inch iron pipe, to monument No. 26, which is a 2½-inch iron pipe, the distances being 480.1 feet and 486.0 feet, successively, from beginning of the course;

N. 00° 00′ 40″ W., 600.0 feet, to monument No. 27, which is a 2½-inch iron pipe;

N. 00° 00′ 30″ W., 978.0 feet, to monument No. 28, which is a 2½-inch iron pipe;

N. 00° 00′ 20″ W., 2,126.1 feet, through monuments Nos. 29, 30 and 31, which are 2½-inch iron pipes, to monument No. 32, which is a 2½-inch iron pipe, the distances being 484.0 feet, 640.0 feet, 580.0 feet and

422.1 feet, successively, from beginning of the course;

N. 00° 00' 50'' W., 755.1 feet, to monument No. 33, which is a 2½-inch iron pipe;

N. 00° 00' 40'' E., 270.0 feet, to monument No. 34, which is a 2½-inch iron pipe;

N. 00° 04' 10'' E., 1,073.9 feet, through monument "I", which is an 8-inch square concrete post, monument No. 60, which is a 2-inch iron pipe, and monument No. 61, which is a 1½-inch iron pipe, to monument No. 62, which is a 1½-inch iron pipe, the distances being 60.4 feet, 590.9 feet, 160.7 feet and 261.9 feet, successively, from beginning of the course;

N. 00° 04' 20'' E., 947.5 feet, through monuments Nos. 63, 64 and 65, which are 1½-inch iron pipes, to monument No. 66, which is a 1½-inch iron pipe, the distances being 119.8 feet, 207.5 feet, 273.7 feet and 346.5 feet, successively, from beginning of the course;

N. 00° 04' 30'' E., 1,111.1 feet, through monument No. 67, which is a 1½-inch iron pipe, monuments Nos. 68 and 69, which are 2-inch iron pipes, to monument No. 70, which is a 2-inch iron pipe, the distances being 456.1 feet, 305.4 feet, 272.3 feet and 77.3 feet, successively, from beginning of the course;

N. 00° 04' 40'' E., 1,125.9 feet, through monuments Nos. 71 and 72, which are 2-inch iron pipes, to monument No. A. T. F. 27-1, which is a 2-inch iron pipe, located on the southern boundary of the Arraijan Tank Farm Naval Reservation, the distances being 189.7 feet, 527.8 feet and 408.4 feet, successively, from beginning of the course;

S. 89° 59' 30'' E., 3,908.5 feet, along the southern boundary of the Arraijan Tank Farm Naval Reservation, through monuments Nos. A. T. F. 27 to A. T. F. 15 inclusive, which are 2½-inch iron pipes set in concrete, to monument No. A. T. F. 14, which is an 8-inch square concrete post, the distances being 322.5 feet, 297.5 feet, 194.9 feet, 160.2 feet, 123.4 feet, 310.2 feet, 498.7 feet, 248.1 feet, 160.0 feet, 534.9 feet, 261.0 feet, 233.2 feet, 346.0 feet and 217.9 feet, successively, from beginning of the course;

Due North, 4,259.0 feet, along the easterly boundary of the Arraijan Tank Farm Naval Reservation, through monuments Nos. A. T. F. 13 to A. T. F. 3 inclusive, which are 2½-inch iron pipes set in concrete, to monument No. A. T. F. 2, the point of beginning, the distances being 390.1 feet, 574.0 feet, 530.5 feet, 537.7 feet, 120.7 feet, 268.3 feet, 280.4 feet, 433.1 feet, 312.4 feet, 274.0 feet, 202.4 feet and 335.4 feet, successively, from beginning of the course;

The directions of the lines refer to the true meridian.

The area of the above described tract is 5,709 acres, more or less (the area above high water line is 5,502 acres, more or less), and is as shown on Canal Zone Government Drawing No. 6116-46, entitled "Map Showing United States Army and Air Force Reservations, Fort Kobbe and Howard Air Force Base, Canal Zone,"[1] scale 1:10,000, dated April 25, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, C. Z.

The surveys over the above described boundary were made by the Surveys Branch, Engineering and Construction Bureau, The Panama Canal Company, in May and June 1939, December 1940, January 1941, November and December 1946, October, November and December 1951, and January and April 1952, and are recorded in Field Books numbered M-202, M-225, M-240, M-417 and M-486. The geodetic positions of all points, referred to the Panama-Colon datum of the Canal Zone triangulation system, are on file in the office of the above mentioned Surveys Branch.

SEC. 2. *Conditions and limitations.* The reservations established by section 1 of this order shall be subject to the following conditions and limitations:

[1] Filed as part of the original document.

(a) The area comprising these reservations shall continue to be subject to the civil jurisdiction of the Government of the Canal Zone in conformity with the provisions of the Canal Zone Code as amended and supplemented.

(b) Personnel and equipment of the Canal Zone Government and of the Panama Canal Company shall be permitted free access to these reservations to carry out necessary operations of such agencies in, or in the vicinity of, these reservations, in connection with public health and sanitation, operation of a public school, drainage, surveys, etc.; to inspect, maintain, repair, modify, or replace facilities or installations of such agencies within or adjacent to these reservations; and to install any additional services or utilities that are necessary to be installed through or upon, or in the vicinity of, these reservations.

(c) The Panama Canal Company shall have the right to continue to use that portion of the area set aside hereby which comprises the lowlands adjacent to the Rio Farfan and lies generally below the 20-foot contour, as a hydraulic dump, and personnel and equipment of the Panama Canal Company shall be permitted free access to such fill area for all purposes related to the use and maintenance of the area as a hydraulic dump.

(d) In the event of the activation of the Venado Beach area by the Canal agencies as a recreational area and bathing beach, persons eligible to utilize such area shall be permitted access thereto through these reservations, and suitable provision shall be made to enable the Canal agencies to construct an access road connecting Venado Beach with roads heretofore or hereafter constructed within these reservations.

(e) Access to Camp Harriett Morrow over that portion of Bruja Road which lies between monument 42 and monuments 40 and 41 shall be permitted to all persons authorized to enter such camp.

SEC. 3. *Executive order superseded.* This order supersedes Executive Order 8354 of February 25, 1940, which reserved and set apart Fort Kobbe Military Reservation.

KARL R. BENDETSEN,
Acting Secretary of the Army.

AUGUST 11, 1952.

[F. R. Doc. 52-9552; Filed, Aug. 29, 1952; 8:50 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 203—RULES OF PRACTICE

SUBPART C—MINIMUM WAGE DETERMINATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Pursuant to authority vested in me by sections 1, 4 and 10 of the Walsh-Healey Public Contracts Act, as amended (49 Stat. 2036, as amended; 41 U. S. C. 35) this part is amended by adding a new Subpart C as set forth below. The purpose of this new subpart is to prescribe rules of practice applicable to the procedure for making prevailing minimum wage determinations under the act. These rules of practice shall be effective upon publication in the FEDERAL REGISTER.

SUBPART C—MINIMUM WAGE DETERMINATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Sec.

AUTHORITY: §§ 203.15 to 203.22 issued under 49 Stat. 2036, as amended; 41 U. S. C. 35.

§ 203.15 *Initiation of proceeding.* Wage determination proceedings may be initiated by the Secretary of Labor with respect to any industry. The proceedings may be initiated by the Secretary of Labor upon his own motion or upon the request of any party showing a proper interest in the industry.

§ 203.16 *Industry panel meetings.* The Secretary of Labor may, within his discretion, invite representatives of employers and employees in an industry to meet as an informal panel group to discuss with representatives of the Department of Labor the various questions relating to the issuance of a wage determination for the industry.

§ 203.17 *Hearings.* (a) Hearings held for the purpose of receiving evidence with regard to prevailing minimum wages in the various industries shall be conducted by the Secretary of Labor or by a duly assigned Hearing Examiner.

(b) Due notice of hearing shall be published in the FEDERAL REGISTER.

(c) The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Secretary, United States Department of Labor, Fourteenth Street and Constitution Avenue, Northwest, Washington 25, D. C.

(d) At the discretion of the Presiding Officer, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing or by other appropriate notice.

