FEDERAL REGISTER

VOLUME 17 NUMBER 226

Washington, Wednesday, November 19, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2997

GRANTING CERTAIN LAND TO THE CITY OF EASTPORT, MAINE, FOR PUBLIC USE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain lands in the municipality of Eastport, Maine, were acquired at various times by the War Department for use as a military reservation known as Fort Sullivan; and

WHEREAS the said lands, being no longer needed for military purposes, were placed under the control of the Secretary of the Interior, by a proclamation of the President dated July 22, 1884, for disposition in accordance with the provisions of the act of July 5, 1884, 23 Stat. 103 (43 U. S. C. 1071–1074); and

WHEREAS a portion of the said lands designated as Lot 14 was reserved from such disposition by the Secretary of the Interior because the municipality of Eastport had erected thereon a water-stand pipe; and

WHEREAS the said municipality of Eastport is now the City of Eastport, Maine, a municipal corporation, which has requested that the said Lot 14 be transferred to it for public use; and

WHEREAS it appears that such a transfer would be in the public interest:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States, under and by virtue of the authority vested in me by the act of March 3, 1893, 27 Stat. 572, 593 (43 U. S. C. 1076), do hereby grant and transfer to the said City of Eastport, Maine, for public use the said Lot 14, containing 1.03 acres, as shown on the map of the said Fort Sullivan, in Eastport, Maine, surveyed by A. W. Barber, detailed clerk of the General Land Office, in November 1900, a copy of which map is recorded in the Washington County, Maine, Registry of Deeds; excepting and reserving therefrom the following-described tract of land for the use of the United States Weather Bureau, Department of Commerce, in the operation and maintenance of a storm-warning tower, together with the right of access thereto over the existing road and sidewalk:

From corner No. 7, Lot 14 on east line of High Street, S. 83¼ E. 120 feet to center of City Stand Pipe; thence S. 57½ E. 65 feet to N. E. corner of 30-ft. square Weather Bureau Warning Tower tract; thence from point of beginning, on boundaries of said tract, south 30 feet; west 30 feet; north 30 feet; east 30 feet to N. E. corner of Warning Tower tract, containing 900 square feet.

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

DONE at the City of Washington this 15th day of November in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

[SEAL]

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-12416; Filed, Nov. 17, 1952; 4:58 p. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 416—CORN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, the "Regulations for Contracts for the 1950 and Succeeding Crop Years", as amended (14 F. R. 5290, 6674; 15 F. R. 4161, 6739, 9032; 16 F. R. 7695, 9301; 17 F. R. 2109, 5749), which shall continue in full force and effect for the 1952 crop year, are hereby amended for the 1953 and succeeding crop years to read as set forth below. The provisions of this subpart shall, until amended or superseded, apply to all continuous corn contracts as they relate to the 1953 and succeeding crop years.

Sec.
416.1 Availability of corn crop insurance.
416.2 Coverage per acre.
416.3 Premium rates.

(Continued on p. 10533)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

Sec.
- 416.4 Application for insurance.
- 416.5 The contract.
- 416.6 Public notice of indemnities paid.
- 416.7 Refund of excess note payments.
- 416.8 Creditors.
- 416.9 Changes in continuous contracts covering the 1952 and succeeding crop years.
- 416.10 The policy.
- 416.11 Valuation of silage corn.

AUTHORITY: §§ 416.1 through 416.11 issued under secs. 506, 516, 52 Stat. 73, 77; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup. 1507, 1508, 1509.

§ 416.1 *Availability of corn crop insurance.* (a) Corn crop insurance may be provided in counties, not in excess of the number prescribed by the Federal Crop Insurance Act, as amended, designated annually by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation. A list of the designated counties shall be published annually by appendix to this section.

(b) Insurance will not be provided with respect to applications for corn insurance filed in a county unless such written applications, together with corn crop insurance contracts in force for the ensuing crop year, cover the minimum number of farms prescribed by the Federal Crop Insurance Act, as amended. For this purpose an insurance unit shall be counted as one farm.

§ 416.2 *Coverage per acre.* The Corporation shall establish coverages per acre by areas which shall not be in excess of the maximum limitations prescribed in the Federal Crop Insurance Act, as amended. Coverages so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year.

§ 416.3 *Premium rates.* The Corporation shall establish premium rates per acre by areas for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for corn crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year.

§ 416.4 *Application for insurance.* Application for insurance on a Corporation form entitled "Application for Crop Insurance on Corn" may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a corn crop. For any crop year applications shall be submitted to the county office on or before the April 30 preceding such crop year.

§ 416.5 *The contract.* Upon acceptance of an application for insurance by a duly authorized representative of the Corporation, the contract shall be in effect and will consist of the application and the policy issued by the Corporation.

§ 416.6 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses in such county.

§ 416.7 *Refund of excess note payments.* Refund of any excess note payment will be made only to the person who made such payment, except that where a person who is entitled to a refund of an excess note payment has died, has been judicially declared incompetent, or has disappeared, the provisions of the policy with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

§ 416.8 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy or any involuntary transfer shall not entitle any holder of any such interest to any benefits under the contract.

§ 416.9 *Changes in continuous contracts covering the 1952 and succeeding crop years.* Continuous corn insurance contracts in effect for the 1952 and succeeding crop years shall be amended for 1953 and succeeding crop years so that the terms and conditions of such contracts will conform with the terms and conditions of the policy set forth herein.

§ 416.10 *The policy.* The provisions of the policy for 1953 and succeeding crop years are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or referred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the Corporation) does hereby insure

_____
(Name)

_____
(Policy number)

_____
(Address)

_____ _____
(County) (State)

(hereinafter designated as the insured) against unavoidable loss of production on his corn crop due to drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease and such other unavoidable causes as may be determined by the Board of Directors of the Corporation. In witness whereof, the Federal Crop Insurance Corporation has caused this policy to be issued _____.

FEDERAL CROP INSURANCE CORPORATION,

By _____,
State Crop Insurance Director.

TERMS AND CONDITIONS

1. *Insured corn.* The corn to be insured shall be corn planted for harvest as grain and shall include only corn which is normally regarded as field corn. The contract shall not provide insurance for true type silage corn or thick-planted corn for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

2. *Insurable acreage.* For each crop year of the contract, any acreage is insurable only if a coverage is shown therefor on the county actuarial table (including maps and related forms) on the closing date for filing applications for that crop year.

3. *Responsibility of insured to report acreage and interest.* (a) Promptly after planting corn each year, the insured shall submit to the Corporation, on a form approved by the Corporation, a report over his signature of all acreage in the county planted to corn in which he has an interest at the time of planting. This report shall show the acreage of corn for each insurance unit and his interest in each at the time of planting. If the insured does not have an insurable interest in corn planted in any year, the acreage report shall nevertheless be submitted promptly after the planting of corn is generally completed in the county. Any acreage report submitted by the insured shall not be subject to change by the insured.

(b) The Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file an acreage report within 30 days after the planting of corn is generally completed in the county, as determined by the Corporation.

(c) Failure of the Corporation to request submission of such report or to send a personal representative to obtain the report shall not relieve the insured of the responsibility to make such report.

4. *Insured acreage.* The insured acreage with respect to each insurance unit shall be the acreage of corn planted for harvest as grain as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, except that insurance shall not attach with respect to (a) any acreage planted to corn which is destroyed (as defined in section 16) and on which it is practical to replant to corn, as determined by the Corporation, and such acreage is not replanted to corn, (b) any acreage initially planted to corn too late to expect to produce a normal crop, as determined by the Corporation. The Corporation reserves the right to limit the insured acreage on any farm to the corn allotment or permitted acreage established under any act of Congress including the Agricultural Adjustment Act of 1938, as amended.

5. *Insured interest.* The insured interest in the corn crop covered by the contract shall be the interest of the insured at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss or the beginning of harvest, whichever occurs first.

6. *Coverage per acre.* (a) The coverage(s) per acre established for the area in which the insured acreage is located shall be shown on the county actuarial table on file in the county office. The coverage per acre is progressive depending upon whether the acreage is (a) released and planted to a substitute crop, (b) not harvested and not planted to a substitute crop, or released and fed to livestock in the field, or (c) harvested or to be harvested.

(b) Where two coverages per acre are established for a county and are shown on the county actuarial table as "Level I" and "Level II" the coverage designated as "Level I" shall apply unless "Level II" is specified on the application for insurance. However, any insured may elect to change from one level to the other by so advising the Corporation in writing at the county office prior to the closing date for filing applications for insurance for the crop year the insured elects to have the change become effective.

7. *Fixed price for valuing production.* In determining any loss under the contract, production shall be evaluated on the basis of a fixed price per bushel established annually by the Corporation, except that if the Corporation determines in any year that any of the insured's corn is not eligible for a Commodity Credit Corporation loan because of the quality of the corn and would not meet loan requirements if properly handled, such corn shall be evaluated at the highest price obtainable (but not in excess of the fixed price) as determined by the Corporation. The fixed price per bushel for the first crop year of the contract shall be the price established for that year by the Corporation and shall be shown on the county actuarial table on file in the county office at the time the application for insurance is submitted. For each subsequent crop year the fixed price shall be on file in the county office at least 15 days prior to the cancellation date preceding the crop year for which such price applies.

8. *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the corn is planted. Insurance shall cease with respect to any portion of the corn crop covered by the contract upon harvesting or removal from the field, whichever occurs first, but in no event shall the insurance remain in effect later than December 10 of each year, unless such time is extended in writing by the Corporation.

9. Life of contract, cancellation or termination thereof. (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the cancellation date which shall be the March 31 preceding the planting of the crop for which the cancellation is to become effective: *Provided, however,* If any amount due the Corporation remains unpaid on such cancellation date, the time during which the Corporation may cancel shall be extended to the next following May 15. The insured shall give such notice to the county office or another office of the Corporation. The Corporation shall mail notice of cancellation to the insured's last known address and the mailing of such notice shall constitute notice to the insured.

(b) If the insured cancels the contract, he shall not be eligible for crop insurance on corn planted or to be planted in the county for harvest in the next succeeding crop year unless subsequent to such cancellation he files an application for insurance on or before March 31 preceding such year.

(c) If the minimum participation requirement as established by the Corporation is not met for any year the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding closing date for filing applications for insurance the contract shall continue to be in force.

10. *Death or incompetence of the insured.* The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of planting of the corn crop in any crop year but before the end of the insurance period for such year, the contract shall (1) cover any additional corn planted for the insured or his estate for that crop year, and (2) terminate at the end of such insurance period.

11. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s) and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured at least 15 days prior to the cancellation date. Failure of the insured to cancel the contract as provided in section 9 shall constitute his acceptance of any such changes. If no notice is mailed to the insured, the terms and provisions of the contract for the prior year shall continue in force.

12. *Causes of loss not insured against.* The contract shall not cover loss of production caused by: (a) Failure to follow recognized good farming practices; (b) poor farming practices, including but not limited to the use of defective or unadapted seed, overplanting or underplanting, failure properly to prepare the land for planting or properly to plant, care for or harvest the insured crop (including unreasonable delay thereof); (c) planting corn under conditions of immediate hazard; (d) inability to obtain labor, seed, fertilizer, machinery, repairs or insect poison; (e) break-down of machinery, or failure of equipment due to mechanical defects; (f) neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant or wage hand; (g) domestic animals or poultry; (h) action of any person, or State, county or municipal government in the use of chemicals for the control of weeds; or (i) theft.

13. *Amount of annual premium.* (a) The premium rate per acre will be established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of corn, (2) the applicable premium rate(s) and (3) the insured interest in the crop at the time of planting. There will be a reduction in the annual premium for each insurance unit of two percent in cases where the insured acreage on the insurance unit is as much as 50 acres and does not exceed 99.9 acres, and an additional two percent reduction for each additional 50 acres or fraction thereof on the insurance unit. However, the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned when the corn crop on such acreage is planted.

(b) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured corn crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. (See section 31 for definition of "consecutively insured crops.") Whether or not the insured is eligible for the above premium reduction, his annual

premium may be reduced in lieu of the above in any year by not to exceed 25 percent if it is determined by the Corporation that the cash equivalent (based on the fixed price for that crop year) of his accumulated balance of premiums over indemnities on consecutively insured corn crops exceeds his total coverage (computed on a harvested acreage basis). Nothing in this paragraph (b) shall create in the insured any right to a reduced premium.

(c) A discount of five percent shall be allowed on any earned annual premium which is paid in full on or before June 30 if the insured has submitted to the Corporation at the county office his corn acreage report on or before June 30 of that crop year.

(d) Any premium note not paid at maturity shall bear interest computed not on a per annum basis but as follows: Three percent on the principal amount not paid on or before October 31 following the maturity date (August 15), and an additional one percent on the principal amount unpaid at the end of each two calendar-month period thereafter.

14. *Manner of payment of premium.* (a) Payment on any annual premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection and payment tendered shall not be regarded as paid unless collection is made.

(b) Any unpaid amount of any annual premium plus any interest due may be deducted (either before or after the date of maturity) from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

15. *Notice of loss or damage.* (a) If any damage occurs to the insured crop during the growing season and a loss under the contract is probable, notice in writing (unless otherwise provided by the Corporation) shall be given the Corporation at the county office promptly after such damage.

(b) If a loss under the contract is sustained, notice in writing (unless otherwise provided by the Corporation) shall be given the Corporation at the county office within 15 days after harvesting is completed or by December 10, whichever is earlier.

(c) The Corporation reserves the right to reject any claim for indemnity if either of the notices required by this section is not given.

16. *Released acreage.* (a) Any acreage of the insured corn crop which is destroyed after it is too late to replant to corn may be released by the Corporation to be put to another use. Any acreage shall be considered destroyed if it is damaged to the extent that farmers in the area where the land is located generally would not further care for the corp or harvest any portion thereof. (For production to be counted, see section 20.) No insured acreage may be planted to a substitute crop or put to another use until the Corporation releases such acreage. Proper measures shall be taken to protect the crop from further damage on any insured acreage if the crop has been damaged but the acreage has not been released by the Corporation. There shall be no abandonment of any crop or portion thereof to the Corporation.

(b) The corn crop on any insured acreage may be used for ensilage or fodder without a release by the Corporation provided the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

17. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period, unless the entire corn crop on the insurance unit was destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage as determined by the Corporation.

18. *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation, on a Corporation from entitled "Statement in Proof of Loss", such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the production of corn on the insurance unit, the amount of any loss for which claim is made, and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by either directly or indirectly, any of the causes of loss not insured against by the contract. If a loss is claimed, any corn acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

19. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 20 (b). An insurance unit consists of (a) all the insurable acreage of corn in the county in which the insured has 100 percent interest in the crop at the time of planting, or (b) all the insurable acreage of corn in the county owned by one person which is operated by the insured as a share tenant at the time of planting, or (c) all the insurable acreage of corn in the county which is owned by the insured and is rented to one share tenant at the time of planting. For any crop year of the contract, acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

20. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, (2) subtracting therefrom the value (determined in accordance with section 7) of the total production to be counted for the planted acreage, and (3) multiplying the remainder by the insured interest in such unit. However, if the planted acreage on the insurance unit exceeds the insured acreage on the insurance unit, or if the premium computed for the planted acreage is more than the premium computed for the acreage and interest as approved by the Corporation on the acreage report, the amount of loss so determined shall be reduced. This reduction shall be made on the basis of the ratio of the insured acreage to the planted acreage except that the Corporation may elect to make the reduction on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for an insurance unit shall include all production determined in accordance with the schedule below. The Corporation reserves the right to determine the amount of production on the basis of appraisal of unharvested corn standing in the field.

SCHEDULE

Acreage classification	*Total production in bushels*
1. Acreage of corn harvested	1. Actual production of harvested corn plus appraised production of any corn left in the field after harvest.
2. Acreage of corn to be harvested	2. The appraised production of unharvested corn at the time of submission of a statement in proof of loss or the appraised production of any corn remaining unharvested on December 10.
3. Acreage of corn used for ensilage or fodder.	3. Appraised production of corn for grain that could have been realized.
4. Acreage of corn released by the Corporation and planted to a substitute crop.	4. That portion of the appraised production which is in excess of the number of bushels determined by dividing (i) the total coverage for such acreage by (ii) the fixed price.
5. Acreage of corn released for feeding to livestock in the field and any other acreage not harvested (and not to be harvested and not planted to a substitute crop).	5. That portion of the appraised production which is in excess of the number of bushels determined by (i) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (ii) dividing the result thus obtained by the fixed price.
6. Acreage of corn put to another use without being released by the Corporation, except corn used for ensilage or fodder, as provided in section 16 (b).	6. Appraised production but not less than the product of (i) such acreage and (ii) the coverage per acre (for harvested acreage) divided by the fixed price.
7. Acreage of corn with reduced yield due solely to any cause(s) not insured against.	7. Appraised number of bushels by which production has been reduced but not less than the product of (i) such acreage and (ii) the coverage per acre (for harvested acreage) divided by the fixed price, minus any corn harvested.
8. Acreage of corn with reduced yield due partially to a cause(s) not insured against and partially to a cause(s) insured against.	8. Appraised number of bushels by which production has been reduced because of any cause(s) not insured against.

(b) If the production from an insurance unit is commingled with the production from another insurance unit or with production from uninsured acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to

all insurance units involved for the crop year and declare the premium on such units forfeited by the insured or (2) allocate all of the commingled production among the insurance unit(s) involved in such manner as it determines appropriate.

21. *Payment of indemnity.* (a) Any indemnity will be payable by check within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damage on account of such delay.

(b) Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any obligation of the insured to the Corporation.

(c) Any indemnity payment under a contract shall be paid to the insured or such other person as may be entitled to the benefits under the provisions of the contract, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(d) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

22. *Transfer of interest.* (a) If the insured transfers all or a part of his insured interest in a corn crop before the beginning of harvest and the time of loss, the transferee may obtain the benefits of the contract on the transferred interest by within 15 days after the date of transfer, unless such time is extended in writing by the Corporation, (1) submitting to the county office such information concerning the transfer as may be required by the Corporation and (2) making arrangements satisfactory to the Corporation for the payment of any unpaid premium on the interest transferred. In any case, the transferee and transferor shall be jointly and severally liable for the amount of the premium on the interest transferred. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 26. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than if the transfer had not taken place.

(b) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

23. *Determination of person to whom indemnity shall be paid.* If the insured dies, is judicially declared incompetent or disappears after the planting of the corn crop in any year any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit the determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid and shall be a bar to recovery by any other person(s).

24. *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where the insured is paid by another Government agency for damage to the corn crop, the Corporation reserves the right to deduct from any indemnity the amount paid by such other agency.

25. *Subrogation.* The insured shall assign to the Corporation all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

26. *Collateral assignment.* The original insured may assign his right to an indemnity for any year under the contract by executing a Corporation form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

27. *Records and access to farm.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition, of all corn produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. As often as may be reasonably required, any person(s) designated by the Corporation shall have access to such records and the farm(s) for purposes related to the contract.

28. *Voidance of contract.* The Corporation may void the contract and declare the premium(s) forfeited without waiving any right or remedy including the right to collect the amount of the premium note, if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or the subject thereof, or (b) the insured shall neglect to use all reasonable means to produce, care for or save the corn crop whether before or after damage has occurred, or (c) the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the premium note, at the time and in the manner prescribed.

29. *Modification of contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of this contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

30. *General.* (a) In addition to the terms and provisions of the application and policy, the Corn Crop Insurance Regulations for Continuous Contracts in effect for the crop year involved shall govern with respect to (1) minimum participation requirements, (2) closing dates for filing applications for insurance, (3) refund of excess note payments, and (4) creditors.

(b) Copies of the regulations and forms referred to in this policy are available at the county office.

(c) When the cancellation date or the closing date for filing applications falls on a Sunday or other day on which the county office is not officially open for business, such date shall be extended to the next business day.

31. *Meaning of terms.* (a) "Consecutively insured crops" means the corn crops insured in consecutive years during which insurance was available. Failure to apply for insurance in any year when insurance is offered in the county in which the insured's farm is located, shall break the insured's continuity of consecutively insured crops prior to such year, even though insurance may not be provided in the county during such year because of failure to meet the minimum participation requirement: *Provided, however,* That failure to apply for insurance for any year will not break the continuity of consecutively insured crops, if (1) the failure to apply for insurance was due to service in the active military or naval service of the United States, or (2) the insured establishes to the satisfaction of the Corporation that failure to apply for insurance for any crop year was due to the fact that corn was not planted in that year.

(b) "Contract" means the accepted application for insurance and this policy.

(c) "County Actuarial Table" means the form(s) and related materials (including the crop insurance maps) which are approved annually by the Corporation and show the price per bushel, the coverages per acre and the premium rates per acre applicable in the county.

(d) "County office" means the office of the County Production and Marketing Administration in the county unless another office is specified by the Corporation.

(e) "Crop year" means the period within which the corn crop is planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(f) "Harvest" means picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust or other business enterprise or other legal entity, and wherever applicable, a state, a political subdivision of a state, or any agency thereof.

(h) "Substitute crop" means any crop other than corn planted on released acreage for harvest in the same crop year.

(i) "Tenant" means a person who rents land from another person for a share of the corn crop or proceeds therefrom produced on such land.

§ 416.11 *Valuation of silage corn.* In counties designated by the Corporation the provisions of the policy shown in § 416.10 shall apply as amended by a rider which shall contain the following provision:

Notwithstanding any other provision of the policy, in determining any loss under the contract, any production of corn from acreage planted for harvest as grain and used for silage shall be determined and valued on the basis of the higher of (a) the appraised number of bushels of corn in the silage times the price per bushel provided for in section 7 of the policy, or (b) the number of tons of silage times a price per ton determined by the Corporation and shown each year by March 15 on the county actuarial table on file in the county office.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on November 10, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: November 13, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12323; Filed, Nov. 18, 1952; 8:47 a. m.]

[Amdt. 2]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR 1953 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (16 F. R. 9628, 11565; 17 F. R. 189) are hereby amended with respect to wheat crops insured for the 1954 and succeeding crop years as follows:

Section 418.210 (formerly designated § 418.160), as amended, is amended by deleting subsection (c) from section 9 of the policy.

(52 Stat. 73-75, 77, as amended; 7 U. S. C. and Sup. 1506, 1507, 1508, 1509, 1516)

Adopted by the Board of Directors on November 10, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved on November 13, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12326; Filed, Nov. 18, 1952; 8:48 a. m.]

[Amdt. 10]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161, 9033, 9271; 16 F. R. 579, 4300, 4829, 12111, 12765; 17 F. R. 2110, 2385, 3265, 3671, 5082, 5933, 8206) are hereby amended as follows:

Section 420.30 is amended by deleting therefrom "§ 420.27" and substituting therefor the words "the policy shown in § 420.33".

(52 Stat. 73-75, 77, as amended; 7 U. S. C. and Sup. 1506, 1507, 1508, 1509, 1516)

Adopted by the Board of Directors on November 10, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved on November 13, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12324; Filed, Nov. 18, 1952; 8:47 a. m.]

[Amdt. 6]

PART 421—DRY EDIBLE BEAN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 7684; 15 F. R. 2485, 9034; 16 F. R. 3973, 7695, 9302; 17 F. R. 5980), are hereby amended with respect to bean crops insured for the 1953 and succeeding crop years as follows:

1. Section 421.28 is deleted.

2. Section 421.31 is deleted.

3. Section 421.32 *The policy,* as amended, is amended to change section 9 thereof, as amended, to read:

9. *Life of contract, cancellation thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation for any year may be made by either party giving written notice to the other party on or before the following applicable cancellation date of the year for which cancellation is to become effective,

State and county:	*Date*
Arizona	Mar. 31
California	Feb. 28
Colorado	Apr. 15
Idaho	Apr. 15
Michigan	Apr. 30
Nebraska	Apr. 15
New Mexico	Mar. 31
New York	Apr. 30
Wyoming:	
Goshen	Apr. 15
All other counties	Mar. 31

Provided, however, If any amount due the Corporation remains unpaid on such cancellation date, the time during which the Corporation may cancel shall be extended 15 days beyond the next following applicable closing date for filing applications for insurance. Any notice of cancellation given by the insured shall be submitted in writing to the county office or another office of the Corporation. The Corporation shall mail notice of cancellation to the insured's last known address and the mailing of such notice shall constitute notice to the insured.

(b) If the insured cancels the contract he shall not be eligible for crop insurance on beans planted for harvest in the crop year for which cancellation is to become effective unless subsequent to such cancellation he files an application for insurance on or before the cancellation date for such year.

(c) If the minimum participation requirement as established by the Corporation is not met for any year the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding applicable closing date the contract shall continue in force.

4. Section 421.32 *The policy,* as amended, is amended by adding thereto a section 9.1 to read as follows:

9.1 *Death or incompetence of insured.* The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of the planting of the bean crop in any crop year but before the end of the insurance period for such year, the contract shall (1) cover any additional beans planted for the insured or his estate for the crop year, and (2) terminate at the end of such insurance period.

5. Section 421.32 *The policy,* as amended, is amended by deleting items (a) (3) and (6) from section 27.

(52 Stat. 73-75, 77, as amended; 7 U. S. C. and Sup. 1506, 1507, 1508, 1509, 1516)

Adopted by the Board of Directors on November 10, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved on November 13, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12325; Filed, Nov. 18, 1952; 8:48 a. m.]

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

PART 729—PEANUTS

NATIONAL MARKETING QUOTA, NATIONAL ACREAGE ALLOTMENT, AND APPORTIONMENT TO STATES OF NATIONAL ACREAGE ALLOTMENT FOR 1953 CROP

Sec.
729.401 Basis and purpose.
729.402 Proclamation and determination with respect to national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1953.
729.403 Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1953.

AUTHORITY: §§ 729.401 to 729.403 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 358, 55 Stat. 88, as amended, 65 Stat. 29; 7 U. S. C. 1358.

§ 729.401 *Basis and purpose.* Section 358 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that between July 1 and December 1 of each calendar year the Secretary of Agriculture shall proclaim a national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the immediately preceding five years, adjusted for current trends and prospective demand conditions. Section 358 (a) further provides that the national marketing quota shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre for the United States.

Section 358 (c) of the said act provides that the national acreage allotment, less the acreage to be allotted to new farms under section 358 (f), shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made.

Section 729.402 of this proclamation establishes the national marketing quota, the normal yield per acre, and the national acreage allotment for the 1953 crop of peanuts. Section 729.403 apportions the 1953 national acreage allotment among the several peanut-producing States. The determinations in these sections are based on the latest available statistics of the Federal Government.

Public notice of the proposed proclamation and determinations to be made with respect to the 1953 national marketing quota, the national acreage allotment, and apportionment of such allotment among the States was given (17 F. R. 9563) in accordance with the Administrative Procedure Act. The proclamation is made after due consideration of recommendations submitted in response to such notice.

§ 729.402 *Proclamation and determination with respect to national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1953*—(a) *National marketing quota.* The amount of the national marketing quota for peanuts for the crop produced in the calendar year 1953 is 663,000 tons.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States is 790 pounds.

(c) *National acreage allotment.* The national acreage allotment for the crop produced in the calendar year 1953 is 1,678,481 acres.