§ 203.18 *Evidence.* (a) Witnesses appearing at the hearing need not be sworn. The Presiding Officer may, however, within his discretion, require that witnesses take an oath or affirmation as to testimony submitted.

(b) Written statements may be filed any time prior to the date of the hearing by persons who cannot appear personally.

(c) Written documents and exhibits shall be tendered in quadruplicate. When evidence is embraced in a document containing matter not intended to be put in evidence, within the discretion of the Presiding Officer, such a document will not be received but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

(d) At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Secretary, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Secretary shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have appeared at the hearing or filed a notice of intention to appear at the hearing.

(e) The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

§ 203.19 *Subpoenas and witness fees.* (a) Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing shall be issued by the Secretary or the Hearing Examiner upon request and upon a timely showing, in writing, of the general relevance and reasonable scope of the evidence sought. Any person appearing in the proceeding may apply for the issuance of a subpoena. Such application shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

(b) Witnesses summoned by the Secretary shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Secretary before issuing a subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

§ 203.20 *Examination of witnesses.* The Presiding Officer shall, consistent with orderly procedure, permit any person appearing at the hearing to conduct such examination or cross-examination of any witness as may be required for a full and true disclosure of the facts, and to object to the admission or exclusion of evidence. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the Presiding Officer.

§ 203.21 *Decisions.* (a) Where the hearing is held before the Secretary, within fifteen (15) days after the close of the hearing, any interested person appearing at the hearing may submit for the consideration of the Secretary an original and four copies of a statement in writing containing proposed findings and conclusions, together with supporting reasons therefor.

(b) Where the hearing is held before a Hearing Examiner, a complete record of the proceedings shall be certified to the Secretary upon the close of the hearing. The Secretary shall thereupon issue a proposed decision in the matter, which shall become a part of the record and include a statement of his findings and conclusions, as well as the reasons and basis therefor and the appropriate wage determination. Notice of the Secretary's proposed decision shall be published in the FEDERAL REGISTER.

(c) Within fifteen (15) days after such notice of the Secretary's proposed decision is published in the FEDERAL REGISTER, any interested person may file with the Secretary a statement in writing (original and four copies) setting forth any exceptions he may have to such decision, together with supporting reasons for such exceptions.

(d) After the expiration of the fifteen day periods referred to in paragraphs (a) and (c) of this section, and after consideration of all relevant matter presented as provided in such paragraphs, the Secretary shall make his final decision in the matter, and shall issue a minimum wage determination in accordance with such decision. Such minimum wage determination shall be published in the FEDERAL REGISTER.

§ 203.22 *Effective date of determinations.* Any minimum wage determination issued as a result of hearings held under this subpart shall take effect not less than 30 days after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

Signed at Washington, D. C., this 28th day of August 1952.

MICHAEL J. GALVIN,
Acting Secretary of Labor.

[F. R. Doc. 52-9616; Filed, Aug. 29, 1952; 9:13 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 867, Amdt. 7]

PART 95—CAR SERVICE

RESTRICTIONS ON TRAP AND FERRY CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of August A. D. 1952.

Upon further consideration of Revised Service Order No. 867 (15 F. R. 6199, 6313, 6573; 16 F. R. 2895, 6184, 12096; 17 F. R. 1857, 4949), and good cause appearing therefor: It is ordered, that:

Section 95.867 *Restrictions on trap and ferry cars,* of Revised Service Order No. 867 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., August 31, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9532; Filed, Aug. 29, 1952; 8:47 a. m.]

[Corr. S. O. 870, Amdt. 6]

PART 95—CAR SERVICE

FREE TIME ON FREIGHT CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of August A. D. 1952.

Upon further consideration of Service Order No. 870 (15 F. R. 8994, 9065; 16 F. R. 2895, 6843, 10995; 17 F. R. 1857, 4949), and good cause appearing therefor: It is ordered, that:

Section 95.870 *Free time on freight cars loaded at ports,* of Service Order No. 870, be, and it is hereby further amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., August 31, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9535; Filed, Aug. 29, 1952; 8:47 a. m.]

[Corr. S. O. 871, Amdt. 7]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING BOX CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of August A. D. 1952.

Upon further consideration of Service Order No. 871 (15 F. R. 8995, 9066; 16 F. R. 2895; 6843, 10750, 10995; 17 F. R. 1858, 4949), and good cause appearing therefor: It is ordered, that:

Section 95.871 *Free time on unloading box cars at ports*, of Service Order No. 871 be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., August 31, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9533; Filed, Aug. 29, 1952; 8:47 a. m.]

[S. O. 877, Amdt. 5]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC

At a session of the Interstate Commerce Commission, Division 3 held at its office in Washington, D. C., on the 26th day of August A. D. 1952.

Upon further consideration of the provisions of Service Order No. 877 (16 F. R. 4940, 8583, 8681, 12097; 17 F. R. 1726, 4576), and good cause appearing therefor: It is ordered, that:

Section 97.877 *Rerouting of traffic*, of Service Order No. 877, be and it is hereby, amended by substituting the following paragraph (g) hereof for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., August 31, 1952, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9534; Filed, Aug. 29, 1952; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 678, 689, 692, 697, 706]

PUERTO RICO; SPECIAL INDUSTRY COMMITTEE NO. 12

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATIONS FOR CERTAIN INDUSTRIES

The Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201) on May 8, 1952, by Administrative Order No. 421, appointed Special Industry Committee No. 12 for Puerto Rico, composed of residents of Puerto Rico and of the United States outside of Puerto Rico, to investigate conditions respecting, and to recommend minimum wage rates for, employees engaged in commerce or in the production of goods for commerce in a number of industries in Puerto Rico specified in the order, including the Button, Buckle, and Jewelry Industry; Beer Division of the Alcoholic Beverage and Industrial Alcohol Industry; Railroad, Railway Express, and Property Motor Transport Industry; Stone, Glass, and Related Products Industry; and Sugar Manufacturing Industry.

The Committee included disinterested persons representing the public, a like number of persons representing employees in these industries, and a like number representing employers in these industries.

Special Industry Committee No. 12 for Puerto Rico has made separate minimum wage recommendations and has duly filed with the Administrator reports containing such recommendations, pursuant to section 8 (d) of the act and § 511.19 of the regulations issued under the act, for each of the aforementioned industries.

The Administrator is required by section 8 (d) of the act, after due notice to interested persons and giving opportunity to be heard, to approve and carry into effect by order each of the recommendations of Special Industry Committee No. 12 for Puerto Rico, if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the act; and if he finds otherwise, to disapprove such recommendations.

Now, therefore, notice is hereby given that:

A. The separate minimum wage recommendations of Special Industry Committee No. 12 for employees engaged in commerce or in the production of goods for commerce in the above named industries in Puerto Rico are as follows:

Industry	*Recommended minimum cents an hour*
1. Button, buckle, and jewelry industry:	
(a) Pearl button and buckle division	54
(b) Leather and fabric button and buckle division	53
(c) Button and buckle (other than pearl, leather, or fabric) and bead division	48
(d) Rosary and native jewelry division	33
(e) Necklace, bracelet, and similar jewelry division	36
(f) Precious jewelry division	55
(g) Metal expansion watch band division	60
(h) Metal and plastic jewelry and miscellaneous products division	50
2. Beer division of the alcoholic beverage and industrial alcohol industry	
3. Railroad, railway express, and property motor transport industry:	
(a) Railroad division	33
(b) Railway express and property motor transport division	60
4. Stone, glass, and related products industry:	
(a) Glass and glass products division	60
(b) Glass decorating division	42
(c) Mica division	42
(d) Concrete pipe division	60
(e) Hot asphaltic plant mix division	75
(f) General division	50
5. Sugar manufacturing industry	75

B. The definitions of the above named industries in Puerto Rico (as set forth in Administrative Order No. 421) and of the separate divisions thereof, for which Special Industry Committee No. 12 for Puerto Rico has made the foregoing separate minimum wage recommendations are as follows:

1. *Button, buckle, and jewelry industry.* The manufacture from any material of buttons, buckles, jewelry (including rosaries), and jewelry findings, including beads): *Provided, however,* That the definition shall not include any activities covered by the definition of the Jewel Cutting and Polishing Industry in Puerto Rico.

The Committee recommended that the Button, Buckle, and Jewelry Industry in Puerto Rico, as defined in Administrative Order No. 421, be divided into separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be defined as follows:

(a) *Pearl button and buckle division.* The manufacture of buttons and buckles from ocean pearl or other natural shell.

(b) *Leather and fabric button and buckle division.* The manufacture of buttons and buckles from leather, cotton tape, or other fabric.

(c) *Button and buckle (other than pearl, leather, or fabric) and bead division.* The manufacture of buttons and buckles from any material except ocean pearl or other natural shell, leather, cotton tape or other fabric; and the manufacture of metal, glass, plastic and wooden beads, but not including the pearlizing or further processing and assembling of beads into necklaces, bracelets, and similar jewelry items.

(d) *Rosary and native jewelry division.* The assembling of rosaries and the manufacture of novelty jewelry from materials of local origin such as seeds, shells, natural fibers and similar materials.

(e) *Necklace, bracelet, and similar jewelry division.* The stringing of artificial pearl and other necklaces, bracelets, and similar jewelry items made of beads, including pearlizing and other processing operations.

(f) *Precious jewelry division.* The manufacture of jewelry or jewelry findings made of precious metals whether or not embellished with natural or synthetic stones.

(g) *Metal expansion watch band division.* The manufacture or partial manufacture from metal of expansion bands or expansion bracelets for watches.

(h) *Metal and plastic jewelry and miscellaneous products division.* The manufacture from plastics, non-precious metals, or other materials of jewelry, jewelry findings and all other products included in the button, buckle, and jewelry industry, as defined herein, except those included in the pearl button and buckle division, the leather and fabric button and buckle division, the button and buckle (other than pearl, leather, or fabric) and bead division, the rosary and native jewelry division, the necklace, bracelet, and similar jewelry division, the precious jewelry division, and the metal watch band division.

2. *Beer division of the alcoholic beverage and industrial alcohol industry.* This division consists of the manufacture of beer, ale, and similar malt beverages containing alcohol.

3. *Railroad, railway express, and property motor transport industry.* (a) The industry carried on in Puerto Rico by any railroad carrier under public franchise which holds itself out to the general public to engage in the transportation of passengers or property for compensation.

(b) The industry carried on in Puerto Rico by any railway express or other express company which holds itself out to the general public to engage in the transportation of property for compensation.

(c) The industry carried on in Puerto Rico consisting of the transportation of property by motor vehicle for compensation: *Provided, however,* That this definition shall not include railroad transportation activities carried on by a producer of raw sugar, cane juice, molasses or refined sugar, and incidental by-products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of these products.

The Committee recommended that the railroad, railway express, and property motor transport industry in Puerto Rico, as defined in Administrative Order No. 421, be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be entitled and defined as follows:

(a) *Railroad division.* This division consists of the industry carried on in Puerto Rico by any railroad carrier under public franchise which holds itself out to the general public to engage in the transportation of passengers or property for compensation.

(b) *Railway express and property motor transport division.* This division consists of (1) the industry carried on in Puerto Rico by any railway express or other express company which holds itself out to the general public to enagage in the transportation of property for compensation, and (2) the industry carried on in Puerto Rico consisting of the transportation of property by motor vehicle for compensation.

4. *Stone, glass, and related products industry.* The mining, quarrying, or other extraction and the further processing of all minerals (other than clay, metal ores, coal, petroleum, or natural gases) and the manufacture of products from such minerals, including, but without limitation, glass and glass products; dimension and cut stone; crushed stone, sand and gravel; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell, and other similar natural materials: *Provided, however,* That the definition shall not include the manufacture of chemicals, or the extraction of minerals used for such manufacture, or any product or activity included in the button, buckle, and jewelry industry; the cement industry; the clay and clay products industry; the construction, business service, motion picture, and miscellaneous industries; the jewel cutting and polishing industry; or the metal, plastics, machinery, instrument, transportation equipment and allied industries (as defined in the wage orders for these industries in Puerto Rico).

The Committee recommended that the stone, glass, and related products industry in Puerto Rico, as defined in Administrative Order No. 421, be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be entitled and defined as follows:

(a) *Glass and glass products division.* The manufacture of glass and glass products except the decorating of glass or glass products when performed in a non-glass making establishment.

(b) *Glass decorating division.* The decorating of glass or glass products when performed in a non-glass making establishment.

(c) *Mica division.* The processing of mica and the manufacture of mica parts for radio, television, or other electronic tubes or for other electrical products.

(d) *Concrete pipe division.* The manufacture of concrete pipe or conduit.

(e) *Hot asphaltic plant mix division.* The manufacture of hot asphaltic plant mix for paving.

(f) *General division.* All products and activities included in the stone, glass, and related products industry, as defined herein, except those included in the glass and glass products division, the glass decorating division, the mica division, the concrete pipe division, and the hot asphaltic plant mix division.

5. *Sugar manufacturing industry.* The production of raw sugar, cane juice, molasses and refined sugar, and incidental by-products and all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry, and any transportation activities by truck or other vehicle performed by a producer of the products of the industry in connection with the production or shipment of such products by such producer: *Provided, however,* That the industry shall not include any activity covered by the wage orders for the shipping industry or the railroad, railway express and property motor transport industry.

C. The full texts of the reports and recommendations of Special Industry Committee No. 12 for Puerto Rico for each of the above industries will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

18 Oliver Street, Boston 10, Mass.

808 Lafayette Building, Fifth and Chestnut Streets, Philadelphia 6, Pa.

248 Engineers Building, 1365 Ontario Avenue, Cleveland 14, Ohio.

3000 Federal Office Building, 911 Walnut Street, Kansas City 6, Mo.

144 Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.

Fourteenth Street and Constitution Avenue NW., Washington 25, D. C.

900 U. S. Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.

1908 Comer Building, 2026 Second Avenue North, Birmingham 3, Ala.

1200 Merchandise Mart Building, 222 West North Bank Drive, Chicago 54, Ill.

222 Fidelity Building, 1000 Main Street, Dallas 2, Tex.

United States Courthouse, 801 Broad Street, Nashville 3, Tenn.

412 New York Department Store Building, Post Office Box 9061, Santurce 29, P. R.

Copies of the Committee's reports and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½ Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico.

D. Public hearings will be held at 10:00 a. m., on the dates and at the places set forth below before the Administrator of the Wage and Hour Division or a representative designated to preside in his place, for the purpose of taking evidence on the question of whether the separate recommendations of Special Industry Committee No. 12 for Puerto Rico set forth above shall be approved or disapproved.

Sugar manufacturing industry: October 21, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.

Button, buckle, and jewelry industry: October 7, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.

Beer division of the alcoholic beverage and industrial alcohol industry: October 7, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.

Railroad, railway express, and property motor transport industry: October 14, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.

Stone, glass, and related products industry: October 14, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.

E. Any interested person supporting or opposing any of the recommendations of Special Industry Committee No. 12 for Puerto Rico which are set forth above may appear at any of the aforesaid hearings to offer evidence, either on his own behalf or on behalf of any other person; provided that not later than seven days preceding any hearing at which he intends to appear, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. or at the office of the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, notice of his intention to appear which shall contain the following information:

1. The name and address of the person appearing;

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing;

3. The recommendation or recommendations of Special Industry Committee No. 12 for Puerto Rico in which he is interested and whether he proposes to appear for or against such recommendation or recommendations;

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, and shall be deemed filed upon receipt.

F. Any person interested in supporting or opposing any of the above recommendations of Special Industry Committee No. 12 for Puerto Rico may secure further information concerning the aforesaid hearings by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Territorial Representative, Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, or by consulting with attorneys representing the Administrator who will be available at the Office of the Solicitor, United States Department of Labor in Washington, D. C.