§ 729.403 *Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1953.* The national peanut acreage allotment proclaimed in § 729.402 is hereby apportioned as follows:

State:	*1953 State acreage allotment*
Alabama	227,236
Arizona	748
Arkansas	4,399
California	980
Florida	57,107
Georgia	546,925
Louisiana	2,047
Mississippi	7,878
Missouri	256
New Mexico	5,115
North Carolina	175,993
Oklahoma	143,164
South Carolina	14,328
Tennessee	3,716
Texas	370,166
Virginia	110,031
Total apportioned to States	1,670,089
Reserved for new farms	8,392
Total, United States	1,678,481

Issued at Washington, D. C., this 14th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 52-12353; Filed, Nov. 18, 1952; 8:57 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 383]

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

QUARANTINE AND REGULATIONS RESTRICTING INTERSTATE TRANSPORTATION OF SWINE AND CERTAIN SWINE PRODUCTS 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), the notice of the existence of the swine disease of vesicular exanthema in certain localities and the quarantine and regulations restricting the movement of swine and certain swine products because of vesicular exanthema, heretofore issued as Amendments 7 to 16 of B. A. I. Order 309 and appearing in §§ 76.9 through 76.13 constituting Subpart B of Part 76, Title 9, Code of Federal Regulations, are hereby redesignated as B. A. I. Order 383, to appear in §§ 76.25–76.29 constituting said Subpart B and are hereby amended to read as follows:

SUBPART B—VESICULAR EXANTHEMA

Sec.
76.25 Definitions.
76.26 Notice and quarantine.
76.27 General restriction.
76.28 Movement of swine and swine products.
76.29 Disinfection of facilities.

AUTHORITY: §§ 76.25 to 76.29 issued under secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interpret or apply sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117.

§ 76.25 *Definitions.* As used in this subpart, the following terms shall have the meanings set forth in this section.

(a) *Bureau.* The term "Bureau" means the Bureau of Animal Industry of the United States Department of Agriculture.

(b) *Chief of the Bureau.* The term "Chief of the Bureau" means the Chief of the Bureau or any other official of the Bureau to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Person.* The term "person" means any person, company or corporation.

(d) *Moved.* As applied to swine, the term "moved" means transported, shipped, delivered or received for transportation, driven on foot or caused to be driven on foot, by any person, and as applied to swine products, the term "moved" means transported, shipped or delivered or received for transportation, by any person.

(e) *Swine product.* The term "swine product" means any carcass, part or offal of swine.

(f) *Interstate.* The term "interstate" means from one State, Territory, or the District of Columbia, into or through any other State, Territory, or the District of Columbia.

(g) *Clean stockyard.* The term "clean stockyard" means a public stockyard at which Bureau inspection service is maintained and which is found by the Chief of the Bureau to be free from the infection of vesicular exanthema.

§ 76.26 *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, except Modoc and Siskiyou Counties;

St. Clair County; Jarvis Township in Madison County; Columbia Township in Monroe County, in Illinois;

Bristol County in Massachusetts;

Thetford, Forest, Genesee and Richfield Townships in Genesee County; Green Oak Township in Livington County; Lyon and Novi Townships in Oakland County; Ann Arbor, Dexter, Lima, Northfield, Salem, Scio, Superior and Webster Townships in Washtenaw County; and Canton and Northville Townships in Wayne County, in Michigan;

St. Louis County in Missouri;

Burlington, Camden, Gloucester, Hudson, Morris, and Ocean Counties in New Jersey;

New York County and Clarkstown Township in Rockland County, in New York;

Council Grove, Mustang, Oklahoma and Greeley Townships in Oklahoma County, in Oklahoma;

York County in Pennsylvania;

Dallas County, Tarrant County, and that part of Parker County lying north of U. S. Highway 180 and east of State Highway No. 51, in Texas.

(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 quarantine the areas specified in paragraph (a) of this section and in addition Bergen, Essex, and Union Counties in New Jersey.

§ 76.27 *General restriction.* No swine or swine products shall be moved interstate from or through any quarantined area specified in § 76.26 except as provided in the regulations in this subpart.

§ 76.28 *Movement of swine and swine products*—(a) *From a quarantined area.* (1) No swine shall be moved interstate from any quarantined area specified in § 76.26 except to an establishment specifically approved for the purpose by the Chief of the Bureau, for immediate slaughter and further processing at such establishment in a manner approved by said Chief as adequate to prevent the spread of vesicular exanthema: *Provided, however,* That notwithstanding the foregoing restriction, swine which are moved into a quarantined area from a point outside the quarantined areas specified in § 76.26 directly to a clean stockyard in such quarantined area may be moved interstate from such stockyard under conditions prescribed by said

Chief, directly to an establishment specifically approved for the purpose by said Chief for immediate slaughter in a manner approved by said Chief, as adequate to prevent the spread of vesicular exanthema, but said Chief may also require the processing of such swine in a manner approved by him if he finds such processing is necessary to prevent the spread of said disease.

(2) No swine products shall be moved interstate from any quarantined area specified in § 76.26 except to an establishment specifically approved for the purpose by the Chief of the Bureau, for processing in a manner approved by said Chief as adequate to prevent the spread of said disease: *Provided, however*, That the following may be moved interstate from a quarantined area without regard to the foregoing restrictions, but under such conditions as may be prescribed by the Chief of the Bureau to prevent the spread of vesicular exanthema: (i) Swine products identified by warehouse receipts or other information satisfactory to said Chief, as having been derived from swine that were slaughtered prior to July 25, 1952; (ii) swine products which have been processed in the course of normal establishment procedures in a manner approved by said Chief as adequate to prevent the spread of vesicular exanthema; (iii) swine products derived from swine which (*a*) were moved into the quarantined area from a point outside the quarantined areas specified in § 76.26 directly to a clean stockyard and (*b*) were slaughtered, immediately upon their removal from such stockyard, at an establishment specifically approved for the purpose by said Chief; (iv) swine products derived from swine which were moved into the quarantined area from a point outside the quarantined areas specified in § 76.26 directly to a slaughtering establishment and there slaughtered immediately upon arrival, under conditions approved by said Chief. The Chief of the Bureau may authorize the movement of swine and swine products not otherwise authorized by this section under such conditions as he may prescribe to prevent the spread of vesicular exanthema. The Chief of the Bureau may require that swine and swine products which have been exposed to or have been affected with vesicular exanthema, and which are moved interstate under this section from any quarantined area to an approved establishment for slaughter and processing or for processing, as the case may be, shall be moved under Bureau seal or accompanied by a representative of the Bureau.

(3) Swine and swine products in transit between points outside the quarantined areas specified in § 76.26 through any such quarantined area shall not be deemed to be moved from the quarantined area under this section.

(b) *Through a quarantined area.* No swine or swine products which are moved interstate in transit between points outside the quarantined areas specified in § 76.26 through any such quarantined area shall be unloaded in any such quarantined area unless all facilities to be used therein in connection with the unloading have been approved for such purpose by the Bureau and have been cleaned and disinfected before such use in a manner approved by the Bureau and under the supervision of a person authorized for the purpose by the Bureau.

§ 76.29 *Disinfection of facilities.* Railroad cars, trucks, boats, and all other facilities, including facilities for feeding, watering, and resting swine, which are used in connection with the interstate movement of swine or swine products from a quarantined area specified in § 76.26 shall be thoroughly cleaned and disinfected immediately after each such use. Sodium hydroxide (lye) at the rate of 13 ounces to five gallons of water, or sodium carbonate (soda ash) at the rate of one pound to three gallons of water, or sal soda at the rate of 13½ ounces to a gallon of water, shall be used in such disinfection.

Effective date. This subpart shall become effective upon issuance.

This order clarifies and makes more stringent requirements found in § 76.29 (formerly § 76.13) relative to the use of specified products for disinfecting certain facilities subject to the regulations in this subpart. This change is deemed necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and therefore must be made effective immediately in the public interest. This order also re-designates the section numbers in the Code of Federal Regulations assigned to the notice and quarantine and regulations relating to vesicular exanthema and makes a change in paragraphing in § 76.28 (formerly § 76.12). These are formal changes which do not affect the rights or obligations of any persons subject to such notice, quarantine, and regulations. 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 this order are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this order effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 13th day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12322; Filed, Nov. 18, 1952; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20-15]

PART 20—PILOT CERTIFICATES

AGE REQUIREMENTS FOR STUDENT PILOT CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of November 1952.

At present § 20.2 of Part 20 of the Civil Air Regulations requires that an applicant for a student pilot certificate who is under 21 years of age have parental consent to such application. It has been brought to the Board's attention by the Civil Aeronautics Administration that the military forces of the United States are undertaking a program of providing limited amounts of flight training at civilian contract schools to cadets and ROTC trainees. It is frequently a substantial burden for such trainees, who are usually trained at points distant from their homes, to obtain parental consent in order to qualify for student pilot certificates which are a prerequisite to piloting the civil aircraft used in contract schools.

The Civil Aeronautics Board concurs with the CAA in the belief that a member of the regular or reserve components of the armed forces or a member of an ROTC or other armed forces training program should be exempted from the consent of parent or guardian requirement for the issuance of a student pilot certificate. The purpose of this amendment is to relieve such persons from the parental consent requirement presently contained in § 20.2.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20, as amended), effective November 12, 1952:

By amending the sentence following § 20.2 (b) to read as follows:

§ 20.2 *Age.* * * *

(b) * * *

If an applicant is less than 21 years of age and is not a regular or reserve member of the armed forces of the United States or enrolled in an established ROTC or other training program of such armed forces at the time of making application, he shall submit with his application the written consent of either parent or of his legal or natural guardian.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-12352; Filed, Nov. 18, 1952; 8:56 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. 16]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

PLUMBERS' BRASS GOODS

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

The dollar value limit in the column headed "GLV dollar-value limit" set forth opposite the commodities listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
618858	Plumbers' brass goods (specify by name) (report pipe valves in 774465) [1]	100

[1] The Schedule B Number for this entry was incorrectly shown on the Positive List as 618857.

This amendment shall become effective as of 12:01 a. m., November 10, 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. 12245; 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. 52-12402; Filed, Nov. 18, 1952; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6006]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

INTERNATIONAL PUBLISHERS SERVICE AND RALPH D. SLATER

Subpart—*Delaying or withholding corrections, adjustments or action owed:* § 3.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1513 *Operations generally.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2012 *Sample, offer or order conformance.* Subpart—*Securing orders falsely, misleadingly or improperly:* § 3.2170 *Securing orders falsely, misleadingly or improperly.* In connection with the offering for sale, sale and distribution of magazines in commerce, (1) failing to forward subscriptions for magazines to the publishers or distributors thereof after obtaining full payment for subscriptions from subscribers; (2) soliciting and receiving subscriptions for magazines and payment therefor for which respondents have no authority to solicit; (3) substituting magazines for those actually subscribed for by the subscriber without obtaining his prior consent; (4) soliciting and receiving subscriptions and payment therefor for magazines knowing that delivery of said magazines will either not be made at all, or if made, will be unreasonably delayed and then delivered only intermittently; (5) charging more for subscriptions for magazines than the established subscription rate; or, (6) representing, directly or by implication, that they are conducting or taking surveys; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, International Publishers Service et al., Los Angeles, Calif., Docket 6006, September 9, 1952]

In the Matter of International Publishers Service, a Corporation, and Ralph D. Slater, Individually and as President of Said Corporation

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice," dated September 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 September 9, 1952, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

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

It is ordered, That the respondent International Publishers Service, a corporation, its officers, and respondent Ralph D. Slater, individually and as an officer of International Publishers Service, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of magazines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to forward subscriptions for magazines to the publishers or distributors thereof after obtaining full payment for subscriptions from subscribers;

2. Soliciting and receiving subscriptions for magazines and payment therefor for which respondents have no authority to solicit;

3. Substituting magazines for those actually subscribed for by the subscriber without obtaining his prior consent;

4. Soliciting and receiving subscriptions and payment therefor for magazines knowing that delivery of said magazines will either not be made at all, or if made, will be unreasonably delayed and then delivered only intermittently;

5. Charging more for subscriptions for magazines than the established subscription rate;

6. Representing, directly or by implication, that they are conducting or taking surveys.

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

Issued: September 15, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-12333; Filed, Nov. 18, 1952; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 606—REGULATIONS TO IMPLEMENT TITLE IV OF THE VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952 (ALL STATES EXCEPT PUERTO RICO AND THE VIRGIN ISLANDS)

VETERANS ELIGIBLE FOR BENEFITS UNDER RAILROAD UNEMPLOYMENT INSURANCE ACT

Pursuant to the authority vested in me by section 406 of the Veterans' Readjustment Assistance Act of 1952 (66 Stat. 663) and after consultation with representatives of State unemployment compensation agencies, this part is amended by adding a new section as follows:

§ 606.12 *Veterans eligible for benefits under Railroad Unemployment Insurance Act.* Notwithstanding any other provisions of this part, any veteran who is eligible for benefits under the Railroad Unemployment Insurance Act (52 Stat. 1094), as amended, and either is not eligible for benefits under any State unemployment compensation law or elects to claim benefits under the Railroad Unemployment Insurance Act rather than any State benefits for which he is eligible, shall have his rights to compensation under title IV determined by the Railroad Retirement Board in accordance with the provisions of the Railroad Unemployment Insurance Act in lieu of the applicable State law referred to in this part. Such determinations shall be subject to review in the same manner and to the same extent as determinations under the Railroad Unemployment Insurance Act and only in such manner and to such extent.

(Sec. 406, Pub. Law 550, 82d Cong.)

Signed at Washington, D. C., this 7th day of November 1952.

MICHAEL J. GALVIN,
Acting Secretary of Labor.

[F. R. Doc. 52-12318; Filed, Nov. 18, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1465—LIMITATIONS ON COMMENCEMENT AND COMPLETION OF RENEGOTIATION

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

COMMENCEMENT OF RENEGOTIATION PROCEEDINGS; TIME FOR FILING OF FINANCIAL STATEMENTS

1. Section 1465.2 *Commencement of renegotiation proceedings,* is amended by deleting the last sentence in paragraph (a) and inserting in lieu thereof the following: "In cases described in § 1470.3 (d) (2) of this subchapter, the filing of that portion of the Standard Form of Contractor's Report entitled RB-1 is

considered for the purposes of this section to be the filing of the financial statement required under section 105 (e) (1) of the act."

2. Section 1470.3 *Filing of financial statement,* is amended by deleting paragraph (d) in its entirety and inserting in lieu thereof the following:

(d) *Time for filing*—(1) *In general.* The Standard Form of Contractor's Report, including both RB Form 1 and RB Form 1B, shall be filed on or before the first day of the fourth calendar month following the close of the fiscal year of the contractor, whether or not any specific request for filing has been made.

(2) *Special provision for reports due before April 1, 1953.* (i) When the Standard Form of Contractor's Report is required to be filed before April 1, 1953, RB Form 1B shall, whenever possible, be filed with RB Form 1. If not so filed, said RB Form 1B shall be filed as soon thereafter as possible but not later than the sixtieth day after the date prescribed in subparagraph (1) of this paragraph for the filing of the Standard Form of Contractor's Report or, if the time of the contractor to file such report has been extended by the Board, then not later than the sixtieth day after such extended date.

(ii) The filing of RB Form 1 will be considered to be the filing of the statement required under section 105(e)(1) of the act for the purpose of § 1465.2 of this subchapter.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: November 13, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-12335; Filed, Nov. 18, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 3 to Area Milk Price Regulation 10]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 10—LOS ANGELES DISTRICT (LOS ANGELES, CALIFORNIA, MARKETING AREA)

ADDITION OF APPENDIX COVERING ORANGE COUNTY MARKETING AREA AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12679) and Redelegation of Authority No. 23, Region XII (17 F. R. 674) this Amendment 3 to Area Milk Price Regulation 10 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 106 (b) of the Defense Production Act Amendment of 1952 amends paragraph 3 of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, so as to provide that "Where a State regulatory body is authorized to establish minimum and/or maximum prices for sales of fluid milk, ceiling prices established for such sales under this title shall (1) not be less than the minimum prices, or (2) be equal to the maximum prices, established by such regulatory body, as the case may be." Section 111 of the Defense Production Act Amendments of 1952 adds to section 402 of the Defense Production Act of 1950, as amended, a new subsection providing "(1) No rule, regulation, order, or amendment thereto issued under this title shall fix a ceiling on the price paid or received on the sale or delivery of any material in any State below the minimum sales price of such material fixed by the State law (other than any so-called 'fair trade law') now in effect, or by regulation issued pursuant to such law." The State of California Bureau of Milk Control recently required producers of fluid milk to charge the equivalent of ½ cent per quart of standard milk which under the provisions of section 8 of Supplementary Regulation 63 to the General Ceiling Price Regulation may be passed through upon the filing of the required report. In addition, the Bureau increased the margin on home delivered milk by ½ cent thereby increasing the minimum price for such milk by 1 cent, with the provision that a credit of ½ cent a quart may be allowed if 60 quarts or more of milk is purchased in a calendar month. This amendment 3 to AMPR 10 eliminates any conflict between OPS ceiling prices established by AMPR 10 and minimum prices established by the State of California.

The increase in the price of fluid milk paid by processors requires the revision of the table of cream differentials to reflect that increase.

As the producer prices and changes in retail home delivered milk and cream prices are similar in the Orange County Marketing Order to the Los Angeles County Marketing Order but are different from the San Diego County Marketing Order, it is considered desirable to delete the Appendix referring to Orange County from AMPR 9 and to include it with the required changes in AMPR 10.

In the judgment of the District Director the provisions of this amendment to Area Milk Price Regulation No. 10 in Region XII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, and the Defense Production Act Amendments of 1952.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, 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 consulted the industry involved to the fullest extent practicable prior to the issuance of this amendment to Area Milk Price Regulation No. 10.

AMENDATORY PROVISIONS

Area Milk Price Regulation 10 is amended in the following respects:

1. Section 1 is amended by adding the following paragraph thereto:

(c) If a ceiling price otherwise established by this regulation is lower than an applicable corresponding minimum price established by the State of California Bureau of Milk Control, then the ceiling price shall be the minimum price established by the State of California Bureau of Milk Control. The prices for standard milk so determined shall be the base prices for the computation, pursuant to section 3 of the appendices of this regulation, of prices for standard milk sold in remote areas and of prices for milk other than standard (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk), and, further, shall be the base prices for calculation, pursuant to paragraph (a) (2) above, of prices for sales to types of purchasers other than those specified in the appendices of this regulation.

2. Appendix I (Revision II) to AMPR 10 is deleted and a Revised Appendix I (Revision III), Los Angeles County Marketing Area, is added to read as follows:

APPENDIX I (REVISION III)

LOS ANGELES COUNTY MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Los Angeles County Marketing Area which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail home-delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
Bulk milk, per gallon	$0.72				
Gallon bottle	.78	$0.88	[1] $0.94	$0.84	$0.78
Half-gallon container (fiber or glass)	.39	.44	[1] .47	.42	.39
Quart container (fiber or glass)	.195	.22	[1] .235	.21	.195
Pint container (fiber or glass)	.11	.12	[1] .13		.11
Third-quart or three quarter-pint container (fiber or glass)	.083				
Half-pint container (fiber or glass)	.066				

[1] A reduction of ½ cent ($0.005) per quart shall be made in retail home delivered prices when 60 quarts or more of fluid milk are sold and delivered to an individual customer during any calendar month.

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.24	$0.12	$0.06	$0.03	$0.015
Table cream	.40	.20	.10	.05	.025
All-purpose cream	.56	.28	.14	.07	.035
Whipping cream	.56	.28	.14	.07	.035

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 20 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for retail store carry-out standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.28 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of Los Angeles County Order No. 50 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "Los Angeles County Marketing Area" means that area as defined in said Los Angeles County Order No. 50.

3. Appendix II to AMPR 10 is added to read as follows:

APPENDIX II

ORANGE COUNTY MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Orange County Marketing Area which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

	Wholesale, f. o. b. purchaser's business location	Retail store, carry out	Retail home delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
Bulk milk, per gallon	$0.75				
Gallon bottle	.80	$0.90	[1] $0.96	$0.86	$0.80
Half-gallon container (fiber or glass)	.40	.45	[1] .48	.43	.40
Quart container (fiber or glass)	.20	.225	[1] .24	.215	.20
Pint container (fiber or glass)	.1125	.125	[1] .135		.115
Third-quart or three quarter-pint container (fiber or glass)	.083				
Half-pint container (fiber or glass)	.067				

[1] A reduction of ½ cent ($0.005) per quart shall be made in retail home delivered prices when 60 quarts or more of fluid milk are sold and delivered to an individual customer during any calendar month.

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.24	$0.12	$0.06	$0.03	$0.015
Table cream	.40	.20	.10	.05	.025
All-purpose cream	.56	.28	.14	.07	.035
Whipping cream	.56	.28	.14	.07	.035

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 20 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for retail store carry-out standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.25 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of Orange County Order No. 44 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "Orange County Marketing Area" means that area as defined in said Orange County Order No. 44.

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

This amendment is effective as of November 8, 1952.

GEORGE J. SEROS,
District Director,
Los Angeles District Office.

NOVEMBER 14, 1952.

[F. R. Doc. 52-12358; Filed, Nov. 14, 1952; 5:03 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 3 to Area Milk Price Regulation 11]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 11—SAN BERNARDINO-RIVERSIDE COUNTY, CALIFORNIA, MARKETING AREA

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12679) and Redelegation of Authority No. 23, Region XII (17 F. R. 674) this Amendment 3 to Area Milk Price Regulation 11 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 106 (b) of the Defense Production Act Amendment of 1952 amends paragraph 3 of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, so as to provide that "Where a State regulatory body is authorized to establish minimum and/or maximum prices for sales of fluid milk, ceiling prices established for such sales under this title shall (1) not be less than the minimum prices, or (2) be equal to the maximum prices, established by such regulatory body, as the case may be." Section 111 of the Defense Production Act Amendments of 1952 adds to section 402 of the Defense Production Act of 1950, as amended, a new subsection providing "(1) No rule, regulation, order, or amendment thereto issued under this title shall fix a ceiling on the price paid or received on the sale or delivery of any material in any State below the minimum sales price of such material fixed by the State law (other than any so-called 'fair trade law') now in effect, or by regulation issued pursuant to such law." The State of California Bureau of Milk Control recently required producers of fluid milk to charge the equivalent of ½ cent per quart of standard milk which under the provisions of Section 8 of Supplementary Regulation 63 to the General Ceiling Price Regulation may be passed through upon the filing of the required report. In addition, the Bureau increased the margin on home delivered milk by ½ cent thereby increasing the minimum price for such milk by 1 cent, with the provision that a credit of ½ cent a quart may be allowed if 60 quarts or more of milk is purchased in a calendar month. This amendment 3 to AMPR 11 eliminates any conflict between OPS ceiling prices established by AMPR 11 and minimum prices established by the State of California.

The increase in the price of fluid milk paid by processors requires the revision of the table of cream differentials to reflect that increase.

In the judgment of the District Director the provisions of this amendment to Area Milk Price Regulation No. 11 in Region XII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, and the Defense Production Act Amendments of 1952.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, 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 consulted the indus-

try involved to the fullest extent practicable prior to the issuance of this amendment to Area Milk Price Regulation No. 11.

AMENDATORY PROVISIONS

Area Milk Price Regulation 11 is amended in the following respects:

1. Section 1 is amended by adding the following paragraph thereto:

(c) If a ceiling price otherwise established by this regulation is lower than an applicable corresponding minimum price established by the State of California Bureau of Milk Control, then the ceiling price shall be the minimum price established by the State of California Bureau of Milk Control. The prices for standard milk so determined shall be the base prices for the computation, pursuant to section 3 of the appendices of this regulation, of prices for standard milk sold in remote areas and of prices for milk other than standard (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk), and, further, shall be the base prices for calculation, pursuant to paragraph (a) (2) above, of prices for sales to types of purchasers, other than those specified in the appendices of this regulation.

2. Appendix I (Revision I) to AMPR 11 is deleted and Appendix I (Revision II), San Bernardino-Riverside Marketing Area, is added to read as follows:

APPENDIX I (REVISION II)

San Bernardino-Riverside Marketing Area

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the San Bernardino-Riverside Marketing Area, which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store carry-out	Retail home-delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
Bulk milk, per gallon	$0.75				
Gallon bottle	.81	$0.90	[1] $0.96	$0.86	$0.80
Half-gallon container (fiber or glass)	.405	.45	[1] .48	.43	.40
Quart container (fiber or glass)	.2025	.225	[1] .24	.215	.20
Pint container (fiber or glass)	.1125	.13	[1] .14		.12
Third-quart or three-quarter-pint container (fiber or glass)	.083				
Half-pint container (fiber or glass)	.070				

[1] A reduction of ½ cent ($0.005) per quart shall be made in retail home delivered prices when 60 quarts or more of fluid milk are sold and delivered to an individual customer during any calendar month.

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.24	$0.12	$0.06	$0.03	$0.015
Table cream	.40	.20	.10	.05	.025
All-purpose cream	.56	.28	.14	.07	.035
Whipping cream	.56	.28	.14	.07	.035

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19.5 cents per quart or the retail home-delivered base period price was in excess of 20.5 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk), the ceiling price shall be the ceiling price as hereinbefore provided for retail store carry-out standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.28 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of San Bernardino-Riverside Order No. 40 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "San Bernardino-Riverside Marketing Area" means that area as defined in said San Bernardino-Riverside Order No. 40.

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

This amendment is effective as of November 8, 1952.

GEORGE J. SEROS,
District Director,
Los Angeles District Office.

NOVEMBER 14, 1952.

[F. R. Doc. 52-12359; Filed, Nov. 14, 1952; 5:03 p. m.]

[General Ceiling Price Regulation, Amdt. 9 to Supplementary Regulation 15]

GCPR, SR 15—EXCEPTION FOR CERTAIN SERVICES

SUSPENSION OF PRICE CONTROL ON CERTAIN SERVICE CHARGES IN CONNECTION WITH FRESH FRUITS, VEGETABLES, BERRIES AND TREE NUTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 9 to Supplementary Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 8 of Supplementary Regulation 15 to the General Ceiling Price Regulation, for reasons indicated in the Statement of Considerations accompanying that amendment, suspended from price control, until November 4, 1952, the rates, fees, and charges for services performed in connection with harvesting, preparing for market, and marketing of all fresh fruits, vegetables, berries, and tree nuts. When this amendment was issued it was thought that by November 4, 1952, the Office of Price Stabilization would have completed its studies necessary for the formulation of, and would be able to issue, ceiling price regulations applicable to those commodities. In the meantime, however, the Harrison Amendment to the Defense Production Act of 1950 prohibited the establishment or maintenance of ceiling prices on fresh fruits and vegetables. Consequently, OPS has reached the conclusion that because the prices of these commodities cannot be controlled, no useful purpose will be served by the control of service charges incurred in the handling of the commodities and therefore OPS does not intend to issue regulations regarding prices for such services. This being the case, the suspension of controls which was to expire on November 4, 1952, is herewith extended indefinitely. However, notwithstanding this suspension, persons rendering services relating to the above mentioned commodities are required to preserve all records, hitherto kept in compliance with section 16 (b) of the GCPR, and make them available to OPS officials whenever requested. As regards their future operations, after November 4, 1952, no further keeping of records is required.

In the formulation of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable. In the judgment of the Director of Price Stabilization, this amendment is generally fair and equitable, is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and complies with all the applicable standards of that act.

AMENDATORY PROVISIONS

Section 2 (a) (3) of Supplementary Regulation 15 to the General Ceiling Price Regulation is amended to read as follows:

(3) *Services in connection with fresh fruits, vegetables, berries, and tree nuts.* The provisions of the General Ceiling Price Regulation shall not apply to rates, fees, and charges for services performed in connection with harvesting; car and truck pre-cooling and top-icing; packing and prepackaging; and buying and selling of fresh fruits, vegetables, berries, and tree nuts. This suspension shall continue unless and until the Director of Price Stabilization terminates or modifies it. After November 4, 1952, persons performing these services shall not be required to prepare and keep the records specified in section 16 (b) of the General Ceiling Price Regulation. However, such persons 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 section 16 (b) of the General Ceiling Price Regulation, all such records which they

were required to have on November 4, 1952.