G. The records made at the public hearing on conditions in the above-named industries in Puerto Rico held before Special Industry Committee No. 12 in San Juan, Puerto Rico in June and July, 1952, may be examined by any interested person at the offices of the Wage and Hour Division, United States Department of Labor, at 14th and Constitution Avenue, Washington 25, D. C., and Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico. The records of the public hearing before the industry committee with respect to each of the above-named industries in Puerto Rico will be available for examination on and after 30 days prior to the date fixed herein for the hearing on the Committee's recommendation for such industry. Such records will be offered in evidence at the appropriate public hearing before the Administrator or his representative on such industry.

H. The hearings will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Presiding Officer (the Administrator or his authorized representative, as the case may be) as are deemed appropriate.

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, Fourteenth and Constitution Avenue, NW., Washington 25, D. C.

2. At the discretion of the Presiding Officer, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing or by other appropriate notice.

3. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

4. All evidence must be presented under oath or affirmation.

5. Except as otherwise permitted by the Presiding Officer, written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof. Written, sworn statements may be filed any time prior to the date of the hearing by persons who cannot appear personally.

6. Written documents and exhibits shall be tendered in quadruplicate. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

7. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing shall be issued by the Administrator upon request and upon a timely showing, in writing, of the general relevance and reasonable scope of the evidence sought. Any person appearing in the proceeding may apply for the issuance by the Administrator of the subpoena. Such application shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

8. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing a subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

10. The Presiding Officer shall, upon request, permit any person appearing in the proceeding to conduct such cross-examination of any witness offered by another person as may be required for a full and true disclosure of the facts, and to object to the admission or exclusion of evidence. Objections to the admission or inclusion of evidence shall be stated briefly with the reasons relied

on. Such objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer.

11. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matters in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

12. Briefs (4 copies) or particular questions may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

13. (a) Where the hearing is held before the Administrator, within fifteen (15) days after the close of the hearing, any interested person appearing at the hearing may submit for the consideration of the Administrator an original and four copies of a statement in writing containing proposed findings and conclusions, together with supporting reasons therefor.

(b) Where the hearing is held before a representative of the Administrator designated to preside in his place, a complete record of the proceedings shall be certified to the Administrator upon the close of the hearing. The Administrator shall thereupon issue a tentative decision in the matter, which shall become a part of the record and include a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and the appropriate order. Notice of the Administrator's tentative decision shall be published in the FEDERAL REGISTER.

(c) Within fifteen (15) days after such notice of the Administrator's tentative decision is published in the FEDERAL REGISTER, any interested person appearing at the hearing may file with the Administrator a statement in writing (original and four copies) setting forth any exceptions he may have to such decision, together with supporting reasons for such exceptions.

(d) After the expiration of the fifteen day periods referred to in paragraphs 13 (a) and (c) above, and after consideration of all relevant matter presented as provided in such paragraphs, the Administrator shall make his final decision in the matter, and shall issue an order approving or disapproving the recommendations of the industry committee. Such order shall be published in the FEDERAL REGISTER.

14. Any wage order issued as a result of hearings held hereunder shall take effect 30 days after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

Signed at Washington, D. C., this 27th day of August 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 52-9553; Filed, Aug. 29, 1952; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 61]

FLIGHT TIME LIMITATIONS FOR LONG-DISTANCE SCHEDULED INTERSTATE OPERATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of an amendment to the proposed revised Part 40 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by September 25, 1952.

Copies of such communications will be available after September 29, 1952 for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

The Bureau of Safety Regulation formerly proposed in 15 F. R. 6700 (proposed revision of Part 40) that maximum daily flight time limitations applicable to flight crews in scheduled domestic air carrier operations be extended from 8 hours to 12 hours for nonstop flights. After consideration of this proposal the Board decided that such a major departure from flight time limitations so long in use for domestic operations did not appear to be warranted at that time. Subsequent republication of the proposed revised Part 40 (16 F. R. 8923 and 17 F. R. 6971) did not, therefore, contain a similar proposal.

The Board has recently been advised that certain air carriers contemplate placing in operation aircraft which may be employed in nonstop transcontinental operations. It appears that all of the major problems which have prevented the establishment of such service in the past are approaching solution except that of flight time limitations. Since westbound flights in such nonstop transcontinental operations may still be expected to exceed 8 hours, the presently effective daily flight time limitations will of themselves prevent such operations irrespective of how desirable such transcontinental operations may be. Accordingly, it appears advisable for the Board to examine further the question of flight time limitations with respect to long-distance nonstop operations.

The Board, therefore, has under consideration an amendment to the regulations which will permit such long-distance flights, provided adequate safeguards to prevent excessive flight time are assured. Although the Board proposes that the daily flight time limitation for an airman engaged in long-distance scheduled nonstop operations be 12 hours, it also desires comment on the advisability of a limitation somewhere between 8 and 12 hours. Comment is further desired with respect to any related matters which would require concurrent amendment, such as whether the proposal would require the establishment of flight deck duty time limitations, and if so whether such flight deck duty time limitations should be equally applicable to pilots and other flight crew members, and similarly what the magnitude of such flight deck duty time limitations should be.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560)

Dated August 26, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9575; Filed, Aug. 29, 1952; 8:53 a. m.]

NOTICES

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region I, Redelegation of Authority No. 47]

DIRECTORS OF THE DISTRICT OFFICES REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 24

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 50 (17 F. R. 675), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I, to issue adopting orders as authorized by GOR 24 and to grant, deny, or revoke the reclassification provided for under section 7 of GOR 24.

2. If the area for which it is deemed appropriate to fix community dollars-and-cents ceiling prices lies within the jurisdiction of more than one regional or district office of the Office of Price Stabilization, the office for the area in which the majority of the sellers to be covered by the order is located shall be the office to issue an order fixing com-

munity dollars-and-cents ceiling prices for all sellers in that area.

This redelegation of authority shall take effect as of August 19, 1952.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

AUGUST 27, 1952.

[F. R. Doc. 52-9555; Filed, Aug. 27, 1952; 3:43 p. m.]

[Region III, Redelegation of Authority No. 27, Amdt. 1]

DIRECTORS OF THE DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SR 39, REVISION 1, TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 25, Amendment 1 (17 F. R. 7098), this amendment to Redelegation of Authority No. 27 is hereby issued.

Paragraph 1 of Authority No. 27 is amended to read as follows:

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This amendment shall take effect as of August 22, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

AUGUST 27, 1952.

[F. R. Doc. 52-9556; Filed, Aug. 27, 1952; 3:43 p. m.]

[Region III, Redelegation of Authority No. 34, Revision 1]

DIRECTORS OF THE DISTRICT OFFICES REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CPR 31

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 66, Revision 1, (17 F. R. 5437), this revision to Redelegation of Authority No. 34, is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to receive and examine reports filed under the provisions of sections 5 and 6 of CPR 31; to ascertain whether such reports conform to requirements of CPR 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of CPR 31.

This Revision 1 to Redelegation of Authority No. 34 shall take effect as of August 22, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

AUGUST 27, 1952.

[F. R. Doc. 52-9557; Filed, Aug. 27, 1952; 3:43 p. m.]

[Region III, Redelegation of Authority No. 40]

DIRECTORS OF THE DISTRICT OFFICES, REGION III, PHILADELPHIA, PENNSYLVANIA

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 52 (17 F. R. 5618), Revision 1, this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act, by order, on all applications under the provisions of sections 36 and 53 of CPR 117, Revision 1.

2. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to issue orders, pursuant to section 71 of CPR 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This redelegation of authority shall take effect as of August 22, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

AUGUST 27, 1952.

[F. R. Doc. 52-9558; Filed, Aug. 27, 1952; 3:44 p. m.]

[Region III, Redelegation of Authority No. 41]

DIRECTORS OF THE DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR-24

By vitrue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 50 (17 F. R. 675), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to issue adopting orders as authorized by GOR-24 and to grant, deny, or revoke the reclassification provided for under section 7 of GOR-24.

2. If the area for which it is deemed appropriate to fix community dollars-and-cents ceiling prices lies within the jurisdiction of more than one district office of the Office of Price Stabilization located in Region III, the office for the area in which the majority of the sellers to be covered by the order is located shall be the office to issue an order fixing community dollars-and-cents ceiling prices for all sellers in that area.