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

Effective date. This amendment to Supplementary Regulation 15 to the General Ceiling Price Regulation shall be effective as of November 5, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52-12445; Filed, Nov. 18, 1952; 11:46 a. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 11]

GOR 7—EXEMPTION AND SUSPENSION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

ADDITIONAL FRUIT AND VEGETABLE PRODUCTS ADDED TO STATUTORY DECONTROL PROVISIONS; ADDITIONAL SPECIALTY FOODS ADDED TO ARTICLE II

Pursuant to the Defense Production Act of 1950, as amended, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation (GOR) 7, Revision (Rev.) 1, adds products to the list of those which are decontrolled because of Congressional enactment of the Harrison Amendment to the Defense Production Act of 1950, removing price ceilings on fruits and vegetables in fresh or processed form. The determination to add these items to the list in Article IV of GOR 7, Rev. 1, was made on the basis of a further study of the scope of the Harrison Amendment, to which reference was made in the Statement of Considerations accompanying Amendment 10 to GOR 7, Revision 1.

It also appears that certain additional items should be decontrolled in accordance with standards laid down by OPS apart from the Harrison Amendment. These commodities, notably certain canned soups and shells and kernels of apricots and of peaches, are added to the list contained in Article II of GOR 7, Rev. 1. This action is taken in accordance with the policy of the OPS of suspending or otherwise relaxing price controls on commodities, which by reason of their luxury or "specialty" character, or because of their insignificant volume of sales, are not required at this time to be controlled in order to carry out the purposes of the Defense Production Act of 1950, as amended. Available data indicate that this action will have little effect on the cost of living, the cost of the defense effort, or general industrial costs. Moreover, it is the judgment of the Director of Price Stabilization that the maintenance of ceiling price restrictions on sales of these items would involve an administrative burden out of all proportion to the importance of keeping them under price control.

Finally, certain provisions added to GOR 7, Revision 1, by Amendments 2 and 10, are clarified. For example, in Amendment 2 to GOR 7, Revision 1, several fruit and vegetable baby food and junior food items were listed as decontrolled, but it was not stated whether combinations of one or more of these fruits or vegetables were also decontrolled. Accordingly, paragraph (f) of section 30 is amended to indicate that combinations are also decontrolled.

In the formulation of this amendment the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable and consideration has been given to their recommendations. In the judgment of the Director, the exemptions under Article II of the regulation provided for by this amendment, will not defeat or impair the price stabilization program or the objectives of the Defense Production Act of 1950, as amended. The exemptions under Article IV are, in the judgment of the Director, necessary to comply with the provisions of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended in the following respects:

1. Paragraph (c) (1) (xi) of section 2 is amended to read as follows:

(xi) The following canned soups: Almond; artichoke; avocado; black bean; borsht; bouillabaisse; broccoli; cheese soup; consomme julienne; consomme madrilene; cucumber; fish or seafood; game bird; jellied chicken consomme; minestrone; mushroom broth; onion a la Bretone; petite marmite; smoked turkey; turtle, wine flavored; vichysoisse; water cress; and all frozen soups.

2. Paragraph (c) (1) of section 2 is amended by the addition of the following:

(xix) Shells and kernels of apricots and of peaches.
(xx) Canned marrons.
(xxi) Chinese chow mein and chop suey.

3. Paragraph (d) (14) of section 2 is amended to read as follows:

(14) Water-ground wheat flour or water-ground buckwheat flour; tapioca food starch sold in bulk.

4. Paragraph (d) (16) of section 2 is amended to read as follows:

(16) Food flavoring extracts (except vanilla extract) and artificial colors for food, both in containers of not more than 16 ounces.

5. Paragraph (d) (18) of section 2 is amended to read as follows:

(18) Mincemeat.

6. Paragraph (d) (27) of section 2 is amended to read as follows:

(27) Prepared pastry dough or batter (excluding dry mixes); that is, any unbaked dough, batter or puff paste for pie crust, and any tart, eclair, pattie or similar shell.

7. Paragraph (d) of section 2 is amended by the addition of the following:

(30) Stuffed dried fruits.

8. Paragraph (e) of section 2 is amended by the addition of the following:

(52) Canned vegetable aspic.

9. Paragraph (c) (11) of section 30 is amended to read as follows:

(11) Canned fruit and berry juices and mixtures thereof, including apple cider and other fruit ciders.

10. Paragraph (c) of section 30 is amended by the addition of the following:

(21) Canned cranberry sauce, strained or whole.
(22) Canned mangoes.

11. Paragraph (f) (3) of section 30 is amended to read as follows:

(3) All dried fruits (including mixtures thereof) either whole, chopped, pitted, or in macerated form.

12. Paragraph (f) (5) of section 30 is amended to read as follows:

(5) The following fruits, vegetables (including creamed vegetables), and their juices, and combinations of the following fruits, vegetables, or their juices (with no other ingredients added except water sufficient for preparation, salt or sugar), when sold as canned baby or junior foods:
(i) Apples, including applesauce.
(ii) Apricots.
(iii) Bananas.
(iv) Beets.
(v) Carrots.
(vi) Green beans.
(vii) Oranges.
(viii) Peaches.
(ix) Peas.
(x) Pears.
(xi) Pineapple.
(xii) Plums.
(xiii) Prunes.
(xiv) Spinach.
(xv) Squash.
(xvi) Sweetpotatoes.

13. Paragraph (f) (6) of section 30 is amended to read as follows:

(6) Dry edible beans (whole or split) including blackeye (or blackeyed) peas, pinto, chick peas (or garbanzos), lima (large and baby), pea (navy), pink, red kidney, small red (Mexican) and yelloweye; dry edible peas (whole or split) including green and yellow peas; and lentils; all when sold for human consumption as vegetables.

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

Effective date. This amendment is effective as of July 1, 1952 as to products covered by section 30; and on November 18, 1952 as to all other products.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52-12446; Filed, Nov. 18, 1952; 11:46 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 29]

CPR 34—Services

SR 29—Power Laundries in the City of Spokane, Washington

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 Supplementary Regulation to Ceiling Price Regulation 34 is hereby issued.

Statement of Considerations

This Supplementary Regulation to Ceiling Price Regulation 34 permits an increase in ceiling prices of power laundry services supplied by power laundries in the City of Spokane, Washington. This supplementary regulation does not permit the increase to be applied to the diaper supply, linen supply and dry cleaning services of such laundries.

For the past two years the earnings of Spokane suppliers of power laundry services have been decreasing, despite an increase in the volume of sales. Wage increases and sharply increased costs in the latter part of 1950 and in 1951 have brought the average earnings in this area not only below normal earnings, but even below the break-even point.

Under the provisions of this supplementary regulation, ceiling prices of such power laundries may be increased by 5 percent, such adjustment to be applied to the total amount of each invoice rendered to the customer and identified as the "OPS permitted price increase", or, at the option of the individual laundry, the established flat price for each article may be increased 5 percent. The adjusted flat price must within ten days after their determination be filed with the appropriate Office of Price Stabilization district office.

Provision is made to retain such services under Ceiling Price Regulation 34, provided, however, that power laundries subject to this supplementary regulation may not, after the effective date of this supplementary regulation, obtain an adjustment of their ceiling prices under sections 20 (a), (b) or (c) of that regulation. In addition, adjustments previously granted under those sections are automatically revoked as of the effective date of this supplementary regulation.

In the judgment of the Director of Price Stabilization the price increases permitted by this supplementary regulation are the minimum needed to permit the continued supply of this service.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

Regulatory Provisions

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Adjustment of ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

Authority: Sections 1 to 5 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. *Purpose.* This supplementary regulation permits power laundries in the City of Spokane, Washington to increase the ceiling prices of their power laundry services by 5 percent. This supplementary regulation shall not apply to the diaper supply, linen supply and dry cleaning services of power laundries.

Sec. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, unless changed by the provisions of this supplementary regulation as provided in sections 3 and 4 of this regulation, remain in effect.

Sec. 3. *Adjustment of ceiling prices.* You may, to the extent you supply power laundry services in the City of Spokane, Washington increase your ceiling prices by 5 percent for power laundry services, except diaper supply, linen supply and dry cleaning services, thus supplied, by either of the following methods:

(a) You may apply such an adjustment to the total amount of each invoice rendered to the customer, provided you shall clearly write or stamp beside the adjustment on each such invoice the words "OPS permitted price increase." If you use this method of applying your price increase you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

(b) You may, in lieu of the method provided in paragraph (a) of this section, increase by 5 percent the flat prices of each power laundry services article, except a diaper supply, linen supply and dry cleaning services article. Within ten days after your prices are established under this paragraph, you must prepare and file with your district office of the Office of Price Stabilization a supplemental statement as required under section 18 of Ceiling Price Regulation 34. You may not establish prices under paragraph (a) of this section once you have elected to establish prices under this paragraph.

(c) If the increase computed in paragraphs (a) or (b) of this section results in a fraction of a cent, the ceiling price must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

Sec. 4. *Application of section 20 of Ceiling Price Regulation 34.* (a) A seller subject to this supplementary regulation may not, after the effective date of this supplementary regulation, apply for an adjustment of any of his ceiling prices for power laundry services except diaper supply, linen supply and dry cleaning services under section 20 of Ceiling Price Regulation 34, as amended.

(b) The adjustment of ceiling prices granted by section 3 of this supplementary regulation shall be the maximum adjustment permitted any such supplier of power laundry services in lieu of, and irrespective of, any adjustment heretofore granted any such supplier under the provisions of Ceiling Price Regulation 34, as amended. Any order adjusting the ceiling prices of any such supplier's power laundry services under section 20 of Ceiling Price Regulation 34, as amended, is hereby revoked as of the effective date of this supplementary regulation.

Sec. 5. *Definitions.* (a) "Power laundry" or "power laundries" as used in this regulation are laundries which in the laundry trade are customarily known and designated as such, and do not include hand laundries, launderettes or laundries using home-type laundry equipment to supply laundry services.

Effective date. This order shall become effective November 22, 1952.

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

Tighe E. Woods,
Director of Price Stabilization.

November 18, 1952.

[F. R. Doc. 52–12448; Filed, Nov. 18, 1952; 3:59 p. m.]

[Ceiling Price Regulation 61, Amdt. 4]

CPR 61—Exports

Suspension of Export Price Controls Upon Suspension From Domestic Price Controls

Pursuant to the Defense Production Act of 1950 as amended by Defense Production Act Amendments of 1951 (Pub. Law 774, 81st Cong.; Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to Ceiling Price Regulation 61 is hereby issued.

Statement of Considerations

This amendment to Ceiling Price Regulation 61 makes clear how export ceiling prices are affected by regulations suspending or exempting commodities from domestic ceiling price controls.

Under section 11 (a) of CPR 61, a general suspension or exemption of a commodity from price controls under another regulation presently constitutes also a suspension or exemption of the commodity from the coverage of CPR 61 as to sales in the export market, unless there is contrary language in the general suspension or exemption regulation. The question has been raised whether this is the case where the suspension or exemption is limited to domestic sales.

One of the basic policies of CPR 61 is the prevention of diversion of needed

goods from the domestic to the foreign market, with the consequent disturbance of normal channels of distribution in the domestic market and attendant increases in inflationary pressures. Ceiling prices under CPR 61 were established on a pattern customary in the export industry generally prior to the Korean war, namely, that sales in the export market were made either at domestic prices or at customary markups over such prices. This limited exporters to their normal pre-Korean markups and eliminated the inducement to diversion because of high foreign prices due to a war situation.

Where the domestic supply of a commodity is sufficient, with consequent lowering of prices, to warrant suspension or decontrol of ceiling prices for domestic sales, it is not necessary to continue to limit the prices of exporters. This is recognized in the formulas for establishing ceiling prices contained in sections 3 and 4 of CPR 61. These sections either require or permit the use of domestic ceiling prices as the basis for determining export ceiling prices. In applying the formulas, the result is that the limitation on export ceiling prices is removed with the elimination of domestic ceiling prices.

This amendment is issued to clarify this result.

In view of the nature of this amendment, formal consultation with representatives of industry has not been practicable, although many individual views expressed informally to this Office requested action in the nature of this amendment.

In the judgment of the Director of the Office of Price Stabilization, this amendment is generally fair and equitable and will effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 11 (a) of Ceiling Price Regulation 61 is amended to read as follows:

SEC. 11. *Exemptions and suspensions.* (a) This regulation does not apply:

(1) To sales of commodities for which export ceiling prices will hereafter be specifically established under other regulations or supplements; or

(2) To sales of commodities which are suspended or exempted from price control by regulation of the Office of Price Stabilization irrespective of whether such regulation is by its terms applicable or inapplicable to export transactions. Such suspension or exemption shall be applicable to the same extent to similar sales covered by CPR 61 as though the suspension or exemption in such other regulation were specifically applicable to export sales and sales for export. For example, if price controls are suspended under another regulation for domestic sales of a commodity by manufacturers, then export sales and sales for export of such commodity by manufacturers or producer-exporters are suspended from price control under CPR 61; if such suspension is applicable to domestic sales by wholesalers, then export sales and sales for export by wholesalers or merchant exporters are suspended from price control under CPR 61. In exclusion of a seller or commodity from the coverage of a regulation because that seller or commodity is covered by another regulation does not constitute a suspension or exemption from price control within the meaning of this section.

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

Effective date. This Amendment 4 to Ceiling Price Regulation 61 shall become effective November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52–12449; Filed, Nov. 18, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 125]

GCPR, SR 125—PRODUCERS OF PRODUCTS IN WHICH PRIMARY COPPER IS USED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to General Ceiling Price Regulation 125 is hereby issued.

STATEMENT OF CONSIDERATIONS

Producers of Brass Mill and Wire Mill products were allowed by amendments to CPR 68 and CPR 110 to reflect a portion of the added costs of foreign copper. Certain products in which primary copper is used, however, are not included in those regulations.

This supplementary regulation permits producers of products in which primary copper is used and whose ceiling prices are established under the General Ceiling Price Regulation, to adjust their ceiling prices for these products to reflect the increased cost of foreign copper.

As a result of the increase in the price of Chilean copper in May 1952 to 36½ cents per pound, the Director of Defense Mobilization directed the Office of Price Stabilization to increase the ceiling price of brass mill and wire mill products, to reflect 80% of the increased cost of copper. He also directed that comparable treatment be given other primary users of foreign copper. In accordance with that directive, ceiling prices for brass mill and wire mill products were increased on the basis of 3.84 cents per pound of copper contained. This amendment provides the same treatment to all producers of products in which primary copper is used, who have their ceiling prices established under the General Ceiling Price Regulation with the exception of copper clad or copper coated iron and steel products which are covered by SR 100 Revision 1 to the GCPR. It permits producers who only use primary copper to increase their ceiling price by 3.84 cents per pound of copper contained. If the producer uses copper scrap and primary copper, however, he computes the percentage of primary copper to the total amount of copper used during the third quarter of 1952 and then multiplies this by 3.84 cents per pound of copper contained. He may then increase his ceiling price by this resulting figure. The total quantity of copper used in the products to which this supplementary regulation is applicable, constitutes only about two percent of the total domestic consumption of copper. The amount of copper used in these products is comparatively small, and is not expected to have any appreciable effect on the level of prevailing prices.

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

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling price adjustments.
3. Definitions.

AUTHORITY: Sections 1 to 3 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 regulation does.* This supplementary regulation increases the ceiling prices established under the General Ceiling Price Regulation for producers of products in the production of which primary copper is used with the exception of copper clad or copper coated iron and steel products.

SEC. 2. *Ceiling price adjustments.* (a) If you produce a product, the ceiling price of which is established under the General Ceiling Price Regulation, and if you use primary copper and do not use copper scrap in the production of your product, your ceiling price for this product is your ceiling price under the General Ceiling Price Regulation plus 3.84 cents per pound of primary copper contained.

(b) If you produce a product, the ceiling price of which is established under the General Ceiling Price Regulation, and if you use both primary copper and copper scrap in the production of your product, your ceiling price for this product is your ceiling price under the General Ceiling Price Regulation plus an amount equal to the percentage of primary copper to the total amount of copper used during the third quarter of 1952 multiplied by 3.84 cents per pound of copper contained in the product.

(c) The foregoing provisions do not apply to copper clad or copper coated iron and steel products.

SEC. 3. *Definitions.* When used in this supplementary regulation, the term:

(a) "Primary copper" means all copper metal refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication, and shall include all such metal produced from domestic or imported ores, concentrates, or other copper bearing material.

Effective date. This supplementary regulation becomes effective November 24, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52–12450; Filed, Nov. 18, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 18]

Int. 18—Health and Welfare Plans

This interpretation deals with the right of employers to put into effect health and welfare plans in accordance with the self-administering provisions of General Salary Stabilization Regulation 8, Revised, as amended.

1. Q. May an employer put into effect without prior approval of the Office of Salary Stabilization a health and welfare plan which provides for benefits other than those defined in the introductory clause of section 1 of the regulation?

A. No. Health and welfare plans which may be put into effect on a self-administering basis may provide only for the types of benefits set forth specifically in section 1. If other benefits are sought to be included in the health and welfare plans, approval must be obtained in accordance with section 2 of the regulation.

2. Q. An association of employers prepares a health and welfare plan for adoption by its members and which its members desire to adopt. Under what conditions may the employers put such a plan into effect?

A. Employers may put such a plan into effect in accordance with the provisions of section 1 of the regulation, except that the requirement that at least 25 employees must be covered by group life insurance is fulfilled if all the employer members of the association adopting the plan prepared by the employer association, have an aggregate of 25 or more employees to be covered by group life insurance.

3. Q. May an employer operating two or more plants extend a health and welfare plan in effect at plant X to plant Y in the same local labor market area?

A. Yes. This may be done in accordance with section 1 (d) of the regulation.

4. Q. May an employer extend a health and welfare plan in effect at plant X to plant Y, located in a different local labor market area?

A. Yes. This also is permitted by section 1 (d) of the regulation.

5. Q. May a corporate employer extend a health and welfare plan in effect at its plant to plants owned by a subsidiary, parent or affiliated corporations?

A. Yes. For the purposes of section 1 (d) of this regulation a multiplant employer includes parent and subsidiary corporations and affiliated corporations, as defined in paragraph 2 of Interpretation 16 (17 F. R. 8776).

6. Q. Under what circumstances does a health and welfare plan provide benefits for employees subject to the jurisdiction of the Wage Stabilization Board and of the Salary Stabilization Board "upon the same or similar terms" under section (1) (a) of the regulation?

A. Benefits are provided "upon the same or similar terms" if variations in dollar amounts of contributions and benefits are based on an acceptable criterion or a consistent formula, such as basing temporary disability or life insurance benefits on a percentage of the compensation of the participating employees or basing disability or sick leave benefits on the length of service of the employees covered by the plan. The concept of providing the same or similar benefits for all employees under the jurisdiction of both the Wage Stabilization Board and the Salary Stabilization Board does not require identical contributions or benefits identical in dollar amount with regard to each employee covered by such plan.

7. Q. Does an employer who desires to put a health and welfare plan into effect under section 1 (b) of the regulation, covering only employees under the jurisdiction of the Salary Stabilization Board, have complete discretion in selecting any employees to be included in the plan as long as a majority of such employees is included?

A. No. Under section 1 (b) (2) the selection of a majority of participating employees must not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees. However, employees in these categories may be excluded, since such exclusion from the plan would discriminate against them rather than in their favor.

8. Q. When is a health and welfare plan discriminatory under section 1 (b) (2) of the regulation, assuming that selection of the participating employees was non-discriminatory as explained in paragraph 7 of this Interpretation?

A. A health and welfare plan is discriminatory within the meaning of section 1 (b) (2) of the regulation if contributions or benefits provided under the plan favor the classes of employees mentioned in section 1 (b) (2) as against the other employees included in the plan. However, a plan will not be considered discriminatory merely because the contributions or benefits bear a uniform relationship to the compensation of the individually covered employees. Variations in contributions or benefits may be provided so long as the plan, viewed as a whole, does not discriminate among the covered employees in favor of the classes of employees referred to in section 1 (b) (2).

If an employer already has in effect one or more health and welfare plans covering employees under the jurisdiction of the Salary Stabilization Board, the plans must be considered together with the proposed plan in order to determine whether the proposed plan is nondiscriminatory with regard to selection of participants, contributions and benefits.

9. Q. How does the employer determine whether any benefit provided for in his health and welfare plan is authorized under section 1 (b) (3) as not inconsistent with prevailing practice?

A. (a) A separate health and welfare plan which provides only for employees under the jurisdiction of the Salary Stabilization Board benefits upon the same or similar terms (see paragraph 6) as a plan approved for the employees under jurisdiction of the Wage Stabilization Board of the same employer, confers benefits which are not inconsistent with prevailing practice.

(b) Since most health and welfare plans are put into effect on an insured or group health and hospitalization basis, benefits are not inconsistent with prevailing practice if they do not exceed the benefits provided by standard group insurance policies or group health and hospitalization plans, such as Blue Cross and Blue Shield or their counterparts in the area where the employer's plant is located. In order that the health and welfare benefits provided for under a group insurance policy or group health and hospitalization plan can be considered standard, they should be consistent with benefit standards in the examples under (1) below, and should not contain any of the benefits listed in the examples under (2) below.

Examples

(1) Examples of benefits which are consistent with prevailing practice:

(i) Ambulance service in case of illness or accidental injury.

(ii) Semi-private room and board in a hospital, including payment for "extras" or "miscellaneous charges".

(iii) Surgical fees in accordance with a surgical expense plan providing a fee schedule with a maximum allowance of $300.

(iv) Dental surgery in connection with a general surgical expense plan.

(v) Polio coverage up to $5,000.

(vi) Sick leave at the rate of one day's pay per month of service up to 30 days less any benefits payable under (vii).

(vii) Temporary disability payments not exceeding 60 percent of salary.

(viii) Medical expense payments not exceeding $5 per day or $5 per visit in home or hospital or $3 per visit in doctor's office or, if benefits are graduated after the first visit or the first few visits, payments thereafter not exceeding $4 per day in home or hospital.

(ix) Benefits in case of accidental injury or death as a result of travel in the service of the employer of any kind, including air transportation.

(2) Examples of benefits which are not considered to be consistent with prevailing practice without submission of supporting evidence:

(i) Special nursing care.

(ii) Full payment for private hospital room.

(iii) Rest cures or convalescent care.

(iv) Plastic surgery for cosmetic or beautifying purposes.

(v) Benefits on accidental death or dismemberment in excess of an average face value of one year's salary.

(vi) Death benefits under group life insurance in excess of one year's salary on other than accidental death.

(c) Where an employer is authorized under the regulation to extend a health and welfare plan from one plant or establishment to another in a different labor market area or to adopt a health and welfare plan made available to him by an employers' association of which he is a member, benefits provided under such plans are not inconsistent with prevailing practice even though different from other plans in the particular area or industry.

10. Q. An employer desires to put into effect a health and welfare plan under section 1 (c) of the regulation providing

benefits substantially in excess of those authorized under section 1 (b) (3). Must the employees contribute 40 percent of the entire premium or only 40 percent of the premium payment for the excessive benefits?

A. The employees must contribute 40 percent of the entire premium for all benefits provided under this plan. Under section 1 (c) of the regulation it is not sufficient that employees contribute only 40 percent of the premium payment for the excess of any particular benefit which is not authorized under section (1) (b) (3).

11. Q. An employer has more than one health and welfare plan for employees subject to the jurisdiction of the Salary Stabilization Board. Where one or more of the plans are put in effect under section 1 (c) of the regulation, how is the 40 percent of the premium payment to be paid by the employees computed?

A. Where an employer has more than one health and welfare plan for employees under the jurisdiction of the Salary Stabilization Board, the 40 percent of the total premium payments to be made by the employee in accordance with section 1 (c) is determined as follows:

(a) Where the benefits are of the same type, such as hospital expense benefits, permanent or total disability benefits or group life insurance, the premium payment of the employee must be 40 percent of the total premium paid for all benefits of the same type regardless of whether such benefits are obtained under a single or under several separate health and welfare plans.

(b) Where an employer has more than one health and welfare plan covering benefits of a type not covered by another of the plans, the employee's 40 percent of the premium payment is computed with regard to the total premium paid for each type of benefit.

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

Issued by the Office of Salary Stabilization November 14, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-12437; Filed, Nov. 18, 1952; 11:32 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1 as Amended Nov. 18, 1952]

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

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 this regulation as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the regulation affects many different industries. However, there was consultation with industry representatives prior to the original issuance of this regulation on May 3, 1951.

This amendment affects CMP Regulation No. 1 as follows:

Section 9 (a) is amended; Schedule I (Revised) is amended and redesignated Schedule I; Schedule III (Revised) is amended and redesignated Schedule III; Schedule IV (Revised) is amended and redesignated Schedule IV.

This amendment incorporates the provisions of the separate previously issued Amendments 1 through 6 to this regulation which are accordingly superseded. This amendment does not affect the status of the separate previously issued Directions 1, 2, 3, 4, 6, 8, 14, 15, 16, 17, 18, and 19 to this regulation which remain in full force and effect. Direction 9 is revoked concurrently with this amendment, and Schedule I is amended to provide that non-nickel-bearing stainless steel is not a controlled material. Directions 5, 7, 10, 10A, 11, 12, and 13 were previously revoked.

EXPLANATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 26 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.

EXPLANATORY PROVISIONS

SECTION 1. *What this regulation does.* The purpose of this regulation is to define rights and obligations under the Controlled Materials Plan. It explains how production schedules are authorized for manufacturing operations and how materials are obtained to complete such production schedules. This regulation and other CMP regulations to be issued from time to time make effective the "Controlled Materials Plan," a general description of which was issued by the National Production Authority, for informational purposes only, on April 13, 1951. In case of any inconsistency between such announcement, or any other descriptive literature which may be issued from time to time, and any CMP regulation, the provisions of the latter shall govern. Other CMP regulations cover, or will cover, inventory controls; preference status of delivery orders; deliveries of controlled materials by distributors; maintenance, repair, and operating supplies; construction; and additional matters. This regulation will also be supplemented from time to time by the issuance of procedures, forms, interpretations, directions, and instructions.

SEC. 2. *Definitions.* As used in this regulation and any other CMP regulation (unless otherwise indicated):

(a) "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.

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

(c) "Controlled material" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of this regulation, whether new, remelted, rerolled, or redrawn, including used and second-quality materials, shearings, and material sorted or salvaged from scrap which are sold for other than remelting, rerolling, or redrawing purposes.

(d) "Controlled Materials Division" means the Iron and Steel Division, the Copper Division, or the Aluminum and Magnesium Division of NPA.

(e) "Industry Division" means the Division or other unit of NPA which is charged with supervision over the operations of the producers of particular products.

(f) "Claimant Agency" means any Government agency or subdivision thereof designated as such by the Defense Production Administration.

(g) "Prime consumer" means any person who receives an allotment of controlled material from a Claimant Agency or an Industry Division.

(h) "Secondary consumer" means any person who receives an allotment of controlled material from a person other than a Claimant Agency, an Industry Division, or the Requirements Committee of the Defense Production Administration.

(i) "Allotment" means (1) an authorization by the Requirements Committee of the Defense Production Administration, of the amount of controlled

materials which a Claimant Agency may receive and/or allot during a specified period, or (2) an authorization by the Requirements Committee of the Defense Production Administration, of the amount of controlled materials which an Industry Division may allot during a specified period, or (3) an authorization by a Claimant Agency or an Industry Division, of the amount of controlled materials which may be received and/or allotted by one of its prime consumers during a specified period, or (4) an authorization by a prime or secondary consumer, of the amount of controlled materials which may be received and/or allotted by one of its secondary consumers during a specified period.

(j) "Class A product" means any product which is not a Class B product (as defined in paragraph (k) of this section), and which contains any controlled material, fabricated or assembled beyond the forms and shapes specified in Schedule I of this regulation, other than any controlled material which may be contained in Class B products incorporated in it.

(k) "Class B product" means any product designated as such in the "Official CMP Class B Product List" issued by NPA, as the same may be modified from time to time, and which contains any controlled material other than any controlled material which may be contained in other Class B products incorporated in it.

(l) "Program" means a statement of the amounts of an item or class of items to be provided in specified periods of time.

(m) "Authorized program" means a program specifically approved by the Requirements Committee of the Defense Production Administration.

(n) "Production schedule" means a statement of the amounts of an item or class of items to be produced by an individual consumer in specified periods of time.

(o) "Authorized production schedule" means a production schedule specifically approved by a Claimant Agency or by an Industry Division with respect to a prime consumer, or specifically approved by a prime or secondary consumer with respect to a secondary consumer.

(p) "Delivery order" means any purchase order, contract, shipping, or other instruction calling for delivery of any material or product on a particular date or dates or within specified periods of time.

(q) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in section 19 of this regulation or which is specifically designated to be such an order by any regulation or order of NPA.

SEC. 3. *General production schedule and allotment procedure.* (a) Each Claimant Agency or Industry Division shall authorize production schedules of prime consumers pursuant to authorized programs. Each prime consumer who has an authorized production schedule shall, pursuant thereto, authorize production schedules of secondary consumers producing Class A products for it; and each secondary consumer who has an authorized production schedule shall, pursuant thereto, authorize production schedules of secondary consumers producing Class A products for it.

(b) Each Claimant Agency or Industry Division shall make allotments to prime consumers, for the purpose of fulfilling related authorized production schedules, pursuant to allotments which it has received. Each prime consumer who has received an allotment shall, pursuant thereto, make allotments to secondary consumers producing Class A products for it, to fulfill related authorized production schedules; and each secondary consumer who has received an allotment shall, pursuant thereto, make allotments to secondary consumers producing Class A products for it, to fulfill related authorized production schedules.

(c) Except where otherwise provided by NPA, no person shall produce a Class A or a Class B product unless he has received an authorized production schedule for such production. No person who has received an authorized production schedule shall produce more than the quantity of the particular product or products provided for in such authorized production schedule. No such person shall acquire controlled materials or products and materials other than controlled materials for fulfillment of such authorized production schedule except by use of the related allotment (or charge against the related allotment) and by use of the related DO rating. If such a person obtains controlled material without the use of an authorized controlled material order, for example, the purchase of controlled material from a foreign supplier or from a domestic supplier who is not a controlled materials producer or a controlled materials distributor (as defined in CMP Regulation No. 4), he must charge the quantity of such controlled material against his allotment.

(d) Nothing in this regulation shall be interpreted to prohibit the production of any product, other than a Class A or a Class B product: *Provided, however,* That such production must comply with the provisions and limitations of all applicable regulations and orders of NPA.

SEC. 4. *Statements of requirements.* (a) The basis for an allotment to a consumer shall be his actual requirements for controlled materials in connection with the fulfillment of an authorized production schedule, after taking inventories into account to the extent required by CMP Regulation No. 2. A statement of requirements is to be furnished only when requested. Such statement is ordinarily submitted as an application for allotment or a bill of materials.

(b) An application for allotment includes only (1) the quantities of controlled materials required by the submitting consumer for his own production, and (2) the quantities of controlled materials required by his secondary consumers supplying Class A products to him for incorporation in his product.

(c) A bill of materials is a statement of the total amounts of materials (including controlled materials) required for physical incorporation in one unit or a specified number of units of a given product.

(d) When a consumer who has furnished a bill of materials or other statement of requirements ascertains that he has substantially overstated his requirements or those of his secondary consumers for any material or product, he shall report such error immediately to the person to whom the statement of requirements was furnished.

(e) If any consumer receives any statement of requirements which he knows or has reason to believe to be substantially excessive, with respect to controlled materials, he shall withhold any allotment based thereon in an amount sufficient to correct such excess and shall report the facts immediately to the appropriate Claimant Agency or Industry Division.

SEC. 5. *Applications for authorized production schedules and allotments.* (a) Production schedules may be authorized and related allotments made on the basis of information furnished by applications on Form CMP–4A and Form CMP–4B.

(b) Any producer of Class A products, upon the request of a Claimant Agency or of a consumer for whom he produces Class A products, shall furnish to such Claimant Agency or consumer, the information called for in Form CMP–4A. Such information shall be submitted on Form CMP–4A or in such other manner as may be prescribed.

(c) Any producer of Class B products which are designated as Class B products for which Form CMP–4B applications are required, in the "Official CMP Class B Product List" issued by NPA, as the same may be modified from time to time, shall furnish the information called for in Form CMP–4B by submitting such form to the appropriate Industry Division or Claimant Agency (as indicated in such list). NPA may request any producer of a Class B product not so designated to furnish such information on such form.

(d) Any producer of controlled materials may apply for an allotment as provided in section 21 of this regulation.

AUTHORIZED PRODUCTION SCHEDULES

SEC. 6. *How production schedules are authorized.* (a) A production schedule for each prime consumer producing a Class A product pursuant to an authorized program will be authorized by the appropriate Claimant Agency on such form as may be prescribed. A Claimant Agency may, in particular cases, authorize a production schedule through an Industry Division.

(b) A production schedule for each secondary consumer producing a Class A product shall be authorized by the consumer for whom such Class A product is to be produced, pursuant to an authorized production schedule, on such form as may be prescribed. A consumer having several authorized production schedules bearing the same allotment number may, pursuant thereto, authorize a single production schedule for a secondary consumer.

(c) A production schedule for each consumer producing a Class B product pursuant to an authorized program will be authorized by the appropriate Industry Division or Claimant Agency on such form as may be prescribed. Except as provided in paragraph (b) of section 9 of this regulation, a consumer who has received a production schedule for a Class B product which is authorized in terms of whatever amount can be made with a specific allotment or allotments, and which contains no limitation on the number of units which may be produced therewith, shall not put into production during the calendar quarter for which such schedule is authorized a quantity of controlled materials greater than the quantity allotted, unless the authorization for such schedule expressly states that production is authorized in whatever amount can be made with a specific allotment or allotments plus controlled materials properly contained in inventory.

(d) A consumer receiving allotments from several persons shall obtain separate authorized production schedules from each.

(e) Except where otherwise specifically provided by NPA, no person shall authorize a production schedule unless at the same time he makes an allotment as provided in section 10 of this regulation, and no person shall make an allotment unless at the same time he authorizes a related production schedule as provided in this section.

(f) When the production schedule of a consumer is authorized and a related allotment is made to him, a DO rating shall be assigned or applied to such schedule by the person authorizing the production schedule, for use in accordance with the provisions of CMP Regulation No. 3.

SEC 7. *Reconciliation of conflicting schedules.* In any case where, for any reason, a manufacturer of Class A or Class B products is unable to fulfill conflicting authorized production schedules which he has accepted from different persons, he shall, if the conflict involves only schedules relating to a single Claimant Agency, report immediately to that Claimant Agency for instructions. In all other cases involving conflicting authorized production schedules he shall report immediately to the appropriate Industry Division or Industry Divisions for instructions.

SEC. 8. *Rejection of schedules in excess of capacity.* A prime or secondary consumer shall reject an authorized production schedule for a Class A or Class B product to be manufactured by him which calls for delivery or deliveries after June 30, 1951, if he does not expect to be able to fulfill the same by the specified delivery date or dates. If the person whose order is rejected is unable to find another manufacturer who will accept it, he shall report the facts to the appropriate Claimant Agency or Industry Division. NPA may from time to time issue directives requiring individual manufacturers to reschedule or rearrange their production and/or delivery schedules.

SEC. 9. *Meeting authorized production schedules.* (a) Each consumer who has accepted an authorized production schedule for the production of a Class A product shall fulfill the same unless prevented by circumstances beyond his control. In the event he cannot fulfill such schedule on the specified delivery date or dates, he shall promptly notify the person from whom he received it stating the reasons therefor.

(b) No consumer who has accepted an authorized production schedule shall exceed such schedule in any quarter with the use of the related allotment and DO rating, except that (1) an authorized production schedule may be exceeded in any quarter to the extent necessary to make up for a failure to meet such schedule in any prior quarter, (2) production authorized for any quarter may be completed at any time after the fifteenth of the month preceding such quarter and, (3) where a delivery order calls for deliveries, in successive months, of Class A products in quantities which are less than the minimum practicable production quantity, and compliance with monthly delivery dates would result in substantial interruption of production and consequent interference with production to fill other delivery orders, the consumer may produce (and his customer may order and accept) in the first or a subsequent month the minimum practicable quantity which may be made without such interference.

ALLOTMENTS AND DELIVERY ORDERS FOR CONTROLLED MATERIALS

SEC. 10. *How allotments are made.* (a) Each Claimant Agency, Industry Division, or consumer authorizing a production schedule as provided in section 6 of this regulation shall concurrently make a related allotment, pursuant to allotments which it has received, to the consumer whose production schedule has been authorized, on such form as may be prescribed.

(b) The allotment shall specify the quantities and the kinds of controlled materials needed for delivery in specified calendar quarters to complete the related authorized production schedule. Allotments shall be made in terms of (1) carbon steel (including wrought iron), (2) alloy steel (except stainless steel), (3) stainless steel, (4) copper and copper-base alloy brass mill products, (5) copper wire mill products, (6) copper and copper-base alloy foundry products and powder, and (7) aluminum, in each case without further breakdown, except where a further breakdown is made by the Requirements Committee of the Defense Production Administration or by NPA.

(c) The allotment shall be identified by an allotment number as provided in section 11 of this regulation.

(d) Advance allotments by Claimant Agencies or Industry Divisions to prime consumers may be made within such limits as may be specified by the Requirements Committee of the Defense Production Administration. Prime consumers receiving such advance allotments shall, in turn, make advance allotments to their secondary consumers, and secondary consumers shall make advance allotments, in the same manner as in the case of regular allotments, but no consumer shall make any allotment before receiving his own allotment.

(e) A Claimant Agency, Industry Division, or consumer may make allotments only in the same kinds of controlled materials in which it has received its allotment.

SEC. 11. *Designation and use of allotment numbers.* (a) Allotments shall be identified by an allotment number consisting of a Claimant Agency letter symbol and one digit designating the authorized program of such Claimant Agency. In cases where a Claimant Agency is not involved, the appropriate symbol designated by any NPA regulation or order as a CMP allotment symbol shall be used. For example, in the case of maintenance, repair, and operating supplies, the symbol MRO shall be used as provided in CMP Regulation No. 5.

(b) Authorized controlled material orders shall show the related allotment number and the calendar quarter for which the allotment is valid. For example, a delivery order for controlled materials placed pursuant to an allotment identified by allotment number K–2 which is valid for the fourth quarter of 1951 shall be designated as follows: K–2–4Q51. The date or dates on which delivery is required must also be specified on such delivery order.

(c) Delivery orders for products and materials other than controlled materials required for completion of an authorized production schedule shall show the DO rating and the related allotment number; for example, DO–K–2. The date or dates on which delivery is required must also be specified on such delivery orders. Such date or dates need not be during the calendar quarter for which such production schedule is authorized and for which the related allotment is valid: *Provided, however,* That the DO rating may be used only to acquire production materials in the minimum practicable amounts required, and on a date or dates no earlier than required, to fulfill the related authorized production schedule.

(d) (1) Except as otherwise provided in this paragraph, a manufacturer of a Class B product who has received an authorized production schedule and related allotment from an Industry Division or a Claimant Agency shall not use the allotment number accompanying any DO rating received by him from a customer in obtaining controlled materials for such production.

(2) A manufacturer of a Class B product who has received an authorized production schedule with an allotment number from an Industry Division or a Claimant Agency and who, on and after March 31, 1952, receives, from a customer for such Class B product, a DO rated order which bears a program identification consisting of the letter A, B, C, or E, followed by a digit, or the program identification Z–2, shall use the allotment number received from such Industry Division or Claimant Agency in obtaining controlled materials or Class A products needed to fulfill such rated order or to replace in inventory controlled materials or Class A products used in the manufacture of the product covered by such rated order, by appending as a suffix to

the allotment number received with his authorized production schedule, the program identification B–5; for example, P–2–B–5. In addition, such allotment number to which such suffix has been appended shall be followed by the calendar quarter for which the allotment received from an Industry Division or a Claimant Agency is valid; for example, P–2–B–5–3Q52.

(3) A manufacturer of a Class B product who has received an authorized production schedule with an allotment number from an Industry Division or a Claimant Agency and who, prior to March 31, 1952, received, from a customer for such Class B product, a DO rated order which has not been filled and which bears a program identification consisting of the letter A, B, C, or E, followed by a digit, or the program identification Z–2, may use the allotment number received from such Industry Division or Claimant Agency in obtaining controlled materials or Class A products needed to fulfill such rated order or to replace in inventory controlled materials or Class A products used in the manufacture of the product covered by such rated order, by appending as a suffix to the allotment number received with his authorized production schedule, the program identification B–5; for example, P–2–B–5. In addition, such allotment number to which such suffix has been appended shall be followed by the calendar quarter for which the allotment received from an Industry Division or a Claimant Agency is valid; for example, P–2–B–5–3Q52.

(4) Any person who receives a DO rated order identified by the suffix B–5 as provided in section 6 (f) of CMP Regulation No. 3 shall, if he is a manufacturer of a Class B product covered by such DO rated order who has received an authorized production schedule with an allotment number from an Industry Division or a Claimant Agency for such Class B product, use the allotment number received from such Industry Division or Claimant Agency in obtaining controlled materials or Class A products needed to fulfill such rated order or to replace in inventory controlled materials or Class A products used in the manufacture of the product covered by such rated order, by appending as a suffix to the allotment number received with his authorized production schedule, the suffix program identification B–5; for example, if such a person has received the allotment number M–3 from an Industry Division and the rating DO–P–2–B–5 from his customer, he shall use the allotment number as follows: M–3–B–5. In addition, such allotment number to which such suffix has been appended shall be followed by the calendar quarter for which the allotment received from an Industry Division or a Claimant Agency is valid; for example, M–3–B–5–3Q52. Any person who receives a DO rated order identified by the suffix B–5 as provided in section 6 (f) of CMP Regulation No. 3 shall, if he is a manufacturer of a Class A product covered by such DO rated order who has received an authorized production schedule for such Class A product from his customer, use the allotment number and quarterly identification in the form received from his customer in obtaining controlled materials or Class A products needed to fulfill such rated order or to replace in inventory controlled materials or Class A products used in the manufacture of the product covered by such rated order.

(5) Any authorized controlled material order placed on or after May 1, 1952, pursuant to subparagraph (2), (3), (4), or (9) of this paragraph, and identified by the suffix B–5, shall be deemed an authorized controlled material order bearing the program identification contained in such suffix for the purposes of NPA Order M–1 (steel), NPA Order M–5 (aluminum), NPA Order M–11 (copper), and any other applicable regulation or order of NPA.

(6) For the purposes of this paragraph, a manufacturer of a Class B product who operates under the self-authorization provisions of Direction 1 to CMP Regulation No. 1 shall be deemed a manufacturer of a Class B product who has received an authorized production schedule with an allotment number and a related allotment from an Industry Division or a Claimant Agency.

(7) Nothing in this paragraph shall be construed to permit a manufacturer of a Class A or a Class B product to obtain controlled materials or to make allotments in excess of the related allotment received by him.

(8) Notwithstanding any of the provisions of this paragraph, no manufacturer of a Class B product shall be required to append the suffix program identification B–5 to the allotment number received with his authorized production schedule from an Industry Division or a Claimant Agency, to obtain controlled materials or Class A products where the quantities of such controlled materials or Class A products are insignificant in relation to the total procurement of controlled materials or Class A products by such manufacturer to fulfill all his authorized production schedules for Class B products.

(9) Any person who, on or after May 1, 1952, placed an authorized controlled material order calling for delivery of steel which bears the quarterly identification 2Q52 or 3Q52 without appending the suffix B–5 to the program identification although he was entitled to append such suffix to such order pursuant to this paragraph, may at any time prior to shipment of such steel by the supplier revise such order by appending the suffix B–5 to the program identification. Such revision shall not constitute a cancellation of the order. As of the date of such revision, such an order shall be deemed an authorized controlled material order bearing the program identification B–5 for the purposes of Directions 15 and 16 to CMP Regulation No. 1, of NPA Order M–1, and of any other applicable regulation or order of NPA. If the supplier had postponed the shipment date of such an order prior to such revision, because the order did not bear the suffix B–5, he shall, after such revision, reschedule the order for shipment as close to the original shipment date as is practicable without interrupting his operations in a way which would cause a substantial loss of total production or a substantial delay in operations.

SEC. 12. *Allotments by consumers.* (a) Each prime consumer receiving an allotment may use that portion of the allotment which he requires to obtain controlled materials as such for his authorized production schedule, and shall allot the remainder to his secondary consumers producing Class A products for him to cover their requirements for controlled materials for related authorized production schedules. Allotments by secondary consumers to secondary consumers supplying them shall be made in the same fashion. A secondary consumer producing Class A products for several consumers shall obtain separate allotments from each.

(b) No consumer shall make any allotment in an amount which exceeds the related allotment received by him, after deducting all other allotments made by him and all orders for controlled materials placed by him pursuant to his related allotment.

(c) No consumer shall make any allotment in excess of the amount required, to the best of his knowledge and belief, to fulfill the related authorized production schedule of the secondary consumer to whom the allotment is made (including the schedules of any secondary consumers supplying the latter).

(d) Allotments for production of Class B products shall only be made by appropriate Industry Divisions or by appropriate Claimant Agencies as specified in the "Official CMP Class B Product List," and no consumer shall accept any allotment from any other person for the production of Class B products.

(e) No consumer who has received his allotment for an authorized production schedule shall place any delivery order for any Class A product required to fulfill said schedule, unless concurrently therewith, he makes an allotment to the person with whom the order is placed, in the amount required by such person to fill said order: *Provided, however,* That if he purchases a Class A product from a distributor under the conditions specified in section 15 of this regulation or from a foreign supplier, he shall make no allotment but must deduct the appropriate amount from his own allotment balance.

(f) A consumer may make an allotment to his secondary consumer on such form (including Form CMP–5 set forth in Schedule II of this regulation) as may be prescribed for the purpose. Allotments may be made by telegraphing or telephoning the information required by the appropriate form and confirming the same with such form, within 15 days.

SEC. 13. *How to cancel or reduce allotments.* A person who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. A person who has received an allotment may cancel or reduce the same by making an appropriate notation thereon and notifying the person from whom he received it. In either case, if an allotment received by a person is cancelled, he must cancel all allotments which he has made, and all authorized controlled material

orders which he has placed, on the basis of the allotment; and, if an allotment received by a person is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceed his allotment as reduced. If and to the extent that cancellation or reduction is impracticable because of shipments already made to him pursuant to such allotment, he may use or dispose of controlled materials or Class A products which he gets with such allotment in the manner provided in section 17 of this regulation.

SEC. 14. *Transfer of allotments.* (a) No consumer shall transfer or assign any allotment (as distinct from making an allotment) in any way unless: (1) delivery orders for Class A products placed with him, in connection with which the allotment was made to him, have been transferred or assigned to another consumer; (2) the authorized production schedules of the respective consumers have been duly adjusted; and (3) the transfer or assignment is approved in writing by the person who made the allotment.

(b) Transfers or assignments of allotments may be made without complying with paragraph (a) of this section in connection with the transfer or assignment of a business as a going concern where the transferee continues to operate substantially the same business in the same plant. The transferee may use the allotment and ratings of the transferor but the transferee must notify NPA of the details of the transaction, giving the names of the persons involved and furnishing one extra copy of such notification for each authorized production schedule that he has received.

SEC. 15. *Special provisions regarding manufacturers and distributors of Class A products.* (a) For the purposes of this section "distributor" means any person engaged in the business of buying and taking physical delivery of Class A products which he does not manufacture and selling the same, for his own account, but only to the extent that he is so engaged.

(b) If a distributor buys and sells Class A products, he shall do so without making or receiving allotments. A manufacturer of Class A products selling them to a distributor shall apply for an allotment for such manufacture from the appropriate Industry Division or Claimant Agency by submitting an application on Form CMP–4B, in the same manner as if they were Class B products. If the manufacturer makes physical delivery directly to a distributor's customer, the latter (unless he is also a distributor) shall make an allotment directly to the manufacturer in the same manner and subject to the same conditions as if the distributor had no part in the transaction.

(c) A manufacturer of Class A products who sells them for use as maintenance, repair, or operating supplies (except items purchased from him by a Claimant Agency and for which he has received an allotment) shall obtain allotments for such manufacture in the manner provided in paragraph (b) of this section. Applications pursuant to said paragraph (b) and this paragraph (c) may be combined in a single Form CMP–4B.

(d) Notwithstanding paragraph (a) of this section, a manufacturer who also sells purchased Class A products to round out his line, which do not represent more than 10 percent of his estimated total sales receipts in a calendar quarter for which he files an application for allotment, shall be deemed the manufacturer of such products and not a distributor for purposes of this section.

SEC. 16. *Alternative procedure for simultaneous allotments.* A prime or secondary consumer who has several secondary consumers in different degrees of remoteness, may, at his option, authorize individual production schedules and make simultaneous direct allotments to all such secondary consumers of all degrees of remoteness. The person who is to make the allotment under this alternative procedure (the originating consumer) may request each supplier of all degrees of remoteness to furnish him directly with information regarding such supplier's requirements for controlled materials, and each such supplier shall comply with such request. If this procedure is followed, each supplier shall include in the information he furnishes to the originating consumer only his own requirements for controlled materials and not those of his suppliers. In no event shall a person who uses this alternative procedure make an allotment of more controlled materials than he has received. All the provisions of this regulation regarding authorized production schedules and allotments shall apply to the alternative procedure for simultaneous allotments, except as specifically provided in this section.

SEC. 17. *Restrictions on placing authorized controlled material orders, and on use of allotments and materials.* (a) In no event shall a consumer request delivery of any controlled material in a greater amount or on an earlier date than required to fulfill his authorized production schedule, or in an amount so large or on a date so early that receipt of such amount on the requested date would result in his having an inventory of controlled materials in excess of the limitations prescribed by CMP Regulation No. 2 or by any other applicable regulation or order of NPA. If the quantity of any controlled material required by a consumer is less than the minimum mill quantity specified in Schedule IV of this regulation, and is not procurable from a distributor, he may accept delivery of the full minimum shown in such schedule.

(b) No consumer shall use an allotment, or any controlled material or Class A product obtained pursuant to an allotment, for any purpose except: (1) To fulfill the related authorized production schedule, or (2) to fulfill any of his other authorized production schedules for Class A products which bear the same allotment number, or (3) to fulfill any of his other authorized production schedules for Class B products which are in the same Product Class Code as shown in the "Official CMP Class B Product List" issued by NPA, or (4) to replace in inventory, controlled materials or Class A products used to fulfill any of such authorized production schedules, subject to the provisions of CMP Regulation No. 2 or any other applicable regulation or order of NPA. Where an allotment made for one schedule is used in filling another schedule as provided in this paragraph, no charge need be made against the allotment account of the second schedule, but an appropriate record must be made, on the allotment accounts or otherwise, describing the circumstances.

(c) If a consumer's needs for a controlled material or Class A product are reduced before he has ordered or received delivery of them, he must immediately return the allotment as explained in section 18 of this regulation unless he uses the allotment for the purposes permitted in paragraph (b) of this section. If he has already placed authorized controlled material orders or delivery orders for Class A products, he must cancel them. If cancellation of such orders is impracticable because of shipments already made, he may accept delivery of the controlled materials and Class A products, in which case his use of them is covered by paragraph (d) of this section.

(d) Unless otherwise provided by NPA, if it develops, after a consumer has received delivery of controlled materials or Class A products pursuant to an allotment, that he cannot use them for a purpose permitted under paragraph (b) of this section, he shall not use or dispose of them except as provided below: (1) He may hold the controlled materials or Class A products in his inventory for use in connection with future authorized production schedules; (2) he may sell or otherwise transfer title to such controlled materials to his original supplier of such controlled materials; (3) he may sell or otherwise transfer title to such steel controlled materials to a steel distributor who has a base tonnage within the meaning of, and who operates under, the provisions of NPA Order M–6A; (4) he may sell or otherwise transfer title to such controlled materials to a person who places an authorized controlled material order with him (including, but not limited to, sales of brass mill products to distributors of brass mill products who place orders in accordance with the provisions of NPA Order M–82, sales of copper wire mill products to distributors of copper wire mill products who place orders in accordance with the provisions of NPA Order M–86, and sales of aluminum to distributors of aluminum who place orders in accordance with the provisions of NPA Order M–88), in which event he (the seller) shall not extend the allotment number identifying such order; or (5) he shall request authorization from NPA or the appropriate Claimant Agency as to any other use or disposition of such controlled materials or Class A products.

(e) When a consumer receives instructions from NPA directing the disposition or use of controlled materials

or Class A products, he must comply with such instructions. Also, he must comply with any instructions he receives from a Claimant Agency with respect to his use of controlled materials or Class A products which he obtained by use of an allotment from that Claimant Agency, in any program of the same Claimant Agency, or with respect to their sale to any other person for use in a program of the same Claimant Agency, subject always to whatever rights he may have to reimbursement.

(f) A consumer need not segregate inventories of controlled materials or Class A products which he obtained by use of his allotments, even though different allotment numbers are used in ordering them, nor does he have to earmark them for a particular schedule. Although a consumer must charge the appropriate allotment account when placing an authorized controlled material order or making an allotment, he may keep all controlled materials and Class A products received in a common inventory and in withdrawing from inventory he does not have to charge the withdrawal against the allotment account. A consumer who is operating under several authorized production schedules need not maintain separate records of the production obtained from the allotment received for each schedule if the records which he normally keeps show that his use of material for his respective schedules is substantially proportionate to the amounts of material allotted for each, and that his aggregate production of any product does not exceed the aggregate of the production schedules authorized for that product.

SEC. 18. *Adjustments for changes in requirements.* (a) If a consumer's requirements for controlled materials or Class A products needed to fulfill an authorized production schedule are increased after he receives his allotment, he may apply for an additional allotment to the person who made the allotment for that schedule.

(b) If a consumer finds that he has been allotted substantially more than he needs, he must return the excess. As of the first of each month, each consumer must check up on his anticipated requirements for the quarter and determine whether he has been allotted more than he anticipates he needs. If he has, he must return the excess by the tenth of the month. He need not take a physical inventory for this purpose, but must check up on the effect of known changes in his requirements or errors which he has discovered in his statement of requirements. As of the end of each quarter, he must determine whether he has used his entire allotment by placing authorized controlled material orders or making allotments to his secondary consumers, and, if he has any excess, he must return it by the tenth day after the close of the quarter.

(c) The return of an unneeded allotment must be made to the person from whom the allotment was received on such form as may be prescribed. If it is impracticable to obtain the prescribed form, the return may be made by letter setting forth the facts.

(d) In those cases where it is impracticable for a secondary consumer to return an allotment to the person from whom he received it, he may make the return directly to the appropriate Claimant Agency or Industry Division.

SEC. 19. *How to place orders with controlled materials producers and distributors.* (a) A delivery order placed with a controlled materials producer or a controlled materials distributor (as defined in CMP Regulation No. 4) for controlled material shall be deemed an authorized controlled material order only if (1) it contains an allotment number and the calendar quarter for which the allotment is valid, as provided in section 11 of this regulation, and complies with the provisions of this section, or (2) it is specifically designated as an authorized controlled material order by any regulation or order of NPA.

(b) A consumer who has received an allotment may place an authorized controlled material order with any controlled materials supplier unless otherwise specifically directed. An allotment to a prime consumer may include an instruction to place delivery orders for controlled materials with one or more designated controlled materials suppliers. In such event the consumer shall use the allotment only to obtain controlled materials from the designated controlled materials supplier or suppliers or to make allotments to secondary consumers, designating therein only suppliers named in the allotment received by him. Except as required by the allotment which he has received, no consumer shall impose any such restriction in any allotment made by him.