This redelegation of authority shall take effect as of August 22, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

AUGUST 27, 1952.

[F. R. Doc. 52-9559; Filed, Aug. 27, 1952; 3:44 p. m.]

[Region III, Redelegation of Authority No. 42]

DIRECTORS OF THE DISTRICT OFFICES REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER SR 65 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 71 (17 F. R. 7063), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act under section 3 (f) of SR 65 to the GCPR. All actions in respect to section 3 (f) of SR 65 to the GCPR, taken by such district offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of August 22, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

AUGUST 27, 1952.

[F. R. Doc. 52-9560; Filed, Aug. 27, 1952; 3:44 p. m.]

[Region VI, Redelegation of Authority No. 18, Amdt. 1]

DIRECTORS OF THE DISTRICT OFFICES REGION VI, CLEVELAND, OHIO

DELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SR 39, REVISION 1 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 25 (16 F. R. 11406) and pursuant to Delegation of Authority 25, Amendment 1 (17 F. R. 7098), this Amendment 1 to Redelegation of Authority 18 is hereby issued.

Section 1 of Redelegation of Authority 18 (17 F. R. 261) is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky, to:

(a) Deny applications for adjustments of ceiling rates of charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) Make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This amendment shall take effect as of August 25, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 27, 1952.

[F. R. Doc. 52-9561; Filed, Aug. 27, 1952; 3:44 p. m.]

[Region VI, Redelegation of Authority No. 27, Amdt. 2]

DIRECTORS OF THE DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO AUTHORITY TO ACT DURING EPIDEMIC CONDITIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 11, Revision 1 (17 F. R. 2145) and pursuant to Delegation of Authority No. 11, Revision 1, Amendment 1 (17 F. R. 7195), this Amendment 2 to Redelegation of Authority No. 27 (17 F. R. 3067) is hereby issued.

Redelegation of Authority No. 27, is amended by adding a new section 1 (f) to read as follows:

(f) To grant relief, pursuant to section 19 (c) of Distribution Regulation 1, Revision 1, in the form of permission to a registered Class 2 or Class 2A slaughterer to have swine slaughtered for him temporarily by a Class 1 slaughterer, where and for so long as epidemic conditions make such relief necessary. This paragraph is effective for the duration of the epidemic of vesicular exanthema in existence on August 1, 1952.

This Amendment 2 to Redelegation of Authority 27, shall be effective as of August 25, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 27, 1952.

[F. R. Doc. 52-9562; Filed, Aug. 27, 1952; 3:44 p. m.]

[Region VI, Redelegation of Authority No. 31, Revision 1]

DIRECTORS OF THE DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 61, Revision 1 (17 F. R. 6424), this revised redelegation of authority is hereby issued.

1. *Authority to act under CPR 134.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky, to act under section 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of Ceiling Price Regulation 134.

This revised redelegation of authority shall take effect as of August 25, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 27, 1952.

[F. R. Doc. 52-9563; Filed, Aug. 27, 1952; 3:45 p. m.]

[Region VI, Redelegation of Authority No. 39]

DIRECTORS OF THE DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SR 65 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 71 (17 F. R. 7063), this redelegation of authority is hereby issued.

1. *Authority to act under section 3 (f) of SR 65 to the GCPR.* Authority is hereby redelegated to the Directors of the District offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky, to act under section 3 (f) of SR 65 to the GCPR. All actions in respect to section 3 (f) of SR 65 to the GCPR, taken by the said field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of August 25, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 27, 1952.

[F. R. Doc. 52-9564; Filed, Aug. 27, 1952; 3:45 p. m.]

[Region VI, Redelegation of Authority No. 40]

DIRECTORS OF THE DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 24

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 50 (17 F. R. 675), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky, to issue adopting orders as authorized by GOR 24 and to grant, deny, or revoke the reclassification provided for under section 7 of GOR 24.

2. If the area for which it is deemed appropriate to fix community dollars-and-cents ceiling prices lies within the jurisdiction of more than one Regional or District Office of the Office of Price Stabilization the office for the area in which the majority of the sellers to be covered by the order is located shall be the office to issue an order fixing community dollars-and-cents ceiling prices for all sellers in that area.

This redelegation of authority shall take effect as of August 25, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 27, 1952.

[F. R. Doc. 52-9565; Filed, Aug. 27, 1952; 3:45 p. m.]

[Region VI, Redelegation of Authority No. 41]

DIRECTORS OF THE DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (d) OF CPR 17

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 72 (17 F. R. 7357), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky, to:

(a) Request information in accordance with OPS Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of Ceiling Price Regulation 17;

(b) Issue area adjustments by special order under the provisions of section 11 (d) of Ceiling Price Regulation 17;

(c) Disapprove area adjustments requested under section 11 (d) of Ceiling Price Regulation 17.

This redelegation of authority shall take effect as of August 25, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 27, 1952.

[F. R. Doc. 52-9566; Filed, Aug. 27, 1952; 3:45 p. m.]

[Region X, Redelegation of Authority No. 40]

DIRECTORS OF THE DISTRICT OFFICES, REGION X, DALLAS, TEXAS

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 24

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority No. 50 (17 F. R. 675), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to issue adopting orders as authorized by GOR 24 and to grant, deny, or revoke the reclassification provided for under section 7 of GOR 24.

2. If the area for which it is deemed appropriate to fix community dollars-and-cents ceiling prices lies within the jurisdiction of more than one district office of the Office of Price Stabilization, the office for the district in which the majority of the sellers to be covered by

the order is located shall be the office to issue an order fixing community dollars-and-cents ceiling prices for all sellers in that area.

This redelegation of authority shall take effect as of August 26, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

AUGUST 27, 1952.

[F. R. Doc. 52-9567; Filed, Aug. 27, 1952; 3:45 p. m.]

[Region X, Redelegation of Authority No. 41]

DIRECTORS OF THE DISTRICT OFFICES, REGION X, DALLAS, TEXAS

REDELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (d) OF CPR 17

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 72 (17 F. R. 7357), this Region X Redelegation of Authority No. 41 is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X:

(a) To request information in accordance with OPS Public Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of Ceiling Price Regulation 17;

(b) To issue area adjustments by special order under the provisions of section 11 (d) of Ceiling Price Regulation 17;

(c) To disapprove area adjustments requested under section 11 (d) of Ceiling Price Regulation 17.

This redelegation of authority shall take effect on August 28, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

AUGUST 27, 1952.

[F. R. Doc. 52-9568; Filed, Aug. 27, 1952; 3:46 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 16, Amdt. 8]

KAISER-FRAZER CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 16 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Kaiser-Frazer Corporation. The Director by letter order has recently established new wholesale ceiling prices pursuant to existing regulations on Kaiser Deluxe and Kaiser Manhattan automobiles, and the Kaiser-Frazer Corporation has increased its prices on such automobiles to its dealers pursuant thereto. This order is accordingly issued to establish sellers' prices and charges which will reflect increased costs to dealers and mark-ups thereon, and is applicable to all automobiles which have been sold by Kaiser-Frazer Corporation at the increased prices.

Amendatory provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 16 is hereby issued.

1. The list of basic prices for Kaiser Deluxe and Kaiser Manhattan automobiles manufactured by Kaiser-Frazer Corporation in paragraph one is amended to read as follows:

KAISER AUTOMOBILES

Kaiser "Deluxe" series (sold by Kaiser-Frazer at prices in effect prior to July 18, 1952)

2-door Traveler	$2,308.65
4-door Sedan	2,259.91
Business Coupe	2,036.88
2-door Sedan	2,210.31
4-door Traveler	2,357.40
Club Coupe	2,188.63

Kaiser "Deluxe" series (sold by Kaiser-Frazer at prices in effect subsequent to July 18, 1952)

2-door Traveler	$2,371.61
4-door Sedan	2,322.87
Business Coupe	2,099.84
2-door Sedan	2,273.27
4-door Traveler	2,420.36
Club Coupe	2,251.59

Kaiser "Manhattan" series (sold by Kaiser-Frazer at prices in effect prior to July 18, 1952)

2-door Traveler	$2,415.87
4-door Sedan	2,367.14
Business Coupe	2,210.31
2-door Sedan	2,318.41
4-door Traveler	2,464.61
Club Coupe	2,337.89

Kaiser "Manhattan" series (sold by Kaiser-Frazer at prices in effect subsequent to July 18, 1952)

2-door Traveler	$2,478.83
4-door Sedan	2,430.10
Business Coupe	2,273.27
2-door Sedan	2,381.37
4-door Traveler	2,527.57
Club Coupe	2,400.85

Effective date. This amendment to Special Order 16 shall become effective August 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 21, 1952.