(c) Every authorized controlled material order must contain a certification in addition to specifying the allotment number, the calendar quarter for which the allotment is valid, and the delivery date or dates. Unless another form of certification is specifically prescribed by an applicable order or regulation of NPA, such certification shall be in the following form:

Certified under CMP Regulation No. 1

and shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation that, subject to the criminal penalties provided for in applicable United States statutes, the purchaser has received an allotment of controlled material authorizing him, in accordance with the provisions of this regulation, to place such order, and that the amount ordered is within the related allotment received by him, after he has deducted from such allotment all allotments made by him to secondary consumers and all other orders for controlled material placed by him and accepted by suppliers pursuant to the same allotment.

(d) An authorized controlled material order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance as is specified in Schedule III of this regulation, or at such later time as the controlled materials producer may find it practicable to accept the same, provided that no controlled materials producer shall discriminate between customers in rejecting or accepting late orders.

(e) A delivery order for controlled materials placed by a consumer before he has received his authorized production schedule and allotment, calling for delivery after June 30, 1951, may be converted into an authorized controlled material order, after receipt of such schedule and allotment, either by furnishing a revised copy of the order conforming to the requirements of this section or by furnishing in writing information clearly identifying the order and bearing the certification required by paragraph (c) of this section.

(f) No person shall place an authorized controlled material order unless the amount of controlled material ordered is within the related allotment received by him, after deducting all allotments made by him and all orders for controlled material placed by him pursuant to the same allotment, or unless he is expressly authorized to place such an order by any applicable regulation or order of NPA.

(g) Authorized controlled materials orders shall take precedence over other orders for controlled materials to the extent provided in CMP Regulation No. 3. A delivery order for controlled materials not covered by an allotment shall not be combined with an authorized controlled material order. However, such orders shall be combined if the total of both does not exceed the minimum mill quantity specified in Schedule IV of this regulation, provided that the controlled materials involved are not procurable from a distributor. Where such orders are combined, the portion covered by allotment must be specifically identified by the appropriate allotment number and such delivery order must contain the certification provided in paragraph (c) of this section.

CONTROLLED MATERIALS PRODUCERS

SEC. 20. *Rules applicable to controlled materials producers.* (a) Each controlled materials producer shall comply with such production and other directives as may be issued from time to time by NPA and with the provisions of all other applicable regulations and orders of NPA regarding production and delivery of controlled materials.

(b) Each controlled materials producer shall accept all (1) authorized controlled material orders, (2) orders which he is required to accept pursuant to any regulation or order of NPA, and (3) orders which he is required to accept pursuant to NPA directive.

(c) A controlled materials producer shall be required to accept orders for controlled materials in conformity with the provisions of this regulation, as the same is or may be modified by the provisions of NPA Order M–1 (steel), NPA Order M–5 (aluminum), NPA Order M–6 (steel), NPA Order M–6A (steel), NPA Order M–11 (copper), NPA Order M–32 (copper), NPA Order M–86 (copper), NPA Order M–88 (aluminum), and NPA Order M–89 (steel, copper, and aluminum), and the directions thereto, or of any other applicable regulation or order of NPA, as the same may be issued or amended from time to time. In no event

shall a controlled materials producer accept an authorized controlled material order which calls for delivery in a quarter other than the quarter for which the related allotment is valid.

(d) A controlled materials producer may reject orders in the following cases, but he shall not discriminate between customers in rejecting or accepting such orders:

(1) If the order is one for less than the minimum mill quantity specified in Schedule IV of this regulation.

(2) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(e) In any case where a controlled materials producer is of the opinion that the filling of an order which he is required to accept pursuant to this section would substantially reduce his over-all production owing to the large or small size of the order, unusual specifications, or otherwise, he shall notify the appropriate Controlled Materials Division setting forth the pertinent facts. NPA may direct that the order be placed with another supplier or take other appropriate action.

(f) A controlled materials producer shall make shipment on each authorized controlled material order as close to the requested delivery date as is practicable. He may make shipment during the 15 days prior to the requested delivery month, but not before then, provided such shipment does not interfere with shipment on other authorized controlled material orders, and provided production to meet such shipment would not violate any production directive. If a producer, after accepting an order within the limits provided in this section, finds that, due to contingencies which he could not reasonably have foreseen, he is obliged to postpone the shipment date, he must promptly advise his customer of the approximate date when shipment can be scheduled, and keep his customer advised of any changes in that date. Shipment of any such carry-over order must be scheduled and made in preference to any order originally scheduled for such later date. When the new date for shipment on a carry-over order, originally scheduled for delivery in the fourth calendar quarter of 1951 or in any calendar quarter subsequent thereto, falls within a later quarter than that indicated on the original order, the producer must make shipment on the basis of the original order even if that order shows that the allotment was valid for a quarter earlier than the one in which shipment is actually made, and the customer is not required to charge his allotment for the quarter during which shipment on such carry-over order is actually made.

(g) If a controlled materials producer takes controlled materials which he has produced and processes them into a form other than a controlled materials form, or if he uses controlled materials which he has produced to make a product or a material other than a controlled material, such processing or use shall be considered a delivery for the purposes of this section.

(h) If the controlled material delivered pursuant to an authorized controlled material order varies from the exact amount specified in such order, the making and acceptance of such delivery shall not be deemed a violation of this regulation by the controlled materials producer or his customer, provided such variation does not exceed the commercially recognized shipping tolerance, or allowance for excess or shortage.

(i) An authorized controlled material order shall not constitute an allotment of controlled material to the controlled materials producer with whom it is placed. If a controlled materials producer requires delivery of controlled materials from other controlled materials producers, to be processed by him and sold to his customers in another form or shape constituting a controlled material, such delivery may be made or accepted only pursuant to a specific instruction of NPA, or pursuant to allotment as provided in section 21 of this regulation.

SEC. 21. *Production requirements of controlled materials producers.* This section provides the procedures under which controlled materials producers may obtain production materials required in the production of controlled materials. For the purposes of this section, "production material" means, with respect to any controlled materials producer, any material (including controlled material) or product which will be physically incorporated into his product, and includes the portion of such material normally consumed or converted into scrap in the course of processing. It includes containers and packaging materials required to make delivery of the materials he produces, and also chemicals used directly in the production of the materials he produces. It does not include any items purchased by him as manufacturing equipment, or for maintenance, repair, or operating supplies as defined in CMP Regulation No. 5.

(a) Except in those cases handled by directives pursuant to section 20 (a) of this regulation, if a controlled materials producer requires delivery, after June 30, 1951, of controlled materials or of Class A products to be incorporated in a controlled material produced by him, he may apply for an allotment on Form CMP–4B or such other form as may be prescribed for the purpose. Such applications shall be sent to the Controlled Materials Division charged with supervision over the operations of the controlled materials producer, even if a different controlled material is involved.

(b) Allotments will be made to controlled materials producers applying under paragraph (a) of this section in the manner provided in section 10 of this regulation, except that in lieu of authorized production schedules, the controlled materials producer will receive from his Controlled Materials Division production instructions or authorizations. Controlled materials producers who have received allotments pursuant to this paragraph may place authorized controlled material orders in accordance with the provisions of section 19 of this regulation.

(c) The self-authorization procedure by which a controlled materials producer obtains production materials (other than controlled materials) is described in Direction 2 to this regulation.

GENERAL PROVISIONS

SEC. 22. *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. In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of an authorized production schedule, he shall immediately report the matter to the appropriate Industry Division, and to the Claimant Agency whose schedule is affected. NPA will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by NPA, such person shall comply with the provisions of such regulation or order.

SEC. 23. *Records and reports.* (a) Each consumer making or receiving any allotment of controlled materials shall maintain at his regular place of business accurate records of all allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among his direct secondary consumers. Such records shall be kept separately by allotment numbers, pursuant to section 11 of this regulation, and shall include separate entries under each number for each customer, Claimant Agency, or Industry Division from whom allotments are received under such number, except as otherwise specifically provided in this regulation.

(b) Each consumer and each controlled materials producer shall retain for at least 2 years at his regular place of business all documents on which he relies as entitling him to make or receive an allotment or to deliver or accept delivery of controlled materials or Class A products, segregated and available for inspection by representatives of NPA, or Claimant Agencies authorized by NPA, or filed in such manner that they can be readily segregated and made available for such inspection.

(c) The provisions of this regulation do not require any particular accounting method, provided the records maintained supply the information specified by this regulation and furnish an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(d) Persons subject to this regulation shall maintain 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. 24. *Applications for adjustment or exception.* (a) Any person subject to any provision of this regulation, or any other regulation, order, direction, or other action under the Controlled Materials Plan, 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.

(b) A producer of Class A products making a large variety of items which are sold to many customers and whose allotments originate from several customers or Claimant Agencies, may file a request to be treated as a producer of Class B products. Such request shall be in writing submitted in triplicate, shall set forth all pertinent facts, and shall state the justification therefor.

SEC. 25. *Communications.* All communications concerning this regulation, except as otherwise specified in this regulation, shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 1.

SEC. 26. *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 November 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

SCHEDULE I TO CMP REGULATION NO. 1—CONTROLLED MATERIALS

(See sections 2 (c) and 2 (j))

["Controlled material" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated in this schedule, whether new, remelted, rerolled, or redrawn, including used and second-quality materials, shearings, and material sorted or salvaged from scrap which are sold for other than remelting, rerolling, or redrawing purposes.]

CARBON STEEL (INCLUDING WROUGHT IRON)[1]

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled, stock for projectile and shell bodies.[2]
Bar, hot-rolled, other (including light shapes).
Bar, reinforcing (straight lengths—as rolled).
Bar, cold-finished.

(b) Sheet, strip (uncoated and coated).
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Sheet, all other coated.
Sheet, enameling.
Roofing, galvanized, corrugated, V-crimped channel drains.
Ridge roll, valley, and flashing.
Siding, corrugated and brick.
Strip, hot-rolled.
Strip, cold-rolled.
Strip, galvanized.
Electrical sheet and strip.
Tin mill black plate.
Tin plate, hot-dipped.
Ternes, special coated manufacturing.
Tin plate, electrolytic.

(c) Plate.[3]

(d) Structural shapes,[4] piling.

(e) Pipe, tubing.[5]
Includes:
Standard pipe (including type of couplings furnished by mill).[6]
Oil country goods (casings, tubular goods, type of couplings furnished by mill).
Line pipe (including type of couplings furnished by mill).
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.

(f) Wire, wire products.
Includes:
Wire—drawn.
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted.
Spikes and brads—steel wire, galvanized, and cement-coated.
Staples, bright and galvanized (farm and poultry).
Wire rope and strand.
Welded wire mesh and woven wire netting.
Barbed and twisted wire.
Wire fence, woven and welded (farm and poultry).
Bale ties.
Coiled automatic baler wire.

(g) Tool steel (including die blocks and tool steel forgings).

(h) Other mill forms and products (not including forgings except for wheels).
Includes:
Ingots.
Billets, shell quality for body stock only.[7]
Billets, shell quality for component parts and rockets.
Blooms, slabs, other billets, tube rounds, sheet bars.
Skelp.
Wire rod.
Rails.
Joint bars (track).
Tie plates (track).
Track spikes.
Wheels, rolled or forged (railroad).
Axles (railroad).

(i) Castings (not including cast iron).

ALLOY STEEL[8] (EXCEPT STAINLESS STEEL)

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled projectile and shell quality.
Bar, hot-rolled, other (including light shapes).
Bar, cold-finished.

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[1] For the purpose of this schedule "carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) All grades of electrical sheets and strip; (2) low-alloy, high-strength steels; and (3) clad and coated carbon steels not included with alloy steels; e. g., galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels. "Low-alloy, high-strength steels" means only the proprietary grades promoted and sold for this purpose.

[2] Includes projectile body stock, sizes under 2⅞ inches and component parts, all sizes.

[3] Carbon plates not only include the following minimum size specifications, but also floor plates of any thickness:

0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 6 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 6 inches wide.

[4] "Structural shapes" means rolled flanged sections having at least one dimension of their cross section 3 inches or greater, commonly referred to as angles, channels, beams, and wide flange sections.

[5] For operations relating to allotments and deliveries of controlled materials beginning with the first calendar quarter of 1953, steel pipe or tubing exceeding 36 inches O. D. is not a controlled material, but is a Class A product.

[6] Standard pipe includes the following:

Ammonia pipe.
Bedstead tubing.
Driven well pipe.
Drive pipe.
Dry kiln pipe.
Dry pipe for locomotives.
English gas and steam pipe.
Furniture pipe.
Ice machine pipe.
Mechanical service pipe.
Nipple pipe.
Pipe for piling.
Pipe for plating and enameling.
Pump pipe.
Signal pipe.
Standard pipe coupling.
Structural pipe.
Turbine pump pipe.
Water main pipe.
Water well casing.
Water well reamed and drifted pipe.

[7] Includes only projectile body stock, sizes 2⅞ inches and larger, rounds, and round-cornered squares.

[8] For purposes of this schedule "alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheets and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. Clad steels which have an alloy steel base or carbon steel for which nickel and/or chromium is contained in the coating or cladding material (e. g., inconel, monel, or stainless) are alloy steels.

(b) Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Strip, hot-rolled.
Strip, cold-rolled.
(c) Plate.[9]
Includes:
Rolled armor.
Other.
(d) Structural shapes.[4]
(e) Pipe, tubing.[5]
Includes:
Oil-country goods.
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.
(f) Wire.
(g) Tool steel (including die blocks and tool steel forgings).
(h) Other mill forms and products (not including forgings except for wheels).
Includes:
Ingots.
Billets, projectile and shell quality.
Blooms, slabs, other billets, tube rounds, sheet bars.
Wire rods.
Rails.
Wheels, rolled or forged (railroad).
Axles (railroad).
(i) Castings.

STAINLESS STEEL[10]
(a) Seamless tubing.[5]
(b) Other mill forms and products (not including forgings).
Includes:
Bar, bar shapes (including light shapes).
Includes:
Bar, hot-rolled (including light shapes).
Bar, cold-finished.
Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Strip, hot-rolled.
Strip, cold-rolled.
Plate.[11]
Structural shapes.[4]
Tubing (except seamless).[5]
Wire, wire products.
Includes:
Wire, drawn.
Wire rope and strand.
Welded wire mesh and woven wire netting.
Ingots, blooms, billets, tube rounds, sheet bars, wire rods.
(c) Castings.[12]

[9] Alloy steel plates include the following size specifications:
0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 12 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 12 inches wide.

[10] "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements. However, stainless steel containing less than 1 percent nickel is not a controlled material, nor is it a Class A or a Class B product.

[11] Stainless steel plates include the following size specifications: 3/16 inch (0.1875) or thicker, over 10 inches wide.

[12] "Stainless steel castings" means any steel casting which is heat- corrosion- or abrasion-resistant, containing 50 percent or more of iron and 8 percent or more of chromium with or without nickel, molybdenum, or other alloying elements.

COPPER AND COPPER-BASE ALLOY BRASS MILL PRODUCTS[13]
Copper (unalloyed):
(a) Bar, rod, shapes, wire (except electrical wire).
(b) Sheet, strip, plate, rolls.
(c) Pipe, tubing (seamless).
Copper-base alloy:[14]
(d) Bar, rod, wire, shapes.
(e) Sheet, strip, plate, rolls, military ammunition cups and discs.
(f) Pipe, tubing (seamless).

COPPER WIRE MILL PRODUCTS
All copper wire and cable for electrical conduction including but not limited to:
Bare and tinned.
Weatherproof.
Magnet wire.
Insulated building wire.
Paper and lead power cable.
Paper and lead telephone cable.
Asbestos cable.
Portable and flexible cord and cable.
Communication wire and cable.
Shipboard cable.
All copper wire and cable for electrical conduction including but not limited to—Continued
Automotive and aircraft wire and cable.
Insulated power cable.
Signal and control cable.
Coaxial cable.
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.

COPPER AND COPPER-BASE ALLOY FOUNDRY PRODUCTS AND POWDER
Includes:
Copper, brass, and bronze castings.[15]
Copper, brass, and bronze powder.

ALUMINUM[16]
Rolled bar, rod, wire (including drawn wire), structural shapes.
Aluminum cable steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, tubing (including drawn or welded tubing).
Sheet, strip, plate.
Pig or ingot, granular or shot.

SCHEDULE II TO CMP REGULATION NO. 1—SHORT FORM OF ALLOTMENT

(See section 12 (f))

Controlled material	Allotment (specify short tons or pounds)			
	----Quarter 195--	----Quarter 195--	----Quarter 195--	----Quarter 195--
Carbon steel (including wrought iron)				
Alloy steel (except stainless steel)				
Stainless steel				
Copper and copper-base alloy brass mill products				
Copper wire mill products				
Copper and copper-base alloy foundry products and powder				
Aluminum				

Allotment No.----------

Signature and title

Date----------

Above allotments are made for use in filling this delivery order in compliance with CMP Regulation No. 1.

INSTRUCTIONS FOR USE OF SHORT FORM OF ALLOTMENT—FORM CMP-5

The above short form of allotment may be used by any consumer who has received an allotment for the purpose of making an allotment to a secondary consumer producing Class A products for him. The short form of allotment must be either placed on or physically attached to the delivery order calling for delivery of the Class A products. If it is attached, the delivery order number or other identification must be indicated on the form.

The form must be signed by an authorized official of the consumer making the allotment, but need not be separately signed if it is placed on the delivery order in such a position that the signature of the delivery order by such an authorized official clearly applies to the allotment as well as to the order itself.

The size of the form may be varied, but all information called for by the form must be supplied and the general arrangement and wording of the form must be followed.

[13] Includes anodes—rolled, forged, or sheared from cathodes.

[14] "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS 67-38.

[15] Cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing. For centrifugal castings the process includes the removal of the rough cut in the inner and/or outer diameter before delivery to a customer). Castings include anodes cast in a foundry or by an ingot maker.

[16] Aluminum foil and aluminum powder (atomized or flake, including paste) are not controlled materials or Class A or Class B products.

SCHEDULE III TO CMP REGULATION NO. 1—TIME FOR PLACING AUTHORIZED CONTROLLED MATERIAL ORDERS

(See section 19 (d))

Name of product [1]	Number of days in advance of first day of month in which shipment is required				
	Steel				Aluminum and copper
	Carbon	Low-alloy high-strength	Stainless	Alloy [2]	
Steel:					
Bar, bar shapes (including light shapes):					
Bar, hot-rolled projectile and shell quality	45	75	----------	[3] 75	----------
Bar, hot-rolled, other (including light shapes)	[3] 45	[3] 75	90	[3] 75	----------
Bar, reinforcing (straight lengths—as rolled)	45	----------	----------	----------	----------
Bar, cold-finished	[3] 75	[3] 105	105	[3] 105	----------
Sheet, strip (uncoated and coated):					
Sheet, hot-rolled	45	75	90	75	----------
Sheet, cold-rolled	45	75	105	90	----------
Sheet, galvanized	45	----------	----------	----------	----------
Sheet, all other coated	45	----------	----------	----------	----------
Sheet, enameling	45	----------	----------	----------	----------
Roofing, galvanized, corrugated, V-crimped channel drains	45	----------	----------	----------	----------
Ridge roll, valley, and flashing	45	----------	----------	----------	----------
Siding, corrugated and brick	45	----------	----------	----------	----------
Strip, hot-rolled	45	75	90	75	----------
Strip, cold-rolled	45	75	105	90	----------
Strip, galvanized	45	----------	----------	----------	----------
Electrical sheet and strip	[4]	----------	----------	----------	----------
Tin mill black plate	45	----------	----------	----------	----------
Tin plate, hot-dipped	45	----------	----------	----------	----------
Ternes, special coated manufacturing	45	----------	----------	----------	----------
Tin plate, electrolytic	45	----------	----------	----------	----------
Plate	[5] 45	[5] 75	90	[5] 75	----------
Structural shapes, piling	45	[6] 75	[6] 150	90	----------
Pipe, tubing:					
Standard pipe (including couplings furnished by mill)	45	----------	120	----------	----------
Oil country goods (casings, tubular goods, couplings furnished by mill)	45	----------	----------	60	----------
Line pipe (including couplings furnished by mill)	45	----------	----------	----------	----------
Pressure tubing—seamless and welded	[7] 60	----------	120	120	----------
Mechanical tubing—seamless and welded	[7] 60	----------	120	120	----------
Wire, wire products:					
Wire, drawn	45	75	90	75	----------
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted	45	----------	----------	----------	----------
Spikes and brads—steel wire, galvanized, and cement-coated	45	----------	----------	----------	----------
Staples, bright and galvanized (farm and poultry)	45	----------	----------	----------	----------
Wire rope and strand	45	----------	105	----------	----------
Welded wire mesh and woven wire netting	45	----------	105	----------	----------
Barbed and twisted wire	45	----------	----------	----------	----------
Wire fence, woven and welded (farm and poultry)	45	----------	----------	----------	----------
Bale ties	45	----------	----------	----------	----------
Coiled automatic baler wire	45	----------	----------	----------	----------
Tool steel (including die blocks and tool steel forgings)	[8] 60	----------	----------	[8] 90	----------
Other mill forms and products (not including forgings except for wheels):					
Ingots	45	75	75	75	----------
Billets, projectile and shell quality	45	75	----------	75	----------
Blooms, slabs, other billets, tube rounds, sheet bars	45	75	75	75	----------
Skelp	45	----------	----------	----------	----------
Wire rod	45	75	90	75	----------
Rails	45	----------	----------	90	----------
Joint bars (track)	45	----------	----------	----------	----------
Tie plates (track)	45	----------	----------	----------	----------
Track spikes	45	----------	----------	----------	----------
Wheels, rolled or forged (railroad)	45	----------	----------	90	----------
Axles (railroad)	45	----------	----------	90	----------
Castings (not including cast iron)	[9] 60	[9] 90	[9] 90	[9] 90	----------
Copper and copper-base alloy brass mill products:					
Copper (unalloyed):					
Bar, rod, shapes, wire (except electrical wire)	----------	----------	----------	----------	45
Sheet, strip, plate, rolls	----------	----------	----------	----------	45
Pipe, tubing (seamless)	----------	----------	----------	----------	45
Copper-base alloy:					
Bar, rod, wire, shapes	----------	----------	----------	----------	[10] 45
Sheet, strip, plate, rolls, military ammunition cups and discs	----------	----------	----------	----------	[10] 45
Pipe, tubing (seamless)	----------	----------	----------	----------	[10] 45
Copper wire mill products:					
Copper wire and cable:					
Bare and tinned	----------	----------	----------	----------	35
Weatherproof	----------	----------	----------	----------	35
Magnet wire	----------	----------	----------	----------	35
Insulated building wire	----------	----------	----------	----------	35
Paper and lead power cable	----------	----------	----------	----------	60
Paper and lead telephone cable	----------	----------	----------	----------	60
Asbestos cable	----------	----------	----------	----------	60
Portable and flexible cord and cable	----------	----------	----------	----------	45
Communications wire and cable	----------	----------	----------	----------	45
Shipboard cable	----------	----------	----------	----------	60
Automotive and aircraft wire and cable	----------	----------	----------	----------	45
Insulated power cable	----------	----------	----------	----------	60
Signal and control cable	----------	----------	----------	----------	60
Coaxial cable	----------	----------	----------	----------	45
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	----------	----------	----------	----------	35
Copper and copper-base alloy foundry products and powder:					
Copper, brass, and bronze castings	----------	----------	----------	----------	[9] [11] 14
Copper, brass, and bronze powder	----------	----------	----------	----------	30

See footnotes at end of table.

SCHEDULE III TO CMP REGULATION NO. 1—TIME FOR PLACING AUTHORIZED CONTROLLED MATERIAL ORDERS—Continued

Name of product [1]	Number of days in advance of first day of month in which shipment is required				
	Steel				Aluminum and copper
	Carbon	Low-alloy high-strength	Stainless	Alloy [2]	
Aluminum:					
Rolled bar, rod, wire (including drawn wire)					60
Aluminum cable steel reinforced (ACSR) and bare aluminum cable					60
Insulated or covered wire or cable					60
Extruded bar, rod, shapes, tubing (including drawn or welded tubing)					60
Sheet, strip, plate					60
Pig or ingot, granular or shot					60

[1] See definitions contained in footnotes to Schedule I of this regulation.
[2] For orders calling for delivery on or after April 1, 1953, for clad products, add 45 days to lead time indicated.
[3] If annealed or heat-treated, add an additional 15 days.
[4] For electrical sheets and strip, use this table.

Grade	Lead time	Definition
Low	45	AISI M50, M43, M36.
Medium	45	AISI M27, M22, M19.
High	60	AISI M17, M15, M14, and oriented.

[5] Rolled armor plate is subject to negotiation between mill and its customer. If no acceptable arrangements are worked out, NPA should be notified.
[6] Applies to special rolled shapes including angles and channels.
[7] For welded tubing, 75 days.
[8] If cold-finished, add an additional 15 days.
[9] Lead time applies to unmachined castings after approval of patterns for production.
[10] For refractory alloys, 60 days.
[11] Small simple castings to fit 12x16 inch flask, 7 days.

SCHEDULE IV TO CMP REGULATION NO. 1—MINIMUM MILL QUANTITIES

(See sections 17 (a), 19 (g), and 20 (d))

Name of product [1]	Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination		
	Steel [2]		Aluminum and copper (pounds)
	Carbon	Alloy	
Steel:			
Bar, bar shapes (including light shapes):			
Bar, hot-rolled projectile and shell quality	[3]	[3]	
Bar, hot-rolled, other (including light shapes):			
Round bars up to and including 3 inches, and squares, hexagons, half rounds, ovals, etc., of approximately equivalent section area—net tons	5	5	
Round and square bars over 3 inches to, but not including, 8 inches—net tons	15	15	
Bar-size shapes (angles, tees, channels, and zees under 3 inches)—net tons	5	5	
Bar, reinforcing (straight lengths, as rolled)—net tons	5		
Bar, cold-finished—net tons	5	5	
Sheet, strip (uncoated and coated):			
Sheet, hot-rolled—net tons	5	[3]	
Sheet, cold-rolled—net tons	5	[3]	
Sheet, galvanized	[3]		
Sheet, all other coated	[3]		
Sheet, enameling	[3]		
Roofing, galvanized, corrugated, V-crimped channel drains	[3]		
Ridge roll, valley, and flashing	[3]		
Siding, corrugated and brick	[3]		
Strip, hot-rolled—net tons	3	[3]	
Strip, cold-rolled—net tons	3	[3]	
Strip, galvanized	[3]		
Electrical sheet and strip	[3]		
Tin mill black plate—pounds	5,000		
Tin plate, hot-dipped—pounds	5,000		
Ternes, special coated manufacturing—pounds	5,000		
Tin plate, electrolytic—pounds	5,000		
Plate:			
Rolled armor	[3]	[3]	
Continuous strip mill production—net tons	10	[3]	
Sheared, universal, or bar mill production—net tons	3	[3]	
Structural shapes, piling	[3]	[3]	
Pipe, tubing:			
Standard pipe (including couplings furnished by mill)	[4]	[4]	
Oil country goods (casings, tubular goods, couplings furnished by mill)	[4]	[4]	
Line pipe (including couplings furnished by mill)	[4]	[4]	
Pressure and mechanical tubing (seamless and welded):			
Seamless cold-drawn (O. D. in inches):			
Up to ¾ inclusive—feet	1,000	1,000	
Over ¾ to 1½ inclusive—feet	800	800	
Over 1½ to 3 inclusive—feet	600	600	
Over 3 to 6 inclusive—feet	400	400	
Over 6—feet	250	250	
Seamless hot-rolled	[3]	[3]	
Welded	[3]	[3]	

See footnotes at end of table.