[F. R. Doc. 52-9343; Filed, Aug. 21, 1952; 11:04 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2028]

MANUFACTURERS LIGHT AND HEAT CO. AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE OF APPLICATION

AUGUST 26, 1952.

Take notice that Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation, and Cumberland and Allegheny Gas Company (Cumberland), a West Virginia corporation, both having their principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on August 14, 1952, an application for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas pipelines for the transportation and sale of natural gas, and an application for permission and approval pursuant to section 7 of the Natural Gas Act for abandonment, retirement and removal of certain natural-gas pipelines, all as hereinafter described.

Manufacturers proposes the following: (a) To construct and operate 9,240 feet of 12-inch and 1,200 feet of 4-inch pipeline in and near the City of Weirton, West Virginia, and to abandon in place 6,820 feet of 6-inch, 3,160 feet of 8-inch and 3,600 feet of 4-inch pipeline in the same locality; (b) to construct and operate 4.4 miles of 16-inch pipeline between Peters Run Reducing Station and the Town of Warwood, near Wheeling, West Virginia, and to abandon and remove 4.4 miles of 10-inch pipeline in the same locality; (c) to abandon, retire and remove one 80-horsepower compressor unit from its Sedalia Compressor Station, West Virginia; and (d) to construct and operate 2.04 miles of 8-inch loop line between a point in East Pike Run Township and the Borough of Allenport, Pennsylvania. Cumberland proposes to construct and operate 3 miles of 4-inch pipeline between Albright and Kingwood, West Virginia, and to abandon and remove the existing 2- and 3-inch line between these communities.

Applicants state that no new services are hereby proposed and that, through the means of the additional facilities described above, they proposed to improve and increase service and capacity for the benefit of the customers involved. Applicants estimate the net cost of the proposed facilities at $473,992 and state that the financing will be with money obtained from their parent company, The Columbia Gas System, Inc., under arrangements not yet formulated.

Manufacturers' project (a), above, is in substitution for and to serve the same purpose as Job No. 16 for which a certificate was granted in Docket No. G-1732. Manufacturers desires to abandon the authorization for this job under Docket No. G-1732. Manufacturers' project (d), above, is in substitution for the construction proposed in Job No. 8 in Docket No. G-1893. Manufacturers states that it has now abandoned such request.

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 16th day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9521; Filed, Aug. 29, 1952; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 34, Revocation]

PLACEMENT OF PROCUREMENT IN THE PORTSMOUTH, OHIO, AREA

NOTIFICATION OF REVOCATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that

Portsmouth is no longer classified as a Group IV, surplus labor area, and is now classified as a Group II area. Therefore, in accordance with the standards established by the Secretary of Labor under Section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 34 is revoked.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52-9613; Filed, Aug. 28, 1952; 4:57 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3347]

NORMANDIE GOLD CONSOLIDATED, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 26, 1952.

The San Francisco Mining Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Capital Assessable Stock, $1 Par Value, of Normandie Gold Consolidated, Inc.

The application alleges that the reasons for striking this security from listing and registration on this exchange are as follows:

(1) Two individuals own virtually all of the outstanding shares of the above security.

(2) The above security has been suspended from trading on the applicant exchange for more than three years without any successful effort having been made to obtain sufficient public distribution to warrant the continued listing and registration of this security on applicant exchange.

Upon receipt of a request, prior to September 25, 1952, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9526; Filed, Aug. 29, 1952; 8:48 a. m.]

[File No. 54-173]

PHILADELPHIA CO., AND STANDARD GAS AND ELECTRIC CO.

ORDER APPROVING PLAN

AUGUST 22, 1952.

Standard Gas and Electric Company ("Standard"), a subsidiary of Standard Power and Light Corporation ("Standard Power"), having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act") for approval of a plan and amendments thereto providing for the simplification of the corporate structure of the system of Philadelphia Company ("Philadelphia"), its subsidiary, the three aforenamed companies being registered holding companies;

Steps 1 through 3 of the aforementioned plan having been consummated and Step 4 thereof providing for the retirement of the 5 and 6 percent Preferred Stocks of Philadelphia and the Preferred Stock of The Consolidated Gas Company of the City of Pittsburgh ("Consolidated Preferred Stock");

Public hearings having been duly held after appropriate notice, at which hearings all interested persons were afforded an opportunity to be heard;

Standard having requested that the Commission's order approving Step 4 contain recitals in accordance with the requirements of the Internal Revenue Code, as amended, including Supplement R and section 1808 (f) thereof;

Standard having further requested the Commission, pursuant to section 11 (e) of the act, to apply to a United States District Court to enforce and carry out the terms and provisions of the plan;

The Commission having considered the record in the matter and having filed its Findings and Opinion herein on April 7, 1952, finding therein that Step 4 is necessary to effectuate the provisions of section 11 (b) of the act and, if amended in certain respects as set forth in said Findings and Opinion, fair and equitable to all persons affected thereby;

Standard having, on July 11, 1952, filed an amendment to Step 4 modifying it in accordance with the aforesaid Findings and Opinion of the Commission;

The Commission having considered the aforesaid amendment filed on July 11, 1952, in the light of its Findings and Opinion of April 7, 1952, and finding that the plan, as thus amended, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to persons affected by it;

It is ordered, On the basis of the record herein and the said Findings and Opinion, pursuant to section 11 (e) and other applicable provisions of the act, that said Step 4, as amended, be and it hereby is approved subject to the terms and conditions contained in Rule U-24 of the general rules and regulations promulgated under the act and to the following additional terms and conditions:

1. That the order entered herein shall not be operative to authorize the consummation of the transactions proposed in Step 4, as amended, until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said Step 4, as amended;

2. That Standard, Philadelphia and Standard Power shall pay only such fees and expenses in connection with Step 4, as amended, and the proceedings relating thereto as the Commission may approve on appropriate application made to it, and jurisdiction be and hereby is specifically reserved to determine the reasonableness and appropriate allocation of all such fees and expenses and other renumeration incurred or to be incurred in connection with the said Step 4, as amended, and the transactions incident thereto;

3. That jurisdiction be and it hereby is further specifically reserved with respect to the following matters:

a. The supervision of efforts to locate holders of securities to be exchanged under the provisions of Step 4, as amended.

b. The appropriateness of the accounting entries to be made by Philadelphia in recording the transactions incident to the consummation of Step 4, as amended.

c. The selection of the Exchange Agent provided for in Step 4, Standard not to appoint an Exchange Agent until it has notified the Commission of the Agent proposed to be employed and the manner by which such proposed Agent was selected and the Commission has entered a further order herein releasing jurisdiction with respect to the Agent proposed to be employed.

d. The entertaining of such further proceedings, entering of such further orders and the taking of such further action as may be necessary or appropriate in connection with Step 4, as amended, the transactions incident thereto and the consummation thereof.

It is further ordered and recited, That all steps and transactions involved in the consummation of Step 4, as amended, including particularly, the transfers, conveyances, exchanges, expenditures and investments, receipts and distributions hereinafter described and recited in subparagraphs 1 through 7 below, are hereby authorized and approved and are necessary and appropriate to effectuate the provisions of section 11 (b) of the act and the orders of the Commission previously entered thereunder, all in accordance with the meaning and requirements of Supplement R of the Internal Revenue Code, as amended, and section 1808 (f) thereof, the stock and securities and other property to be transferred, conveyed, exchanged, received or distributed upon such transactions and expenditures and investments to be made, being specified and itemized as follows:

1. The retirement by Philadelphia of the 230 outstanding shares of its 5 percent Preferred Stock by payment in exchange therefor of $12 per share in cash, plus cash in an amount equal to divi-

dends accrued and unpaid upon such stock to the effective date of Step 4, as amended; such cash to be paid out of the proceeds of sale of the Equitable Gas Company Debentures, to the extent available and required, in accordance with subparagraph 7 below.