SCHEDULE IV TO CMP REGULATION NO. 1—MINIMUM MILL QUANTITIES—Continued

Name of product[1]	Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination		
	Steel[2]		Aluminum and copper (pounds)
	Carbon	Alloy	
Steel—Con.			
Wire, wire products:			
Wire, drawn		(3)	
Low carbon net ton	1		
High carbon (0.40 carbon and higher):			
Under 0.021 inch pounds	500		
From 0.021 inch to 0.0475 inch pounds	1,000		
0.0475 inch and heavier net ton	1		
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted net ton	[4] 5		
Spikes and brads—steel wire, galvanized, and cement-coated net tons	[4] 5		
Staples, bright and galvanized (farm and poultry) net tons	[4] 5		
Wire rope and strand	(3)		
Welded wire mesh	(3)		
Woven wire netting net tons	[4] 5		
Barbed and twisted wire net tons	[4] 5		
Wire fence, woven and welded (farm and poultry) net tons	[4] 5		
Bale ties net tons	[4] 5		
Coiled automatic baler wire net tons	[4] 5		
Tool steel (including die blocks and tool steel forgings) pounds	500	500	
Other mill forms and products:			
Ingots net tons	[5] 25	(7)	
Billets, projectile and shell quality	(3)	(3)	
Blooms, slabs, other billets, tube rounds, sheet bars net tons	[6] 25	(3)	
Skelp net tons	[6] 25		
Wire rod net tons	5	5	
Rails and track accessories	(8)	(3)	
Wheels, rolled or forged (railroad)	(3)	(3)	
Axles (railroad)	(3)	(3)	
Castings (not including cast iron)	(3)	(3)	
Copper and copper-base alloy brass mill products:			
Copper (unalloyed):			
Bar, rod, shapes, wire (except electrical wire)			500
Sheet, strip, plate, rolls			500
Pipe, tubing (seamless)			500
Copper-base alloy:			
Bar, rod, wire, shapes			200
Sheet, strip, plate, rolls, military ammunition cups and discs			200
Pipe, tubing (seamless)			200
Copper wire mill products			(8)
Aluminum:			
Rolled bar, rod, wire (including drawn wire), structural shapes			(9)
Aluminum cable steel reinforced (ACSR) and bare aluminum cable			(9)
Insulated or covered wire or cable			(9)
Extruded bar, rod, shapes, tubing (including drawn or welded tubing)			(9)
Sheet, strip, plate			(9)
Pig or ingot, granular or shot			(9)

[1] See definitions contained in footnotes to Schedule I of this regulation.
[2] All stainless steel products are by negotiation. If no acceptable arrangements are worked out, NPA should be notified.
[3] By negotiation between mill and its customer. If no acceptable arrangements are worked out, NPA should be notified.
[4] Published carload minimum (mixed sizes and grades).
[5] Quantity refers to any assortment of wire merchant trade products.
[6] For forging quality, product of one heat.
[7] Product of one heat.
[8] Standard package quantities as published by each mill.
[9] Standard minimum quantities as published by each mill, after approval by NPA.

[F. R. Doc. 52-12423; Filed, Nov. 18, 1952; 10:25 a. m.]

[CMP Regulation No. 1, Direction 9—Revocation]

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

DIR. 9—NON-NICKEL-BEARING STAINLESS STEEL

REVOCATION

Direction 9 as amended March 21, 1952 (17 F. R. 2499), to CMP Regulation No. 1 is hereby revoked. The pertinent provisions of Direction 9 are incorporated concurrently in footnote 10 of Schedule I to CMP Regulation No. 1. This revocation does not relieve any person of any obligation or liability incurred under Direction 9 to CMP Regulation No. 1, 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 November 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12424; Filed, Nov. 18, 1952; 10:25 a. m.]

[NPA Order M-31—Revocation]

M-31—CHLORINE

REVOCATION

NPA Order M-31 of January 23, 1951 (16 F. R. 726), as amended by Amendment 1 of January 7, 1952 (17 F. R. 203), is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-31, nor deprive any person of any rights received or accrued under that order 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 shall take effect November 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12425; Filed, Nov. 18, 1952; 10:25 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 24—SANITATION, HEALTH, AND QUARANTINE

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Governor by Rule 119qq of Executive Order No. 4314 of September 25, 1925, as amended by Canal Zone Order No. 15 of July 15, 1948 (35 CFR 24.102), §§ 24.102a, 24.102b, and 24.102c of Title 35, Code of Federal Regulations, are amended as follows:

1. Section 24.102a is amended by deleting Mexico from, and by adding Canada, Island of Jersey, and Norway to, the list of designated countries in which it is determined that foot-and-mouth disease or rinderpest exists.

2. Section 24.102b is amended by substituting "3 days" for "7 days", and by deleting the words "by the application of dry salt or by soaking in a solution of salt", both changes being in paragraph (b) of said section.

3. Section 24.102c is amended by deleting the works "milk, cheese, or other dairy products that have not been pasteurized", and the words "other products used for feeding".

(Sec. 1, 39 Stat. 527, as amended; 2 C. Z. Code 371, 372, 48 U. S. C. 1310)

Issued at Balboa Heights, Canal Zone, October 14, 1952.

H. O. PAXSON,
Acting Governor of the Canal Zone.

Confirmed: November 12, 1952.

W. M. WHITMAN,
Secretary, Panama Canal Company.

[F. R. Doc. 52-12317; Filed, Nov. 18, 1952; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

PERU

In § 127.328 *Peru* make the following changes in paragraph (b) (1):

1. Delete the tabulated information under the table of surface parcel rates in subdivision (i).

2. Add a new subdivision (ii) to read as follows:

(ii) Air parcel rates $1.23 for the first 4 ounces and $0.37 for each additional 4 ounces or fraction.

Weight limit: 22,[1] 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 25 cents.
Insurance: No.
C. O. D.: No.
Consular Invoice: Yes. (See observations.)
Each air parcel must have affixed the blue Par Avion Label (Form 2978). (See § 127.55 (b).

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-12313; Filed, Nov. 18, 1952; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers

[General Order 76]

PART 236—STEAMSHIP CONFERENCES USING CONTRACT/NON-CONTRACT RATES

Sec.
236.1 Filing for current contract/non-contract rates.
236.2 Filing for increases in differentials.
236.3 Filing for initiation of contract/non-contract rates.
236.4 Waiver of filing.
236.5 Form of filing.
236.6 Notice.

AUTHORITY: §§ 236.1 to 236.6 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interpret or apply sec. 15, 39 Stat. 733 as amended; 46 U. S. C. 814.

Whereas, the Federal Maritime Board published in the FEDERAL REGISTER on July 31, 1952 (17 F. R. 7020) a notice of proposed rule of procedure pertaining to the use of contract/non-contract rates by steamship conferences to become effective as of a date to be specified in such rule if adopted by the Board; and

Whereas, the Board granted interested parties an opportunity to submit written statements and comments on said rule within 30 days of the publication of said notice, and thereafter at the request of interested parties extended the time therefor until September 19, 1952; and

Whereas, the Board granted interested parties, at their request, an opportunity to be heard at an oral argument before the Board on October 16, 1952; and

Whereas, after consideration of the written statements and comments submitted and oral argument as aforesaid, and in the light thereof, the Board has adopted the rule of procedure hereinafter set forth; and

[1] Parcels over 22 pounds accepted for Arequipa, Chiclayo, Lima, Talara, Paita, and Trujillo, only.

Whereas, in view of the time and opportunity to be heard afforded all interested parties, and the necessity for prompt and uniform treatment of steamship conferences using contract/non-contract rates, the Board finds that it is in the public interest to make said rule effective upon the publication thereof.

Now, therefore, it is hereby ordered, That pursuant to section 15 of the Shipping Act, 1916 (46 U. S. C. 814), section 204 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1114), and sections 3 and 4 of the Administrative Procedure Act (5 U. S. C. 1002, 1003), the following rule of procedure shall be effective as of the date of publication in the FEDERAL REGISTER:[1]

§ 236.1 *Filing for current contract/non-contract rates.* Steamship freight conferences having in effect contract/non-contract rates on the effective date of this part shall file with the Federal Maritime Board within 90 days after the effective date of this part a statement containing:

(a) The date when contract/non-contract rates were first established by the conference;

(b) The amount of the spread or differential between current contract/non-contract rates stated in terms of percentages or dollars and cents;

(c) The reasons for the use of the current contract/non-contract rates in the particular trade involved, and the basis for the current spread or differential between such rates; and

(d) Copies of the form of all contracts pertaining to such current rates.

§ 236.2. *Filing for increases in differentials.* Steamship freight conferences now or hereafter having in effect contract/non-contract rates shall file with the Federal Maritime Board at least 30 days prior to initiating any increase in the spread or differential between such rates, a statement containing:

(a) The amount of increase in the spread or differential and the total proposed spread or differential in terms of percentages or dollars and cents;

(b) The effective date;

(c) The reasons for the increase in the spread or differential; and

(d) Copies of the form of any changed contract provisions relating to such increase in spread or differential.

As used in this section, an "increase in the spread or differential" shall be deemed only to mean an increase in the percentage of a spread or differential between rates if such spread or differential has been established in terms of percentages, or an increase in the dollars and cents amount of the spread or differential if such spread or differential has been established in terms of dollars and cents.

[1] This part was published in the FEDERAL REGISTER issue of November 11, 1952 (17 F. R. 10175) and became effective as of that date. This republication is solely for purposes of codification.

§ 236.3 *Filing for initiation of contract/non-contract rates.* Steamship freight conferences proposing to establish contract/non-contract rates to become effective after the effective date of this part shall file with the Federal Maritime Board at least 30 days prior to the initiation of such rates, a statement containing:

(a) The amount of the spread or differential in terms of percentages or dollars and cents;

(b) The effective date;

(c) The reasons for the use of contract/non-contract rates in the particular trade involved, and the basis for the spread or differential between such rates; and

(d) Copies of the form of all contracts pertaining thereto.

Contract/non-contract rates for a commodity as to which such rates have previously been in effect and discontinued shall not be deemed to be newly established contract/non-contract rates within the meaning of this section if such contract/non-contract rates are again made effective by the conference without increase in spread or differential and within 12 months after discontinuance.

§ 236.4 *Waiver of filing.* Upon a showing of good and sufficient cause, the time within which to file the foregoing statements may be shortened or extended, or such other action taken with respect thereto, as the Board may consider to be in the public interest and not detrimental to the commerce of the United States.

§ 236.5 *Form of filing.* The information referred to in §§ 236.1 to 236.4, inclusive, shall be submitted to the Federal Maritime Board in the form of a verified original statement duly executed by an authorized official of the conference, together with 15 conformed copies thereof. Conferences complying with this part may from time to time amend or amplify statements submitted pursuant thereto in a manner not inconsistent with prior compliance therewith.

§ 236.6 *Notice.* All information filed pursuant to this part shall be available for inspection by interested parties at the Regulation Office of the Board. A notice of the filing of the statement required under §§ 236.2 and 236.3 will be published in the FEDERAL REGISTER as soon as practicable. Except as may be otherwise provided in cases arising under § 236.4, interested parties shall have twenty (20) days after the date of such publication within which to submit written comments relating to the information filed with the Board pursuant to this part. Said comments may include a statement of position with respect to approval, disapproval or modification, together with a request for hearing, should such hearing be desired.

Dated: November 10, 1952.

By the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-12361; Filed, Nov. 18, 1952; 8:57 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10209]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

ASSIGNMENT OF SHIP TELEGRAPH AND TELEPHONE FREQUENCIES

In the matter of amendment of Part 8 of the Commission's rules regarding the assignment of calling frequencies to ship stations using telegraphy in the bands between 4000 and 23000 kc.; amendment of Part 8 of the Commission's rules to provide a plan of assignment of all assignable ship telegraph frequencies between 2000, and 23000 kc and ship telephone frequencies between 4000 and 23000 kc.; Docket No. 10209.

These proceedings were instituted on May 28, 1952, by notice of proposed rule making (Docket 10209), seeking to implement one phase of the Atlantic City Radio Regulations (1947) and the Extraordinary Administrative Radio Conference (Geneva, 1951) by proposing an assignment scheme for ship telegraph high frequency calling frequencies based upon call sign blocks. By further notice of proposed rule making adopted August 13, 1952, an alternative scheme of assignment was proposed, based upon a "company - by - company" assignment plan, and at the same time the proceeding was enlarged in scope to include all assignable ship telegraph frequencies (working, as well as calling) between 2000 and 23000 kc, and also assignable ship telephone frequencies between 4000 and 23000 kc.

The prompt adoption of one plan or the other, or some modification thereof, is essential to the full implementation of Article 33 of the Atlantic City Radio Regulations, which among other things requires that ship radio-telegraph frequencies be assigned "in accordance with an orderly system of rotation", thus assuring a uniform dispersion of assignments throughout the high frequency ship bands.

Under the "company-by-company" assignment plan, as set forth in the Appendix to the Commission's further notice of proposed rule making in Docket 10209, ship telegraph calling frequencies, together with passenger and cargo ship working frequencies, were arranged in harmonically related series, and each column headed by a symbol to be used in applying for and licensing these series of frequencies. All ship telephone frequencies between 4 and 22 Mc were listed under one symbol, for the reason that all HF radiotelephone ships will be licensed for the same frequencies, and the particular frequency used at any time will be determined by the coast station with which communication is established. The essence of the "company-by-company" assignment plan is to set aside for each major licensee a number of frequency columns roughly proportional to the number of ships served by that licensee, frequency columns normally to be applied for in rotation, but only as to those columns reserved for the particular licensee.

It is the Commission's belief that the "company-by-company" assignment plan comes as close to meeting the principle of rotational assignment as any other administratively workable plan, and in addition has certain distinct advantages both to licensees and to the Commission. Ship licensees will be able to predict with certainty which columns of frequencies will be assigned to them, and as a result future orders for crystals and other equipment can be placed well in advance of the frequency changes required. Moreover, equipment could be installed, set up, and tested by the licensee on dummy antennas prior to receipt of license. The Commission, on the other hand, can simplify its licensing procedures by the use of frequency column symbols, in lieu of the actual listing of frequencies that would otherwise be necessary on each license.

In response to its notice and further notice of proposed rule making in Docket 10209, written comments were submitted by the following persons:

National Federation of American Shipping, Inc., hereinafter identified as the Federation.

R. A. Gartman, co-owner, Mobile Marine Radio (WLO).

Mackay Radio and Telegraph Company, Inc., hereinafter identified as Mackay.

In a letter dated June 26, 1952, the Federation requested that consideration be given to the inclusion of 2 Mc band calling frequencies in the overall assignment plan for the reason that those frequencies are harmonically related to ship calling frequencies in the bands between 4 and 23 Mc. Because the issues raised in Docket 10209 were subsequently broadened to include an orderly assignment plan for all ship telegraph frequencies between 2 and 23 Mc, that request is presumed to have been met.

However, in response to the Commission's further notice of proposed rule making the Federation, while expressing agreement with the "general approach" as set forth in the "company-by-company" assignment plan, asserted that the "complete division" of passenger ship frequencies among various licensees "may not meet the needs of certain vessels . . . We (therefore) request that the Commission hold open this portion of its rule making for an additional thirty (30) days." This request was followed up by a statement expressing the opinion that the Commission's plan will not provide a sufficient number of passenger ship working frequencies for large vessels operated by licensees to whom only a limited number of frequencies has been made available. The Commission sees little merit in this contention, since experience shows that the largest vessels are normally licensed in the names of companies to whom the largest number of frequencies has been allocated under the plan. Moreover, it is difficult, in the Commission's judgment, to reconcile the Federation's proposal with the principle of rotational assignment mandated in Article 33 of the Atlantic City Radio Regulations. This matter will be reexamined by the Commission from time to time as circumstances warrant. In the meantime, there appears to be no compelling reason for delaying the adoption of the report and order merely to permit a more extended consideration of this particular problem.

The Federation also desires that frequency assignments be considered "permanent" to each particular vessel, regardless of changes in the identity of the licensee, unless a specific change of frequency is requested by the owner. In this connection, the "company-by-company" assignment plan, as originally proposed, sought only to provide an initial framework within which assignments could be made. The plan was not necessarily intended to require vessels subsequently relicensed in the name of a different communications company to be compelled thereby to operate on different frequencies. In order to assure the uniform dispersion of assignments throughout all assignable bands, the Commission will periodically re-examine the actual assignment pattern, with a view to taking whatever corrective action may become necessary.

The Federation also stresses the "operational necessity" of some steamship companies for high frequency ship-to-ship intercommunication on a common working frequency among vessels of the same fleet. In support of this request, it is said that the comparative absence of high frequency coast stations in South America and elsewhere sometimes necessitates ship-to-ship "relaying" of essential messages to shore points by means of frequencies in the intermediate band. In this connection, the Federation claims that the Commission's plan discriminates against shipping companies who buy radio service from the major radio licensees, and in favor of companies who obtain licenses in their own names and who will "automatically receive what amounts to a common or fleet frequency." In answer to this contention, it might be observed that so long as each licensee keeps an approximately equal distribution of its vessels on each of the frequencies set aside for it in the assignment plan, the licensee is at liberty to group vessels of one line on one or more frequency series. In other words, the Commission has no objection to a reasonable degree of administrative latitude in the selection of frequencies within the assignment plan, provided that the principle of rotation is generally observed. The language of the Appendix set forth below embodying the plan has been modified accordingly to clarify this point.

Finally, it is urged that at least two cargo working frequencies should be made common to the two major marine licensees, RMCA and Mackay, for the benefit of those few steamship companies requiring a common fleet frequency, but whose vessels are divided between the two radio companies. In this connection, it is believed that in view of the small number of shipping companies in this category, the public interest would not be served by disturbing the overall assignment pattern merely to meet the operating convenience of shippers who, it appears, could achieve the same result by the cooperative designation of adjacent working frequencies.

The Federation also directed the Commission's attention to certain typographical errors in the plan as originally pro-

posed. The attached frequency tables have been accordingly amended.

Written comments by R. A. Gartman, received by the Commission on September 30, 1952, puts forward an alternative plan under which ship calling frequency columns would be assigned geographically in a manner roughly proportional to the known volume of traffic handled in each region (viz., Atlantic, Gulf and Pacific). In support of this proposal, the respondent states that coast station operators, presently overworked in some areas, would be relieved of maintaining watch on as many frequencies as will otherwise be necessary. (Coast stations manned by only one operator must normally rely either on gang tuning or the use of numerous receivers to maintain a proper watch on ship telegraph calling frequencies.)

While the geographic concept of assigning calling frequency columns is not without merit, the adoption of such a plan would have to be worked out in detail and coordinated with foreign administrations prior to implementation by any single power. Such coordination would be necessary by reason of the fact that ships of United States registry work foreign coast stations routinely; conversely, ships of foreign registration will seek to establish communication with United States coast stations on the new HF telegraph frequencies upon the effective dates of the Atlantic City and Geneva Agreements. The necessity of timely implementation of these agreements does not permit a more extended consideration of this proposal at this time.

Mackay indicated no objection to the Commission's "company-by-company" assignment plan, provided that "once frequencies have been assigned to a particular vessel it will be optional with any new licensee whether or not new frequencies shall be applied for and (assigned)." As has already been pointed out in connection with the Federation's comments in this proceeding, the Commission has no objection to the retention of frequencies assigned under this plan by vessels eventually relicensed to a different licensee. On the contrary, it is believed that in such instances the retention of the frequencies first assigned will tend more to preserve the initial balancing of assignments under the plan than if different frequencies were assigned. As hereinbefore suggested, the Commission's proposed assignment plan was somewhat ambiguous in this respect, and Appendix set forth below has been modified accordingly.

Information reaching the Commission subsequent to issuance of its further notice of proposed rule making necessitates the designation of certain frequencies for occupancy by United States Government stations. Frequency columns identified by the following symbols are therefore deleted in their entirety from the assignment plan as originally set forth:

P–1, P–14, P–15—Passenger working.
F–49—Cargo working, A and B.
C–1—Calling.

These deletions are reflected in Table 2 set forth below.

In view of the foregoing considerations and determinations, and pursuant to the authority contained in sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended: *It is ordered,* This 3d day of November 1952, that:

(1) The foregoing report is adopted.

(2) Part 8—Stations on Shipboard in the Maritime Services, is amended by inclusion of the Appendix set forth below and all tables appended thereto, effective January 1, 1953.

(3) The proceedings in Docket 10209 are hereby terminated and concluded.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Released: November 10, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Amend Part 8, Stations on Shipboard in the Maritime Services, to add Appendix III:

APPENDIX III—TABLES OF SHIP RADIOTELEGRAPH FREQUENCIES FROM 2000 KC TO 23,000 KC AND SHIP RADIOTELEPHONE FREQUENCIES FROM 4000 KC TO 23,000 KC

Table 1–a—Passenger ship radiotelegraph working frequencies between 2 Mc and 23 Mc.

Table 1–b—Ship radiotelegraph calling frequencies between 2 Mc and 23 Mc.

Table 1–c—Cargo ship [telegraph] working frequencies between 2 Mc and 23 Mc.

Table 2—Ship radiotelegraph frequency assignment plan.

Table 3—Ship radiotelephone frequencies between 4 Mc and 23 Mc.

The following procedures and tables may be used in applying for license for the fre-

TABLE 1–a—PASSENGER SHIP RADIOTELEGRAPH WORKING FREQUENCIES

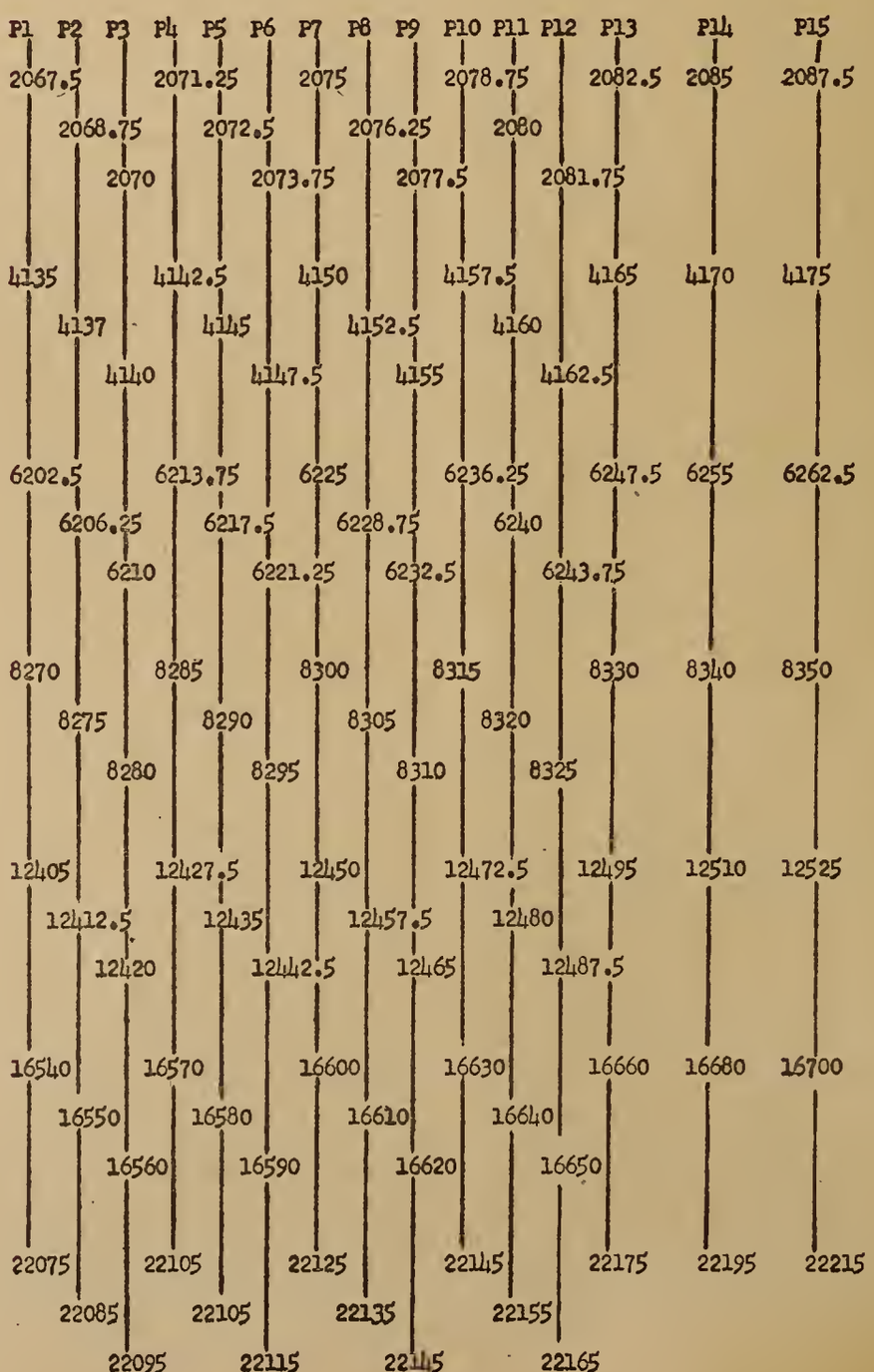
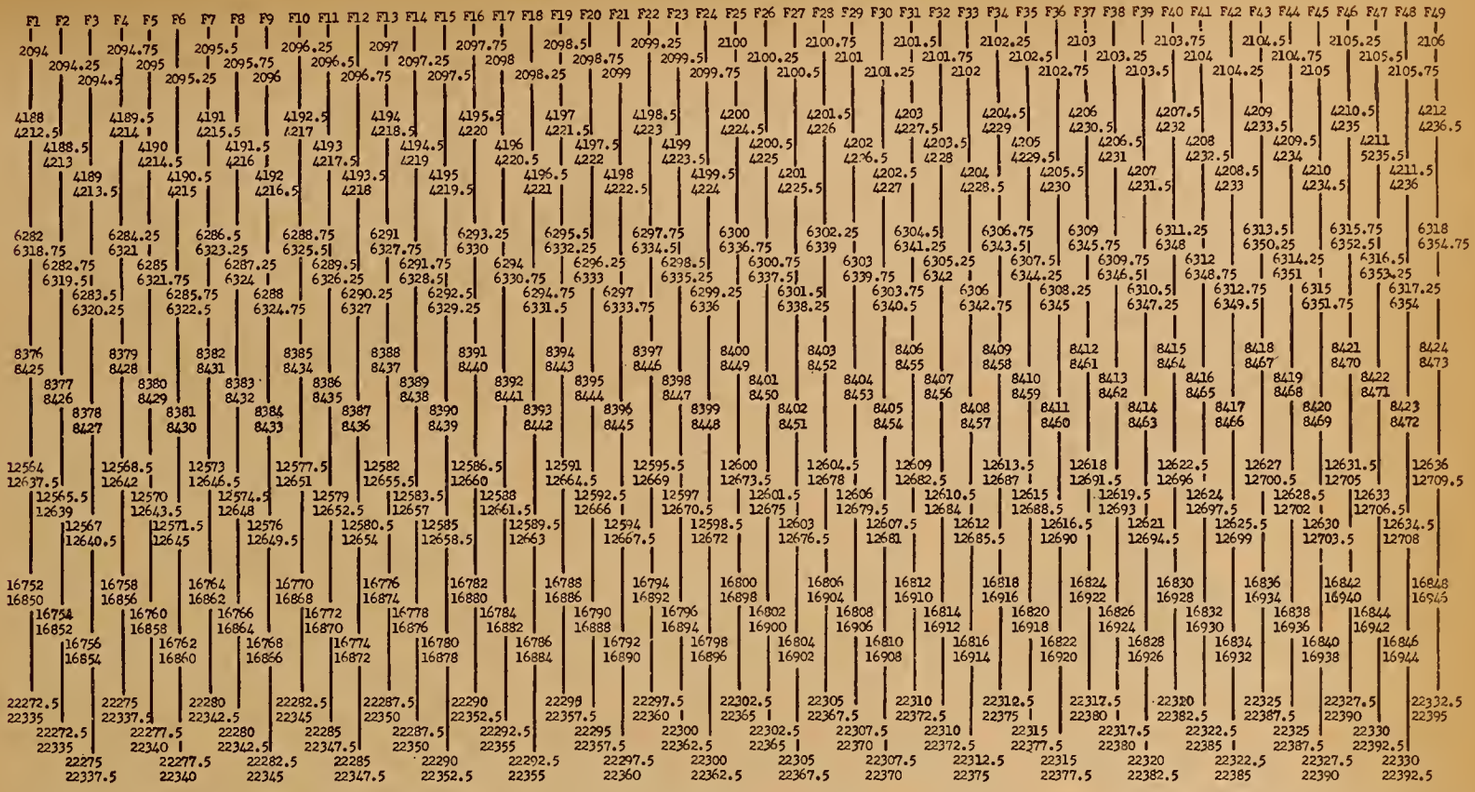


TABLE 1–C—CARGO SHIP WORKING FREQUENCIES



quencies listed in Tables 1 and 3 only insofar as the frequencies listed therein are consistent with the implementation and the effective dates of the Geneva Agreement (1951) and the other provisions of the Commission's rules which make frequencies available for assignment to Ship stations. Frequencies assigned in accordance with this Appendix to a station on a particular vessel may be retained at the option of the applicant despite subsequent relicensing of the station to a different licensee. Frequencies appearing in the attached tables may only be used in the manner and to the extent permitted elsewhere in this part.

Ship radiotelegraph frequency columns appearing in Tables 1–a, 1–b, and 1–c designated by the symbols P1, P14, P15, C1 and F49 contain frequencies in the 4, 6, 8, 12, 16 and 22 Mc bands which are not available for assignment by the Commission. These frequencies are required for assignment exclusively to U. S. Government ship stations. The remaining 2 Mc frequencies (2067.5, 2085, 2087.5, 2089, and 2106 kc), when assigned, will not be designated by frequency column symbols.

Radiotelegraph, 2000 kc to 23,000 kc. The applicant must consult Table 2, below to find out which frequency column symbols have been allocated for ships licensed to him. The frequencies designated by the symbols shown in Table 2 may be determined from Table 1, which lists all of the frequencies in each series, designated by a frequency column symbol.

Calling frequencies. Application may be made for one calling frequency column symbol from the "C" series, which represents one frequency in each of the 2, 4, 6, 8, 12, 16, and 22 Mc bands, for each ship. If more than one symbol of the "C" series is allocated for a particular licensee, the general principle to follow is to apply for the first vessel under the first symbol, the second symbol for the second vessel, etc., until the allocated symbols are exhausted. The procedure is then repeated, beginning again with the first symbol. Application for frequency column symbol C5 may additionally be made for vessels having life boats or other survival craft equipped for high frequency radio transmission for use of those frequencies by equipment aboard such lifeboats or survival craft.

Cargo ship working frequencies. Application may be made for one cargo working frequency column symbol, from the "F" series, for each cargo ship, which will include one frequency from the 2 Mc and two frequencies each from the 4, 6, 8, 12, 16 and 22 Mc bands. If more than one symbol of the "F" series is allocated for a particular licensee, the frequency symbols should be applied for in rotation for successive vessels as for calling frequencies.

Passenger ship working frequencies. Application may be made for the number of passenger ship working frequencies which, in the best judgment of the applicant, will be essential for the traffic volume of the particular vessel. The frequency column symbols shall be taken from the "P" series, with a minimum of two symbols. If more than two symbols of the "P" series are allocated for a particular licensee, the frequency symbols should be applied for in rotation for successive vessels as for calling frequencies, except that the first symbol for each vessel must be the one after the last of the series of two or more symbols of the previous vessel.

High frequency (Long distance) radiotelephone. Application for all frequencies contained in Table 3 may be made for vessels capable of radiotelephone transmissions on any of these frequencies by designating the frequency column symbol "R1" in the application.

TABLE 2—SHIP RADIOTELEGRAPH FREQUENCY ASSIGNMENT PLAN

[For columns of frequencies designated by these symbols, see Table 1, above]

	Calling frequency column symbols	Passenger ship working frequency column symbols	Cargo ship working frequency column symbols
Radiomarine Corp. of America	C3, C5,[1] C7, C9	P3, P7, P10, P11, P13.	F1, F3, F5, F7, F9, F11, F13, F15, F17, F19, F21, F23, F25, F27, F29, F31, F33, F35, F37, F39, F41, F43, F45, F47.
Mackay Radio & Telegraph Co., Inc.	C2, C4, C5,[1] C6	P2, P4, P8	F2, F6, F8, F10, F14, F18, F20, F24, F28, F32, F34, F36, F40, F42, F48.
Tropical Radio Telegraph Co.	C5,[1] C8	P6, P12	F4.
Matson Navigation Co	C5,[1] C8	P6, P12	F12.
Globe Wireless Co	C5,[1] C8		F16.
Other applicants: [2]			
A–C	C5,[1] C8	P5, P9	F22.
D–L	C5,[1] C8	P5, P9	F26.
M	C5,[1] C8	P5, P9	F30.
N–R	C5,[1] C8	P5, P9	F38.
S	C5,[1] C8	P5, P9	F44.
T–Z	C5,[1] C8	P5, P9	F46.

[1] See footnotes [1] and [2] in Table 1–b, "Ship Radiotelegraph Calling Frequencies", above.

[2] Applicants other than the above listed companies must apply for the frequency column symbols shown, in alphabetic groups according to the first letter of their name. As an example, if the applicant's name begins with A, B, or C, he may apply only for frequency column symbols C8, P5, and P9, for a passenger ship, or C8 and F22 for a cargo ship. (Frequency symbol C5 may also be requested if lifeboats or other survival craft are radio equipped.) For this purpose, the alphabetic group of first letters of the name will be selected by using the first word of a trade name omitting "The"; the last name of a personal name; or the last name of the first person appearing in a series of personal names. As examples, the following names would all apply for the third, or "M" group; C8; P5 and P9, or F30: Marine Communications, Inc.; A. B. Miller and Co.; C. D. Munsey; E. F. Murphy, Alfred Abrams, et al.

NOTE: The frequencies represented by Symbols C1, P1, P14, P15 and F49 are not available for assignment under this plan.

TABLE 3—SHIP RADIOTELEPHONE FREQUENCIES BETWEEN 4 MC AND 23 MC

[Frequency column symbol: R1]

4 mc		8 mc		12 mc		16 mc		22 mc	
Coast [1]	Ship	Coast [1]	Ship	Coast [1]	Ship	Coast [1]	Ship	Coast [1]	Ship
4372.4	4067.0	8747.6	8198.4	-------	-------	-------	-------	-------	-------
-------	-------	8761.8	8212.6	-------	-------	-------	-------	-------	-------
4393.1	4087.7	8768.9	8219.7	13157.5	12357.3	17317.5	16487.3	22677.5	22027.3
4406.9	4101.5	-------	-------	13172.9	12372.7	-------	-------	22692.9	22042.7
-------	-------	-------	-------	13180.6	12380.4	17340.6	16510.4	-------	-------
4420.7	4115.3	8797.3	8248.1	-------	-------	-------	-------	-------	-------
4427.6	4122.2	-------	-------	13196.0	12395.8	17356.0	16525.8	22716.0	22065.8
4434.5	4129.1	8811.5	8262.3	-------	-------	-------	-------	-------	-------

[1] This tabulation does not authorize ship stations to transmit on coast station frequencies.

[F. R. Doc. 52-12342; Filed, Nov. 18, 1952; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 925]

[Docket No. AO-226-A3]

HANDLING OF MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Seattle, Washington, on March 11-14, 1952.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 21, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 24, 1952 (17 F. R. 6777).

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 52-8131, 17 F. R. 6777) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following revisions:

1. Delete the words "September-December" in line 11 of the first paragraph beginning in column 3, 17 F. R. 6778 (F. R. Doc. 52-8131) and substitute therefor the words "August-December."

2. Delete the last sentence of the first paragraph beginning in column 3, 17 F. R. 6778 (F. R. Doc. 52-8131) and substitute therefor the following: "Bases so computed would be in effect from February through July of the following year. The addition of August to the base-forming period should reduce the possibility, as referred to by producer representatives, that a substantial decrease in production might result during the month of August from the efforts of producers to increase late fall deliveries, causing a market shortage in such month."

3. Delete in the second paragraph beginning in column 3, 17 F. R. 6778 (F. R. Doc. 52-8131) the words "February through August" and substitute therefor the words "February through July."

4. Delete from the last sentence beginning in column 2, 17 F. R. 6779 (F. R. Doc. 52-8131) the word "seven" and substitute therefor the word "six."

5. Delete the first paragraph beginning in column 2, 17 F. R. 6781 (F. R. Doc. 52-8131) and substitute therefor the following:

As a corollary change the provisions of the order governing the movements of skim milk and butterfat among plants have been revised.

6. Add at the end of the second paragraph beginning in column 3, 17 F. R. 6782 (F. R. Doc. 52-8131) the following: "However, the record indicates the propriety of including in Class I milk the fluid products known as concentrated milk, concentrated flavored milk and concentrated flavored milk drink when distributed without sterilization. Milk for such uses must be produced under the same health requirements as whole milk for consumption in fluid form. The subject products are primarily intended as beverages and the costs attendant to the production of the milk used therein are similar to those incurred in the production of whole milk for fluid consumption. They are a ready substitute for the latter. Class I milk, on the other hand, should not include the products commonly known as evaporated milk, condensed milk, and condensed skim milk which may be manufactured from milk not meeting such inspection standards."

7. Delete from line 28 of the first paragraph beginning in column 1, 17 F. R. 6783 (F. R. Doc. 52-8131) the figure "1.5" and substitute therefor the figure "2".

8. Delete the second and third paragraphs beginning in column 2, 17 F. R. 6784 (F. R. Doc. 52-8131) and substitute therefor the following:

The "farm tank" system for the delivery of milk from farms to plants is expected by both producers and handlers to grow rapidly in the next several months. Such growth undoubtedly would have strong impact on past methods of milk delivery from farm to market and would require further review of the regulatory procedure with respect to such handling. The present record reveals little concerning the effects on present methods of delivery or on producer returns which may reasonably be expected to occur from more general use of the system. It will be appropriate to reconsider in hearing the effects of this method of handling milk on the marketing program as soon as a more mature stage of development has been reached.

Rulings on exceptions. Exceptions relating to the findings, conclusions and amendment action recommended by the Assistant Administrator were filed by the Lynden Dairy Products Co., the Handlers Committee, the Arden Farms Co., and ten cooperative associations of producers jointly through the United Dairymen's Association. In arriving at the findings, conclusions and amendment action decided in this decision, each of these exceptions was carefuly and fully considered in conjunction with the record evidence pertaining thereto. Some revisions of the recommended decision have resulted therefrom. To the extent that the findings, conclusions, and amendment action decided upon herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) 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 marketing area, and the minium prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be 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

(c) The order, as amended and as hereby proposed to be further amended, will regulate 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, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of July 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the

production of milk for sale in the marketing area specified in such marketing order, as amended.

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

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

This decision filed at Washington, D. C., this 13th day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

Order,[1] as Amended, Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area

§ 925.0 *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 the previously issued amendmenst 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 (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure 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 Puget Sound, Washington, 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 as determined pursuant to section 2 of the act are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

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

DEFINITIONS

§ 925.1 *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 (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 925.2 *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.

§ 925.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

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

§ 925.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 925.12 and which the Secretary determines, after application by the association:

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

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

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

§ 925.6 *Puget Sound, Washington, Marketing Area.* "Puget Sound, Washington, Marketing Area" (hereinafter called the "marketing area") means all territory lying west of range 8E in Whatcom, Skagit, Snohomish, and King Counties; all territory lying within townships 23N and 24N within range 8E in King County; all territory lying west of range 8E and north of township 18N in Pierce County, except Fox, McNeil, and Anderson Islands and the peninsula on which Lake Bay and Gig Harbor are located northward to the Kitsap County line; all territory lying within Thurston County; all territory, except the town of Vader, lying west of range 5E in Lewis County; all territory lying east of range 10W and north of township 12N in Pacific County; and all territory lying south of township 19N in Grays Harbor County; all in the State of Washington. As used in this section, "territory" shall include all municipal corporations, Federal military reservations, facilities and installations, and state institutions lying wholly or partly within the above-described area. "District No. 1" of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce, Snohomish, Thurston, and Grays Harbor. "District No. 2" of the marketing area shall include that part of the marketing area lying within the counties of Skagit and Whatcom, and "District No. 3" of the marketing area shall include that part of the marketing area lying within the counties of Lewis and Pacific.

§ 925.7 *Plant.* "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling and processing of milk or milk products.

§ 925.8 *Fluid milk plant.* "Fluid milk plant" means any plant, other than the plant of a producer-handler, located in the marketing area which is approved by any health authority having jurisdiction in the marketing area as a plant from which milk may be distributed for consumption as fluid milk in the marketing area, and from which during the month Class I milk pursuant to § 925.41 (a) (1) is disposed of (including sales at such plant, plant store or eating place) within the marketing area.

§ 925.9 *Conutry plant.* "Country plant" means any plant, other than a fluid milk plant or the plant of a producer-handler, which is approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for consumption as fluid milk within the marketing area: *Provided,* That any such plant located outside of the marketing area other than the plant at Sequim operated by the Kristoferson Dairy, Inc., (or its successor), and the plant of the Dungeness-Sequim Cooperative Creameries at Dungeness shall not be a country plant if the percentage of either butterfat or skim milk in milk so qualified which is received at the plant from dairy farmers and moved in fluid form as milk to a fluid milk plant, or disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1), is less than:

(a) 50 percent in the current month during the period October through December; or

(b) 20 percent in the current month during the period January through September, except that if the percentage was

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

more than 50 percent for the entire period of October through December immediately preceding no percentage shall be required for such months of January through September:

And provided further, That any plant which otherwise meets the requirements of this section may withdraw from country plant status for any month in the January–September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

§ 925.10 *Nonpool plant.* "Nonpool plant" means any plant other than a fluid milk plant or a country plant.

§ 925.11 *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

§ 925.12 *Producer.* "Producer" means any dairy farmer, other than a producer-handler, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area, for the production of milk qualified for disposition to consumers in fluid form within the marketing area.

§ 925.13 *Producer milk.* "Producer milk" or "milk received from producers" means milk qualified as described in § 925.12 and either received directly from a farm at a fluid plant or country plant or caused to be diverted by a handler for his account from such a plant to a nonpool plant: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 925.14 *Other source milk.* "Other source milk" means (a) all skim milk and butterfat received from a producer-handler (or the plant of a producer-handler) in any form (including bottled products), and (b) all other skim milk and butterfat other than in (1) producer milk, and (2) milk and milk products received from fluid milk plants and country plants.

§ 925.15 *Handler.* "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a fluid milk plant, a country plant or any other plant from which milk in any of the forms specified in § 925.41 (a) is disposed of to any place or establishment within the marketing area other than a plant: *Provided,* That this paragraph shall not be deemed to include any such person with respect to any of the items specified in § 925.41 (a) disposed of to military or other ocean transport vessels leaving the marketing area if the items so disposed of originated at a plant located outside the marketing area and were not received or processed at any fluid milk plant or country plant; and

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for the account of such cooperative association from a fluid milk plant or a country plant to a nonpool plant.

§ 925.16 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, and who processes milk from his own farm production and distributes all or a portion of such milk within the marketing area in any of the forms specified in § 925.41 (a), but who received no milk from producers: *Provided,* That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the processing, packaging, and distribution of the milk is the personal risk of such person in his capacity as a handler.

§ 925.17 *Base.* "Base" means a quantity of milk, expressed in pounds per day or per month, computed pursuant to § 925.60 (a) and (b) respectively.

§ 925.18 *Base milk.* "Base milk" means: (a) Milk delivered by a producer during a month in the period February through July, inclusive, of each year beginning with 1954, and during each month in the period March through July 1953, inclusive, which is (1) not in excess of his daily base computed pursuant to § 925.60 (a), multiplied by the number of days of delivery in such month, or (2) not in excess of his base computed pursuant to § 925.60 (b): *Provided,* That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant, the days of nondelivery shall be considered as days of delivery for the purposes of this paragraph; and (b) all milk delivered by a producer in each of the months of August, September, October, November, December, and January of each year effective August 1, 1953, and during the months of October 1952 through February 1953.

§ 925.19 *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 925.20 *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 designated by, and shall be subject to removal at the discretion of the Secretary.

§ 925.21 *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.

§ 925.22 *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 funds provided by § 925.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 925.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

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

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

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 925.30 to 925.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 925.80 to 925.88, inclusive.

(i) On or before the 13th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 13th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 925.70 (a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 925.70 (a) (6);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 925.80 (a);

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

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 925.87 and 925.88.

(2) Each handler whose total value of milk is computed pursuant to § 925.70 (b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) 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 of each month the minimum price for Class I milk pursuant to § 925.51 (a) and the Class I butterfat differential pursuant to § 925.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 925.51 (b) and the Class II butterfat differential pursuant to § 925.52 (b), both for the preceding month; and

(2) On or before the 13th day of each month, the uniform price(s) computed pursuant to § 925.71 and the butterfat differential(s) computed pursuant to § 925.82, both applicable to producer milk received during the preceding month; and

(l) 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

§ 925.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15 (a), except a producer-handler, shall report for the preceding month to the market administrator with respect to milk and milk products received at each of such handler's fluid milk plants and country plants, and at each of his plants where milk or milk products subject to payments required under § 925.70 (b) were handled, and each cooperative association which is a handler pursuant to § 925.15 (b) shall report with respect to milk diverted on its account during the preceding month, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk received (except manufactured Class II milk products (1) disposed of in the form in which received without further processing by the handler, or (2) used to produce other Class II milk products).

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including the pounds of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(e) The aggregate quantities of base milk and excess milk received; and

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

§ 925.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

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

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

§ 925.32 *Other reports.* At such times and in such manner as the market administrator may prescribe:

(a) Each handler shall report to the market administrator such information in addition to that required under § 925.30 as may be requested by the market administrator with respect to milk and milk products handled by him;

(b) Each producer-handler shall report to the market administrator relative to his receipts and utilization of milk and milk products.

§ 925.33 *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 the information required to be reported pursuant to §§ 925.30, 925.31, and 925.32 and to payments required to be made pursuant to §§ 925.80 through 925.88.

§ 925.34 *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.

§ 925.35 *Handler report to producers.* (a) In making payments to producers pursuant to § 925.80, each handler, on or before the 19th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month (1) the identification of the handler and the producer; (2) the total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery; (3) the minimum rate(s) at which payment to the producer is required under the provisions of § 925.80; (4) the rate per hundredweight and amount of any premiums or payments above the minimum prices provided by the order; (5) the amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and (6) the net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate each handler upon request shall furnish to the cooperative association with respect to each producer for whom such payment is made, any or all of the above information specified in paragraph (a) of this section.

CLASSIFICATION

§ 925.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 925.30 shall be classified by the market administrator pursuant to the provisions of §§ 925.41 to 925.45, inclusive.

§ 925.41 *Classes of utilization.* Subject to the conditions set forth in §§ 925.42, 925.43 and 925.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid or frozen form as milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drink, and cream (sweet or sour), and used in the production of concentrated milk, flavored milk and flavored milk drinks not sterilized (but not including (i) those products commonly known as evaporated milk, condensed milk, and condensed skim milk (ii) flavored milk or flavored milk drink in hermetically sealed containers; and (iii) any item named in this subparagraph disposed of pursuant to paragraph (b) (3) of this section), (2) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream and other frozen dessert mixes disposed of to a commercial processor, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products, eggnog and yogurt, (3) contained in monthly inventory variations (4) shrinkage of producer milk in excess of that pursuant to paragraph (b) (4) of this section and shrinkage allocated to receipts from other handlers pursuant to § 925.42 (b), and (5) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of as (or used to produce, in the case of ice cream and frozen desserts and mixes for such products (liquid or powder), cottage cheese and aerated cream products) any product other than those included under paragraph (a) (1) and (2) of this section, (2) disposed of for livestock feed, (3) disposed of in bulk in any of the forms specified in paragraph (a) (1) of this section to bakeries, soup companies and candy manufacturing establishments in their capacity as such and to nonpool plants subject to the conditions of § 925.44 (c) (2), (4) in actual shrinkage of producer milk computed pursuant to § 925.42 but not in excess of 2 percent of the quantities of skim and butterfat, respectively, in producer milk, and (5) in actual shrinkage of other source milk computed pursuant to § 925.42.

§ 925.42 *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, among the pounds of producer milk, other source milk, and receipts from other handlers: *Provided,* That if milk is transferred from a fluid milk plant or a country plant to a nonpool plant located on the same premises as the transferor plant, the transfer to the nonpool plant shall be reduced by an amount determined by multiplying the total shrinkage in such nonpool plant by the percentage which the amount so transferred is to the total receipts at such nonpool plant.

§ 925.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first received such milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 925.30.

(c) Except as provided in § 925.44 (c) (1), any skim milk or butterfat classified in one class shall be reclassified if used or reused by any handler in another class.

§ 925.44 *Transfers.* Skim milk and butterfat moved in any of the forms specified in § 925.41 (a) (1) from one plant to another shall be assigned (separately) to each class in the following manner:

(a) From a country plant or fluid milk plant to a fluid milk plant: As Class I milk to the extent Class I milk is available at the transferee plant, subject to the following conditions:

(1) In the event the quantity transferred exceeds the total of receipts from producers and other handlers at the transferor plant, such excess shall be assigned last to the Class I available at the transferee plant:

(2) If more than one transferor plant is involved, the available Class I milk shall be assigned to the transferor plants in the following order:

(i) To fluid milk plants located in District No. 1;

(ii) To country plants located in District No. 1 or in the counties of Kitsap and Mason;

(iii) To fluid milk plants not located in District No. 1; and

(iv) To country plants not located in District No. 1 or in the counties of Kitsap and Mason.

(3) If Class I is not available in amounts equal to the sum of transfers in the manner indicated in subparagraph (2) of this paragraph, the receiving handler may designate to which plant the available Class I milk shall be assigned; and

(4) If at a plant located in District No. 1 or in the counties of Kitsap and Mason any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) similarly located are assigned to Class II milk, they shall be allocated to the uses stated in § 925.54 (a) (1) insofar as such uses are available after allocating to such uses the other source milk at such plant.

(b) From a country plant or fluid milk plant to a country plant: As Class II milk, subject to the following conditions:

(1) The skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction pursuant to § 925.45 (b) (2) of other source milk at such plant and after the subtraction of producer shrinkage, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk;

(2) If more than one transferor plant is involved, the available Class II milk shall be assigned to the transferor plants in the following order:

(i) To country plants not located in District No. 1 or in the counties of Kitsap and Mason;

(ii) To fluid milk plants not located in District No. 1;

(iii) To country plants located in District No. 1 or in the counties of Kitsap and Mason; and

(iv) To fluid milk plants located in District No. 1;

(3) If Class II milk is not available in amounts equal to the sum of transfers in the manner indicated in subparagraph (2) of this paragraph, the receiving handler may designate to which plant the available Class II milk shall be assigned.

(4) If at a plant located in District No. 1 or in the counties of Kitsap and Mason any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) similarly located are assigned to Class II milk, they shall be allocated to the uses stated in § 925.54 (a) (1) insofar as such uses are available after allocating to such uses the other source milk at such plant.

(c) From a country plant or fluid milk plant to a nonpool plant:

(1) As Class I milk if the transfer is to a nonpool plant located outside the marketing area or to the plant of a producer-handler, except as provided for in subparagraph (2) of this paragraph.

(2) As Class II milk if the transfer is to a nonpool plant located in the marketing area or within any of the counties of Clallam, Jefferson, Grays Harbor Island, Kitsap and Mason, in the State of Washington, which is not engaged in the distribution of milk for consumption in fluid form: *Provided,* That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 925.41 (a) (1) to any other nonpool plant distributing milk in fluid form which is not located in the marketing area, such disposition up to the quantity of producer milk transferred to the first nonpool plant shall be classified as Class I milk: *Provided further,* That if the preceding proviso does not apply the transferred quantity shall be deemed to have been utilized first for the manufacture of Class II milk products other than evaporated milk in hermetically sealed cans, butter, nonfat dry milk solids, powdered whole milk, and cheddar cheese to the extent that such other Class II milk products were manufactured at such nonpool plant: *And provided also,* That if the market administrator is not permitted to audit the records of such nonpool plant for the purpose of use verification, the entire transfer shall be classified as Class I milk.

§ 925.45 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class;

(b) Allocate skim milk in the following manner;

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 925.41 (b) (4);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received and in overage allocated to other source milk (§ 925.70 (a) (5)): *Provided,* That if the receipts of skim milk in other source milk plus the overage allocated to other source milk are greater than the pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other fluid milk plants and country plants and assigned to such class pursuant to § 925.44;

(4) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 925.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section for the preceding month.

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

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

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

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

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

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 4.

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

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided,* That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

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

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.51 *Class prices.* Subject to the differentials provided in § 925.52 the following are the minimum prices per hundredweight to handlers for Class I milk and Class II milk:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.65: *Provided,* That the price for Class I milk for the months of April through June, inclusive, of any year shall not be higher than the price computed pursuant to the above provisions of this paragraph for the month of March immediately preceding, and the price for Class I milk for any October through January period, inclusive, shall not be lower than the price computed pursuant to the provisions of this paragraph for the month of September immediately preceding.

(b) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average 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 San Francisco, as reported by the Department during the month: *Provided,* That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

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

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents.

§ 925.52 *Butterfat differentials to handlers.* If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 925.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 925.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk:* Multiply by 1.25 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 San Francisco, as reported by the Department during the preceding month, divide the result by 10, and round to the nearest tenth of a cent.

(b) *Class II milk:* Multiply by 1.15 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 San Francisco, as reported by the Department during the month, divide the result by 10, and round to the nearest tenth of a cent.

§ 925.53 *Location adjustment to handlers on Class I milk.* In computing the value of each handler's milk there shall be credited with respect to skim milk and butterfat, respectively, in producer milk received at a plant not located in District No. 1 or in the counties of Kitsap and Mason and classified as Class I milk, 40 cents per hundredweight: *Provided,* That an additional 10 cents shall be credited with respect to skim milk and butterfat so received and classified at any plant located in Clallam or Jefferson Counties.

§ 925.54 *Location adjustment to handlers on Class II milk.* In computing each handler's value of milk there shall be added with respect to each fluid milk plant and country plant located in District No. 1 or in the counties of Kitsap and Mason, an amount of money computed as follows:

(a) Compute the sum (in pounds) of: (1) The total utilization at such plant (including any disposition of skim milk and butterfat from such plant for similar uses at nonpool plants) of skim milk and butterfat, respectively, in evaporated milk in hermetically sealed cans, butter, nonfat dry milk solids, powdered whole milk, cheddar cheese, shrinkage allowable as Class II milk pursuant to § 925.41 (b) (4) and (5), and (2) the total quantity of skim milk and butterfat transferred to other fluid milk plants and country plants located in District No. 1 or in the counties of Kitsap and Mason and allocated to the uses specified in subparagraph (1) of this paragraph (as provided in § 925.44 (a) (4) and (b) (4));

(b) Subtract such sum from the total quantity of Class II milk for such plant, including that resulting from the disposition of skim milk or butterfat from such plant to nonpool plants;

(c) Subtract from the net amounts of skim milk and butterfat, respectively, resulting from paragraph (b) of this section to the extent of such amounts, the amounts of skim milk and butterfat received at such plant from fluid milk plants and country plants not located in District No. 1 or in the counties of Kitsap and Mason and assigned to Class II milk pursuant to § 925.44 (but exclusive of the quantity by which transfers received from a transferor plant exceeds the total of receipts from producers and other handlers at such transferor plant); and

(d) Multiply by 25 cents per hundredweight the lesser of the following quantities: (i) The net amount resulting from paragraph (c) of this section, or (ii) the total amount of producer milk

received at such plant directly from farms which is available for Class II milk after the assignment of transfers pursuant to § 925.44.