2. The transfer and payment by Philadelphia to the holders of its 491,140 shares of outstanding 6 percent Preferred Stock, in exchange for and retirement of each share presently outstanding, of one share of the 4 percent Preferred Stock of Duquesne Light Company ("Duquesne") plus $13 in cash, such cash to be decreased or increased by the amount that dividends accrued to the effective date of Step 4, as amended, on the Duquesne 4 percent Preferred Stock to be received exceed or are less than the dividends accrued to said effective date on the Philadelphia 6 percent Preferred Stock to be exchanged therefor, as the case may be, and the transfer and delivery by the holders of said 6 percent Preferred Stock of Philadelphia to Philadelphia of said shares in exchange for said shares of 4 percent Preferred Stock of Duquesne and said cash; any cash so payable in retirement of said Philadelphia 6 percent Preferred Stock to be paid out of the proceeds of sale of the Equitable Gas Company Debentures, to the extent available and required, in accordance with subparagraph 7 below.

3. The transfer by Philadelphia to the holders of the 34,596 shares of outstanding Consolidated Preferred Stock in exchange for and retirement of each share presently outstanding, of one share of the 4 percent Preferred Stock of Duquesne, with cash adjustment of dividends as provided in Step 4, as amended, and the transfer and delivery by the holders of said Consolidated Preferred Stock of said shares in exchange for said shares of 4 percent Preferred Stock of Duquesne, with said cash adjustment of dividends as provided in Step 4, as amended.

4. The transfer and delivery by Philadelphia to the Exchange Agent provided for by Step 4, as amended, of the cash and 525,736 shares of 4 percent Preferred Stock of Duquesne (represented by Certificate No. 3 registered in the name of Philadelphia) specified in subparagraphs 1, 2 and 3 above, the transfer of said certificate for said 4 percent Preferred Stock of Duquesne to, and the registration of said stock in the name of, said Exchange Agent or its nominees, the transfer and delivery to Philadelphia or to said Exchange Agent (or to any subagent appointed by said Exchange Agent with the approval of Philadelphia) by the holders thereof of the aforesaid 5 percent and 6 percent Preferred Stocks of Philadelphia and Consolidated Preferred Stock in exchange for said 4 percent Preferred Stock of Duquesne and/or cash, the transfer and delivery by said Exchange Agent or any such subagent to said holders of Preferred Stocks of Philadelphia and Consolidated Preferred Stock of said 4 percent Preferred Stock of Duquesne (by certificates issued against, and upon transfer by said Agent of part of the shares represented by, such certificate or certificates so to be registered in the name of said Exchange Agent or its nominees) and/or cash upon such exchanges, the transfer and delivery by said Exchange Agent to Philadelphia of the Philadelphia 5 percent and 6 percent Preferred Stocks and the Consolidated Preferred Stock received by the Exchange Agent or any such subagent upon such exchanges and the transfer and delivery by Philadelphia to The Consolidated Gas Company of the City of Pittsburgh for cancellation of said Consolidated Preferred Stock, all as provided in Step 4, as amended.

5. The transfer and delivery by said Exchange Agent to Duquesne, upon the expiration of five years from the date of deposit with said Exchange Agent by Philadelphia, as stated in subparagraph 4 above, of the 4 Percent Preferred Stock of Duquesne and cash, of all certificates for shares of said 4 Percent Preferred Stock of Duquesne, together with all cash received by said Exchange Agent as dividends or otherwise thereon, which are then held by said Exchange Agent in respect of 6 Percent Preferred Stock of Philadelphia or Consolidated Preferred Stock not theretofore surrendered for exchange, and the payment by said Exchange Agent to Philadelphia or its successor or assignee, upon the expiration of said five year period, of all cash deposited with it by Philadelphia and then held by it in respect of said stocks not theretofore surrendered for exchange.

6. The sale by Philadelphia to Equitable Gas Company for cash, upon the redemptions thereof which have heretofore taken place, of $146,000 principal amount of Twenty-Year 3⅜ Percent Sinking Fund Debentures, due March 1, 1970, of Equitable Gas Company, the transfer and delivery by Philadelphia of said Debentures and the receipt by Philadelphia of the redemption price therefor.

7. The application and expenditure by Philadelphia, to the extent required therefor, of the balance of the proceeds from the sale by Philadelphia of $11,000,000 principal amount of Twenty-Year 3⅜ percent Sinking Fund Debentures, due March 1, 1970, of Equitable Gas Company (pursuant to the Commission's order dated June 21, 1950) in excess of the amount previously expended for retirement of Philadelphia's $6 Cumulative Preference Stock, as well as the sum of $151,694 heretofore received by Philadelphia upon redemption by Equitable Gas Company of $146,000 principal amount of said Debentures, together with, subject to the further order of this Commission approving such sale, the entire proceeds which may be derived by Philadelphia from any sale which Philadelphia may make, pursuant to such further order, of $6,354,000 principal amount of said Debentures now held by Philadelphia, in and for the retirement and cancellation of Philadelphia's 5 and 6 percent Preferred Stocks presently outstanding, to the extent that cash is payable in exchange for said Preferred Stocks pursuant to Step 4, as amended, as approved by this Order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9525; Filed, Aug. 29, 1952; 8:46 a. m.]

[File Nos. 54-198, 59-98]

INVESTMENT BOND AND SHARE CORP. ET AL.

NOTICE OF FILING OF APPLICATION FOR APPROVAL OF FEES AND EXPENSES, FOR DISMISSAL OF PROCEEDING AND FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE A HOLDING COMPANY

AUGUST 26, 1952.

In the matter of Investment Bond and Share Corporation and Its Subsidiaries and William J. Walsh, Edwin Joseph Small, John F. Baker, George M. Baker, Catherine E. Baker, Katherine M. Baker, John T. Walsh, William F. Walsh, Janice G. Walsh, Anne W. Small, Edwin W. Small, Barbara S. Johnson, Wallace D. Johnson, and Baker, Walsh & Co., Respondents, File No. 59-98; and Investment Bond and Share Corporation and Its Subsidiaries, File No. 54-198.

The Commission by Order dated July 11, 1952, having, among other things, approved a plan of liquidation of Investment Bond and Share Corporation ("IBS") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") and having reserved jurisdiction with respect to the payment of all fees and expenses incurred and having continued jurisdiction with respect to the proceedings instituted by the Commission pursuant to section 11 (b) and other sections of the act:

IBS and the other respondents having filed (1) a notification pursuant to Rule U-24 certifying that said plan of liquidation and other proposals have been consummated in accordance with the provisions of said plan and related proposals, (2) an application requesting approval of fees and expenses aggregating $38,006, including counsel fees of $30,000 payable to Dallstream, Schiff, Stern & Hardin, counsel to IBS, and $1,180 payable to Arthur Young & Company for accounting services, (3) requesting a dismissal of the proceeding instituted by the Commission pursuant to section 11 (b) of the act, among others, as to all respondents named therein and listed above, and (4) requesting an order declaring that IBS has ceased to be a holding company under the act:

Notice is hereby given that any interested person may, not later than September 10, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9528; Filed, Aug. 29, 1952; 8:46 a. m.]

[File No. 70-2910]

ARKANSAS POWER & LIGHT CO.

ORDER REGARDING ISSUANCE AND SALE OF FIRST MORTGAGE BONDS SUBJECT TO RESERVATION

AUGUST 26, 1952.

Arkansas Power & Light Company ("Arkansas"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, having filed an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rule U-50 thereunder regarding the following proposed transactions, which are more fully set forth in the application, as amended:

Arkansas proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $15,000,000 principal amount of First Mortgage Bonds, -- percent series, due 1982, to be issued under and secured by the company's Mortgage and Deed of Trust dated as of October 1, 1944, as heretofore supplemented, and as to be further supplemented by a Sixth Supplemental Indenture to be dated as of September 1, 1952. The proceeds of the proposed sale of bonds will be used to finance, in part, Arkansas' construction program for the years 1952 and 1953 which is estimated to require the expenditure of approximately $60,000,000 of which approximately $8,800,000 had been expended by June 30, 1952;

Said application having been filed on August 5, 1952, an amendment thereto having been filed on August 22, 1952, notice of said filing having been given in the form and manner required by Rule U-23, promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed issuance and sale of securities are for the purpose of financing the business of Arkansas as a public utility company, and that the proposed transactions have been specifically approved by Arkansas Public Service Commission, the State Commission of the State in which Arkansas was organized and is doing business; and the Commission deeming it appropriate to grant said application, as amended, without the imposition of terms or conditions other than those set forth below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions contained in Rule U-24 that said application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the following conditions and reservations:

1. That the proposed issuance and sale of bonds shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered by the Commission in the light of the record as so completed, and

2. That jurisdiction be, and the same hereby is, reserved with respect to the payment of fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9527; Filed, Aug. 29, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27349]

FOREIGN WOODS FROM HALLSBORO, N. C. TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

AUGUST 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1226.

Commodities involved: Lumber, logs, flitches or piling of foreign woods, also built-up woods, dimension stock, and carpenters moulding, carloads.

From: Hallsboro, N. C.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1226, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9536; Filed, Aug. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27350]

CRUDE PETROLATUM FROM NEW ORLEANS, LA., GROUP TO POINTS IN NEW YORK, OHIO, PENNSYLVANIA AND WEST VIRGINIA

APPLICATION FOR RELIEF

AUGUST 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1253.

Commodities involved: Crude petrolatum, in tank-car loads.

From: New Orleans, La., and points grouped therewith.

To: Points in New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, Supp. 55.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9537; Filed, Aug. 29, 1952; 8:47 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 3, Amdt. 2]

ANN ARBOR RAILROAD CO., ET AL.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 3 and good cause appearing therefor: It is ordered, That:

Taylor's I. C. C. Order No. 3 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., September 30, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., August 31, 1952; and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 26, 1952.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 52-9540; Filed, Aug. 29, 1952; 8:48 a. m.]

[4th Sec. Application 27351]

CEMENT FROM POINTS IN KANSAS AND DEWEY, OKLA., TO PORT ORANGE, FLA.

APPLICATION FOR RELIEF

AUGUST 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3844.

Commodities involved: Cement and related articles, carloads.

From: Chanute and other producing points in Kansas and Dewey, Okla.

To: Port Orange, Fla.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3844, Supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission. Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9538; Filed, Aug. 29, 1952; 8:48 a. m.]

[4th Sec. Application 27352]

GRAIN FROM CERTAIN MIDWESTERN POINTS TO CAIRO AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

AUGUST 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3866.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Missouri River crossings, also Albright Nebr., Minneapolis, Minnesota Transfer, St. Paul, and South St. Paul, Minn.

To: Cairo and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3866, Supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9539; Filed, Aug. 29, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GERDA HUBER, ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gerda Huber, Ulm, Germany; Willi Hoefner, Erlangen, Germany; Hans Hoefner, Ulm, Germany; Claims Nos. 37499, 37500, 37501; $10,755.20 in the Treasury of the United States, and of this amount: $3,585.07 to Gerda Huber; $3,585.06 to Willi Hoefner; $3,585.07 to Hans Hoefner. Vesting Order No. 1272.

Executed at Washington, D. C., on August 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9569; Filed, Aug. 29, 1952; 8:50 a. m.]

ELISABETH NICKLAS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elisabeth Nicklas, Bad Homburg v. d. Hoehe, Germany; Claim No. 58358; $8,508.89 in the Treasury of the United States; 2½ percent United States Treasury Bonds of 1966–71, due 3-15-1971, Nos. 167240-44, in the amount of $1,000 each, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York, N. Y.; 2½ percent United States Treasury Bonds of 1964–69, due 6-15-1969, Nos. 87353 and 95145, in the amount of $500 each, and Nos. 202900-01 and 194087-90, in the face amount of $1,000 each, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York, N. Y.; German Central Bank for Agriculture 7 percent 1st Lien Gold Farm Loan Sinking Fund Bond, due September 15, 1950, No. 19380, in the face amount of $1,000, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York, N. Y.

Executed at Washington, D. C., on August 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9570; Filed, Aug. 29, 1952; 8:51 a. m.]

SOCIETE D'EXPLOITATION DES PROCEDES DABEG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe d'Exploitation des Procedes Dabeg, Paris, France; Claim No. 36637; property described in Vesting Order No. 2625 (8 F. R. 17245, December 22, 1943) and 293 (7 F. R. 9836, November 26, 1942), relating to United States Letters Patent and Patent Application and contract interests identified in Schedule A, attached hereto and made a part hereof.

Executed at Washington, D. C., on August 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

SCHEDULE A—PROPERTY VESTED FROM SOCIETE D'EXPLOITATION DES PROCEDES DABEG

I. PATENTS

Patent No.	Date issued	Inventor	Title	Date assigned	Vesting order No.
1,638,736	8- 9-27	Johann Kupka	Cylinder Casting for Steam Engines	4- 1-31	2625
1,665,966	4-10-28	do	Locomotive Valve Gear	4- 1-31	2625
1,697,097	1- 1-29	Nicholas Vanderhorst et al.	do	4- 1-31	2625
1,738,435	12- 3-29	Johann Kupka	Cam Operated Balanced Valve Gear for Steam Locomotives and Like Engines.	4- 1-31	2625
1,748,844	2-25-30	do	Valve Gear	4- 1-31	2625
1,854,044	4-12-32	do	Valve Box for Steam or Like Engines	1-17-41	2625
1,935,363	11-14-33	do	High Powered Steam Engines Such as Locomotive Engines.	11-17-31	2625
2,065,648	12-29-36	Paul Rime-Bruneau	Controlling Device for Rotating Shafts	10-25-34	665
2,075,409	3-30-37	Albert Reidinger et al	Valve Gear for Steam and other Engines	5-21-37	2625
2,155,195	4-18-39	Julius Kirchhof	Adjustable Thrust Bearing for Valve Springs.	10-14-36	2625
2,178,236	10-31-39	Herman Lindars	Valve Control Mechanism for Steam Engines.	10-15-36	2625
2,218,824	10-22-40	John J. Kupka et al. (one-half interest).	Valve Mechanism	1-17-41	2625
2,223,461	12- 3-40	Paul Rime-Bruneau	Actuating Mechanism for Poppet Valves	5-27-37	2625
2,232,330	2-18-41	Pierre Lavarde	Valve Gear for Steam Engines	10-29-37	2625
2,243,055	5-20-41	Julius Kirchhof	Locomotive Valve Actuating Mechanism	7- 1-38	2625
[1] 2,320,613	6- 1-43	do	do	11- 3-39	293

[1] Vested as Patent Application Serial No. 282,338, filed July 1, 1939.

II. CONTRACT INTERESTS

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe d'Exploitation des Procedes Dabeg by virtue of an agreement dated April 27, 1937 (including all modifications thereof and supplements thereto, if any), by and between Societe d'Exploitation des Procedes Dabeg, the Associated Locomotive Equipment, Limited and the Franklin Railway Supply Company, which agreement relates, among other things, to Patent No. 2,243,055 to the extent owned by Societe d'Exploitation des Procedes Dabeg immediately prior to the vesting thereof by Vesting Order No. 2625.

[F. R. Doc. 52-9572; Filed, Aug. 29, 1952; 8:51 a. m.]

MARIE PERNERSTORFER AND LEOPOLD PERNERSTORFER, JR.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marie Pernerstorfer, Vienna, Austria; Leopold Pernerstorfer, Jr., Vienna, Austria; Claim No. 39563; $497.76 in the Treasury of the United States. One-half thereof to each claimant.

Executed at Washington, D. C., on August 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9571; Filed, Aug. 29, 1952; 8:51 a. m.]