DETERMINATION OF BASE

§ 925.60 *Computation of producer bases.* Subject to the rules set forth in § 925.61, the market administrator shall determine bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) During each of the months of February through July, inclusive, of each year beginning with 1954, the daily base of each producer whose milk was received by a handler(s) on not less than one hundred twenty (120) days during the immediately preceding months of August through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in such five-month period by the number of days from the date of first delivery to the end of such five-month period, and during each of the months of March through July 1953, inclusive, the daily base of each producer whose milk was received by a handler(s) on not less than ninety (90) days during the immediately preceding months of October through January, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in such four-month period by the number of days from the date of first delivery to the end of such four-month period: *Provided,* That with respect to any producer on "every-other-day" delivery the days of non-delivery intervening days of delivery shall be considered as days of delivery for the purpose of ascertaining whether delivery was made on not less than the minimum number of days required pursuant to this paragraph.

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have beginning with March 1953 a monthly base in the months of February through July, inclusive, computed by applying the appropriate monthly percentage in the following table to his deliveries to a handler(s):

February	70	May	45
March	65	June	50
April	55	July	55

§ 925.61 *Base rules.* The following rules shall be observed in determination of bases:

(a) A base may be transferred during the period of February through July, inclusive, upon written notice to the market administrator on or before the last day of the month of transfer, but only under the following circumstances:

(1) Upon the death, retirement or entry into military service of a producer, the entire base may be transferred to a member (or members) of his immediate family who continues to supply producer milk from the same farm.

(2) If a base is held jointly and such joint holding is terminated the entire base may be transferred as a unit to one of the joint holders or to a new joint holding in which at least one of the original joint holders is a participant.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60 (b) until he can establish a new base under § 925.60 (a) to begin the next February 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month in the period February through July, inclusive, a producer holding a base established pursuant to § 925.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the end of such six-month period such producer's base shall be computed in the manner provided by § 925.60 (b).

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promply post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 925.12 may establish or earn a base pursuant to the provisions of §925.60, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

DETERMINATION OF UNIFORM PRICE

§ 925.70 *Computation of value of milk.* (a) Except as provided in paragraph (b) of this section, the total value of milk received during any month by each handler including a cooperative association, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 925.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 925.53;

(3) Add the total amount of all location adjustments computed pursuant to § 925.54;

(4) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(5) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage (except overage prorated to other source milk) deducted from each class pursuant to § 925.45 by the applicable class price: *Provided,* That if (i) overage results in a fluid milk plant or country plant having receipts of other source milk, the total overage shall be prorated between other source milk and all other receipts, and (ii) overage results in a nonpool plant located on the same premises as a fluid milk plant or country plant, such overage shall be prorated between the quantity transferred from the fluid milk plant or country plant and other source milk in such nonpool plant, and the transferor handler shall be charged at the applicable class price for the amount of overage allocated to the transferred quantity.

(6) Add, with respect to other source milk received at each fluid milk plant and country plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in District No. 1 or in the counties of Kitsap or Mason, such difference shall be reduced by 40 cents per hundredweight: *Provided,* That with respect to skim milk and butterfat so received and classified at any plant located in Clallam and Jefferson Counties, there shall be a further reduction of 10 cents per hundredweight.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was only within Districts Nos. 2 and 3, such difference shall be reduced by 40 cents per hundredweight.

§ 925.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 925.70 for all handlers who made the reports prescribed in § 925.30 and who made the payments pursuant to § 925.84 for the preceding month;

(b) Add the aggregate of the values of the location adjustments on base milk allowable pursuant to § 925.81 (a);

(c) Deduct the aggregate of the values of the location adjustments on excess milk computed pursuant to § 925.81 (b);

(d) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(e) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount com-

puted by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 925.82 and multiplying the resulting figure by the total hundredweight of such milk;

(f) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk, rounded to the nearest one-tenth cent;

(g) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (f) of this section from the net amount computed pursuant to paragraph (e) of this section: *Provided,* That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(h) Divide the net amount obtained in paragraph (g) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(i) Divide the amount obtained in paragraph (f) of this section plus any amount subtracted pursuant to the proviso of paragraph (g) of this section by the hundredweight of excess milk, and subtract any fractional part of one cent. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 925.80 *Time and method of payment to producers and to cooperative associations.* (a) On or before the 19th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided,* That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 925.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 17th day after the end of such month: *And provided further,* That if by such date such handler has not received full payment for such month pursuant to § 925.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk reecived, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81.

(b) On or before the 17th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price adjusted by the amounts of any location adjustments applicable pursuant to §§ 925.53 and 925.54.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act.

§ 925.81 *Location adjustments to producers.* In making payments to producers pursuant to § 925.80 (a) (1) the following adjustments for location are applicable:

(a) Deductions may be made per hundredweight of base milk received from producers as follows: 50 cents at plants located in Clallam and Jefferson Counties, and 40 cents at other plants not located in District No. 1 or in the counties of Kitsap and Mason.

(b) Beginning with March 1953, 25 cents per hundredweight shall be added for the months of February through July, inclusive, to the uniform price for excess milk received from producers at plants located in District No. 1, or in the counties of Kitsap and Mason.

§ 925.82 *Producer butterfat differential.* In making payments pursuant to § 925.80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

§ 925.83 *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 § 925.84 and out of which he shall make all payments to handlers pursuant to § 925.85.

§ 925.84 *Payments to the producer-settlement fund.* On or before the 15th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a).

§ 925.85 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 925.84, 925.86, 925.87 and 925.88: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 925.86 *Adjustments of accounts.* Whenever verification by the market administrator of reports or payment of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 925.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperatiue association from producers who are not members of such association.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefore to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 925.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 925.88 *Expense of administration.* As his prorata share of the expense of administration of this order, each handler shall pay to 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 may prescribe, with respect to all receipts within such month of (a) other source milk classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 925.89 *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 calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall 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 administration, 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 order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this 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 order shall terminate two years after the end of the calendar month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 925.90 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 925.91.

§ 925.91. *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart 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.

§ 925.92 *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.

§ 925.93 *Liquidation.* Upon the suspension or termination of the provisions 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 expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 925.100 *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.

§ 925.101 *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.

§ 925.102 *Producers - handlers.* Sections 925.40 to 925.45, inclusive, 925.50 to 925.54, inclusive, 925.70 to 925.71, inclusive, and 925.80 to 925.89, inclusive, shall not apply to a producer-handler.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk in the Puget Sound, Washington, Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area) who, during the month of July 1952 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Nicholas L. Keyock is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 52-12327; Filed, Nov. 18, 1952; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10310]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN; AMENDMENT

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It was previously proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations to allocate Channel No. 254 to Cullman, Alabama. It is now proposed to change the original proposal so as to amend the Allocation Plan as follows:

General area	Channels	
	Delete	Add
Cullman, Ala.	----------	266
Chattanooga, Tenn.	266	----------
Tuscaloosa, Ala.	267	289

3. The purpose of the proposed amendment is to provide a Class B channel in Cullman, Alabama, thereby facilitating consideration of a pending application requesting a Class B assignment there.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934 as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before December 8, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 5, 1952.

Released: November 7, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12343; Filed, Nov. 18, 1952; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 240, 260, 270, 275]

REQUIRING NON-RESIDENT BROKERS OR DEALERS TO FILE CONSENT TO SERVICE OF PROCESS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a rule which would require each non-resident broker or dealer registered with the Commission, and each non-resident general partner or managing agent of a registered unincorporated broker or dealer, to file a written irrevocable consent and power of attorney appointing the Secretary of the Commission as agent to receive process and other papers in any civil action arising out of or founded upon the provisions of the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, or the Investment Advisers Act of 1940, and brought because of any activity, in any place subject to the jurisdiction of the United States, which occurs in the conduct of business as a broker or dealer. The Secretary of the Commission would be required to forward copies of all papers, by registered mail, to each of the persons on whose behalf they were received by him.

Applicable provisions of the various acts administered by the Commission authorize it to institute injunctive actions in cases involving violations of the respective acts, and violations of some of the provisions of these acts may result in civil liabilities. The statutes contain broad venue provisions for suits or actions brought to enforce liabilities or duties created thereunder, and the service of process provisions are also broad. As a practical matter, however, rights arising because of violations of these acts may prove unenforceable against many non-resident brokers or dealers whose activities are subject to such acts, since it is frequently impossible to obtain service upon all the persons who should be joined as parties to the action, particularly where the broker or dealer is an unincorporated organization or association. The proposed rule is intended to give full effect to the provisions of the acts mentioned, and to preserve for and afford to the Commission and others the same opportunity to enforce such rights or duties against non-resident brokers or dealers as they have in the case of resident brokers or dealers.

The proposed rule would read as follows:

Consent to service of process to be furnished by non-resident brokers or dealers and by non-resident general partners or managing agents of registered brokers or dealers. (a) Each non-resident broker or dealer registered or applying for registration pursuant to section 15 (b) of the Securities Exchange Act of 1934, each non-resident general partner of a broker or dealer partnership which is registered or applying for registration, and each non-resident managing agent of any other unincorporated broker or dealer which is registered or applying for registration, shall furnish to the Commission, in a form prescribed by it, a written irrevocable consent and power of attorney which (1) designates the Secretary of the Securities and Exchange Commission as an agent upon whom may be served any process, pleadings, or other papers in any civil suit or action arising out of or founded upon the provisions of the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, or the Investment Advisers Act of 1940, or any rule or regulation under any of said acts, which suit or action is brought because of any activity in any place subject to the jurisdiction of the United States, which activity occurs in connection with the conduct of business as a broker or dealer; and (2) stipulates and agrees that any such civil suit or action may be commenced in any appropriate court in any place subject to the jurisdiction of the United States, by the service of process upon the Secretary of the Commission and the forwarding of a copy thereof as provided in paragraph (c) of this section, and that the service as aforesaid of any such process, pleadings, and other papers upon the Secretary of the Commission shall be taken and held in all courts to be as valid and binding as if due personal service thereof had been made.

(b) The required consent and power of attorney shall be furnished to the Commission within the following period of time:

(1) Each non-resident broker or dealer registered at the time this section becomes effective, and each non-resident general partner or managing agent of an unincorporated broker or dealer registered at the time this section becomes effective, shall furnish such consent and power of attorney within 60 days after such date;

(2) Each broker or dealer applying for registration after the effective date of this section shall furnish, at the time of filing such application, all the consents and powers of attorney required to be furnished by such broker or dealer and by each general partner or managing agent thereof: *Provided, however,* That where an application for registration of a broker or dealer is pending at the time this section becomes effective such consents and powers of attorney shall be furnished within 30 days after this section becomes effective.

(3) Each broker or dealer registered or applying for registration who or which becomes a non-resident broker or dealer after the effective date of this section, and each general partner or managing agent, of an unincorporated broker or dealer registered or applying for registration, who becomes a non-resident after the effective date of this section, shall furnish such consent and power of attorney within 30 days thereafter.

(c) Whenever any process, pleading, or other paper, as aforesaid, is served upon the Secretary of the Commission in accordance with this section, he shall promptly forward a copy thereof by registered mail to each of the persons on whose behalf it was received by him. The Secretary shall be furnished a sufficient number of copies for such purpose, including one copy for his file.

(d) For purposes of this section the following definitions shall apply:

(1) The term "broker" shall have the meaning set out in section 3 (a) (4) of the Securities Exchange Act of 1934.

(2) The term "dealer" shall have the meaning set out in section 3 (a) (5) of the Securities Exchange Act of 1934.

(3) The term "managing agent" shall mean any person, including a trustee, who directs or manages or who participates in the directing or managing of the affairs of any unincorporated organization or association which is not a partnership.

(4) The term "non-resident broker or dealer" shall mean (i) in the case of an individual, one who resides in or has his principal place of business in any place not subject to the jurisdiction of the United States; (ii) in the case of a corporation, one incorporated in or having its principal place of business in any place not subject to the jurisdiction of the United States; (iii) in the case of a partnership or other unincorporated organization, one having its principal place of business in any place not subject to the jurisdiction of the United States.

(5) A general partner or managing agent of a broker or dealer shall be deemed to be a non-resident if he resides in any place not subject to the jurisdiction of the United States.

The rule would be adopted by the Commission pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly section 23 (a) thereof, the Securities Act of 1933, particularly section 19 (a) thereof, the Trust Indenture Act of 1939, particularly section 319 (a) thereof, the Investment Company Act of 1940, particularly section 38 (a) thereof, and the Investment Advisers Act of 1940, particularly section 211 (a) thereof.

The Commission invites comments and suggestions on the proposed regulation from all interested persons. Comments and suggestions should be submitted in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before December 15, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

NOVEMBER 12, 1952.

[F. R. Doc. 52-12321; Filed, Nov. 18, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150-17]

ASSISTANT SECRETARY OF THE TREASURY

DELEGATION OF FUNCTIONS IN BUREAU OF INTERNAL REVENUE

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there are hereby transferred to Assistant Secretary John S. Graham all functions now authorized to be performed by the Commissioner of Internal Revenue. Without limitation this authority includes authority to delegate functions hereby transferred and to amend or cancel existing delegations heretofore made by the Commissioner pursuant to Treasury Department Order No. 150-2, May 15, 1952. In the absence of such cancellation or amendment, those delegations of the Commissioner shall remain in effect.

In the performance of the functions herein delegated, Mr. Graham is designated as Acting Commissioner of Internal Revenue.

This order shall become effective as of 12:01 a. m., November 19, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

Dated: NOVEMBER 17, 1952.

[F. R. Doc. 52-12422; Filed, Nov. 18, 1952; 10:39 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

STEUBEN COUNTY, NEW YORK

SALE OF MINERAL INTERESTS; AREA DESIGNATION

Pursuant to authority contained in Public Law 760, 81st Congress, the County of Steuben in New York is hereby designated as an area in which mineral interests covered by a single application are to be sold for their fair market value, and accordingly, Schedule A entitled "Fair Market Value Areas," accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), is amended by adding such County in alphabetical order.

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

Done at Washington, D. C., this 17th day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12428; Filed, Nov. 18, 1952; 11:15 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 14]

ORGANIZATION AND FUNCTIONS

REASSIGNMENT OF FUNCTIONS

This amendment abolishes the Office of Aviation Development and reassigns its functions and responsibilities to other offices within the Civil Aeronautics Administration as follows:

(a) The Assistant Administrator for Program Coordination will plan, coordinate, and evaluate the general aviation program of the Civil Aeronautics Administration and formulate basic policies to govern its administration with specific reference to agricultural, industrial, executive and corporate, instructional, and personal flying; develop plans and policies designed to foster the development of civil aviation through educational means and approve publications and films or other visual aids relating to the aviation education program; and serve as the Civil Aeronautics Administration's primary point of liaison on general aviation matters with the civil aviation industry and with other governmental agencies.

(b) The Aviation Information Office will publish and distribute literature and visual aids approved by the Assistant Administrator for Program Coordination for use in the general aviation and aviation education programs.

(c) The Office of Aviation Safety will provide technical engineering advice and assistance to the civil aviation industry, the Assistant Administrator for Program Coordination, and other offices of the Civil Aeronautics Administration in connection with the development of improved aircraft and equipment for agricultural, industrial, executive and corporate, instructional, and personal flying.

The description of the Organization and Functions of the Civil Aeronautics Administration is amended as follows:

1. Section 12 (d) (2) published on August 29, 1952, in 17 F. R. 7909, is amended by adding the words: "including the general aviation program for agricultural, industrial, executive and corporate, instructional, and personal flying and the development of civil aviation through educational means."

2. Section 21 (a) published on April 5, 1951, in 16 F. R. 2975, and amended on September 10, 1952, in 17 F. R. 8163 is amended by adding a new subparagraph (6) at the end to read:

(6) Publishes and distributes literature and visual aids approved by the Assistant Administrator for Program Coordination for use in the general aviation and aviation education programs.

3. Section 32 published on April 5, 1951, in 16 F. R. 2975, and amended on September 10, 1952, in 17 F. R. 8163, is revoked.

4. Section 33 (a) (8) published on August 9, 1952, in 17 F. R. 7305, is amended to read:

(8) Provides technical assistance and advice on the technical regulation and improvement of aviation safety to the Office of the Administrator, other CAA offices, and other organizations, as appropriate; provides technical engineering advice and assistance to the civil aviation industry, to the Assistant Administrator for Program Coordination, and to other offices of the Civil Aeronautics Administration in connection with the development of improved aircraft and equipment for agricultural, industrial, executive and corporate, instructional, and personal flying.

This amendment shall become effective November 13, 1952.

[SEAL] C. F. HORNE,
Administrator of Civil Aeronautics.

Approved:

THOMAS W. S. DAVIS,
Acting Secretary of Commerce.

[F. R. Doc. 52-12332; Filed, Nov. 18, 1952; 8:49 a. m.]

National Production Authority

[Suspension Order 43; Docket No. 24]

HILLSIDE METAL PRODUCTS, INC., ET AL.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 16th day of October 1952, before Hon. James M. Fawcett, a hearing commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and National Production Authority Rules of Practice 1, Revised September 8, 1952; and

The respondents, Hillside Metal Products, Inc., of 129-02 Hillside Avenue, Richmond Hill, N. Y., and 270 Passaic Street, Newark, N. J., Carrier Steel Corporation of 1819 Broadway, New York 23, N. Y., Philip J. Kurens of 129-02 Hillside Avenue, Richmond Hill, N. Y., and Irving Cooperstein of 129-02 Hillside Avenue, Richmond Hill, N. Y., having been duly apprised of the specific violations charged, and having been fully informed of the rules and procedures which govern these proceedings and the administrative action which may be taken; and

The aforementioned respondents having appeared herein by their attorney, Arthur S. Lowell, Esq., of 1819 Broadway, New York 23, N. Y.; and

The aforementioned respondents and each of them having stipulated on the 14th day of October 1952 to a statement of facts to be filed in these proceedings in lieu of the presentation of other evidence in support of and in opposition to the statement of charges, it is hereby determined:

Findings of fact. 1. During the period from January 5, 1951, to July 25, 1951, Hillside Metal Products, Inc., committed acts prohibited by National Production Authority Reg. 2, section 11.4 (b), as amended November 16, 1950 (15 F. R. 7875), and as amended January 11, 1951 (16 F. R. 352), and section 4 (b), as amended February 27, 1951 (16 F. R. 1953), and section 4 (c), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., placed rated orders for, to wit, 2,174,889 pounds (1,087½ tons) of sheet steel, which was 1,757,145 pounds (878½ tons) more of said material than said Hillside Metal Products, Inc., was authorized to rate. Of the aforementioned rated orders, orders equal to 500 tons of the said material were cancelled by Hillside Metal Products, Inc.

2. During the period from January 5, 1951, to July 25, 1951, Philip J. Kurens and Irving Cooperstein committed acts prohibited by National Production Authority Reg. 2, section 11.4 (b), as amended November 16, 1950 (15 F. R. 7875), and as amended January 11, 1951 (16 F. R. 352), and section 4 (b), as amended February 27, 1951 (16 F. R. 1953), and section 4 (c), as amended July 17, 1951 (16 F. R. 6944), in that the said individual respondents, owning, dominating, managing, and controlling Hillside Metal Products, Inc., during the time the alleged violations were committed, directed, supervised, and participated in the commission of the acts set forth in paragraph 1 hereof.

3. On or about June 20, 1951, Hillside Metal Products, Inc., and Carrier Steel Corporation committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended February 27, 1951 (16 F. R. 1953), in that said Hillside Metal Products, Inc., and Carrier Steel Corporation used and disposed of 148,680 pounds (74 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

4. On or about June 25, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended February 27, 1951 (16 F. R. 1953), in that said Hillside Metal Products, Inc., used and disposed of 100,590 pounds (50 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

5. On or about June 25, 1951, Hillside Metal Products, Inc., and Carrier Steel Corporation committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended February 27, 1951 (16 F. R. 1953), in that said Hillside Metal Products, Inc., and Carrier Steel Corporation used and disposed of 5,010 pounds (2½ tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

6. On or about June 27, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended February 27, 1951 (16 F. R. 1953), in that said Hillside Metal Products, Inc., used and disposed of 151,830 pounds (76 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

7. On or about July 2, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended February 27, 1951 (16 F. R. 1953), in that said Hillside Metal Products, Inc., used and disposed of 41,630 pounds (21 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

8. On or about August 2, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., used and disposed of 2,480 pounds (1 ton) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

9. On or about August 2, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., used and disposed of 46,585 pounds (23 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

10. On or about July 17, 1951, Hillside Metal Products, Inc., committed an act prohibited by the National Production Authority Reg. 2, section 17 (a), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., used and disposed of 6,000 pounds (3 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

11. On or about July 19, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended July 17, 1951, (16 F. R. 6944), in that said Hillside Metal Products, Inc., used and disposed of 42,350 pounds (21 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

12. On or about August 2, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., used and disposed of 48,800 pounds (24 tons) of sheet steel obtained by use of DO ratings for a purpose other than that for which the rating assistance was given.

13. On or about August 2, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., used and disposed of 43,300 pounds (21½ tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

14. On or about July 30, 1951, Hillside Metal Products, Inc., and Carrier Steel Corporation committed an act prohibited by National Production Authority Reg. 2,

section 17 (a), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., and Carrier Steel Corporation used and disposed of 12,160 pounds (6 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

15. On or about August 2, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., used and disposed of 33,260 pounds (16½ tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

16. During the period from June 20, 1951, to August 2, 1951, Philip J. Kurens and Irving Cooperstein committed acts prohibited by National Production Authority Reg. 2, section 17 (a), as amended February 27, 1951 (16 F. R. 1953), and as amended July 17, 1951 (16 F. R. 6944), in that the said individual respondents, owning, dominating, managing, and controlling Hillside Metal Products, Inc., and Carrier Steel Corporation during the time the alleged violations were committed, directed, supervised, and participated in the commission of the acts set forth in paragraphs 3 through 15 hereof.

17. During the period from October 3, 1950, to October 3, 1951, Hillside Metal Products, Inc., committed acts prohibited by National Production Authority Reg. 2, section 11.23, as issued October 3, 1950 (15 F. R. 6632), and as amended October 12, 1950 (15 F. R. 6911), and as amended November 16, 1950 (15 F. R. 7875), and as amended January 11, 1951 (16 F. R. 352), and section 23 as amended February 27, 1951 (16 F. R. 1953), and as amended July 17, 1951 (16 F. R. 6944), and as amended September 13, 1951 (16 F. R. 9413), in that said Hillside Metal Products, Inc., failed to retain in its possession sufficient records of its receipts, deliveries, inventories, and use of sheet steel, and of such transactions in sheet steel as were covered by National Production Authority Reg. 2.

18. During the period from October 3, 1950, to October 3, 1951, Carrier Steel Corporation committed acts prohibited by National Production Authority Reg. 2, section 11.23, as issued October 3, 1950 (15 F. R. 6632), and as amended October 12, 1950 (15 F. R. 6911), and as amended November 16, 1950 (15 F. R. 7875), and as amended January 11, 1951 (16 F. R. 352), and section 23 as amended February 27, 1951 (16 F. R. 1953), and as amended July 17, 1951 (16 F. R. 6944), and as amended September 13, 1951 (16 F. R. 9413), in that said Carrier Steel Corporation failed to retain in its possession sufficient records of its receipts, deliveries, inventories, and use of sheet steel, and of such transactions in sheet steel as were covered by National Production Authority Reg. 2.

19. During the period from October 3, 1950, to October 3, 1951, Philip J. Kurens and Irving Cooperstein committed acts prohibited by National Production Authority Reg. 2, section 11.23, as issued October 3, 1950 (15 F. R. 6632), and as amended October 12, 1950 (15 F. R. 6911), and as amended November 16, 1950 (15 F. R. 7875), and as amended January 11, 1951 (16 F. R. 352), and section 23, as amended February 27, 1951 (16 F. R. 1953), and as amended July 17, 1951 (16 F. R. 6944), and as amended September 13, 1951 (16 F. R. 9413), in that said respondents, owning, dominating, managing, and controlling Hillside Metal Products, Inc. and Carrier Steel Corporation during the time the alleged violations were committed, directed, supervised, and participated in the commission of the acts set forth in paragraphs 17 and 18 hereof.

Conclusion. During the period beginning on or about October 3, 1950, and ending on or about October 3, 1951, Hillside Metal Products, Inc., Carrier Steel Corporation, Philip J. Kurens, and Irving Cooperstein, violated the provisions of National Production Authority regulations, orders, and directives as hereinabove cited by unlawfully placing rated orders for 878½ tons of sheet steel more than it was authorized to rate, and unlawfully diverted 341 tons of steel.

In order to correct the unauthorized use of defense order ratings and the diversion of steel received under the said defense order ratings, and in order to prevent future violations of National Production Authority regulations, orders, and directives by Hillside Metal Products, Inc., Carrier Steel Corporation, Philip J. Kurens, and Irving Cooperstein,

It is accordingly ordered:

1. That all priority assistance be withdrawn and withheld from Hillside Metal Products, Inc., its successors and assigns, Carrier Steel Corporation, its successors and assigns, Philip J. Kurens, and Irving Cooperstein, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

2. That all allocations and allotments of controlled materials and materials under control of the National Production Authority be withdrawn and withheld from Hillside Metal Products, Inc., its successors and assigns, Carrier Steel Corporation, its successors and assigns, Philip J. Kurens, and Irving Cooperstein, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

3. That all privileges of self-certification granted by the National Production Authority with respect to controlled materials, and materials under control of the National Production Authority, be withdrawn and withheld from Hillside Metal Products, Inc., its successors and assigns, Carrier Steel Corporation, its successors and assigns, Philip J. Kurens, and Irving Cooperstein, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

4. That respondents, Hillside Metal Products, Inc., its successors and assigns, Carrier Steel Corporation, its successors and assigns, Philip J. Kurens, and Irving Cooperstein, be prohibited from acquiring, using, or disposing of controlled materials and materials under control of the National Production Authority, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

Issued this 6th day of November 1952.

NATIONAL PRODUCTION AUTHORITY,
By JAMES M. FAWCETT,
Hearing Commissioner.

[F. R. Doc. 52-12426; Filed, Nov. 18, 1952; 10:25 a. m.]

ECONOMIC STABILIZATION AGENCY

Construction Industry Stabilization Commission, Wage Stabilization Board

[Amdt. 1]

ARKANSAS

AREA WAGE RATES

Area wage rates for the State of Arkansas up to approximately October 14, 1952, are hereby added to the list previously published in the FEDERAL REGISTER issue of October 30, 1952, at F. R. 9784.

The following table shows the area wage rates that have been published and the FEDERAL REGISTER citation.

Alabama	17 F. R. 9784
Arizona	17 F. R. 9789

DUNCAN CAMPBELL,
THOMAS J. KALIS,
Co-chairmen, Construction Industry Stabilization Commission.

Area rates approved and issued by the Construction Industry Stabilization Commission for the State of Arkansas up to approximately September 1, 1952:

SEC. 3. *Area wage rates for Arkansas.*

Asbestos Workers

Case C-9653: Cities of Springfield and Joplin, and halfway to St. Louis, Mo., and Kansas City, Mo., and Little Rock, Ark.; building construction only.

Mechanic	$2.625
Improver, fourth year	2.215
Improver, third year	1.90
Improver, second year	1.80
Improver, first year	1.525

Case C-4202: Halfway from Memphis, Tenn., to Little Rock, Ark.; building construction only.

Asbestos worker mechanic	$2.6125

Case C-3712: Little Rock and halfway to the cities of Dallas, Tex.; Shreveport, La., Memphis, Tenn., Springfield and Joplin, Mo., and Tulsa, Okla.; building construction only.

Mechanic	$2.61
Fourth year improver	1.92
Third year improver	1.81
Second year improver	1.65
First year improver	1.43

Blacksmiths

Case C-4243: Little Rock and area within the territorial jurisdiction of International Union of Operating Engineers, Local 382; building construction only.

Blacksmith	$2.25
Blacksmith helper	1.575

Boilermakers

Case C-2631: Entire State of Arkansas; building construction only.

Journeyman boilermaker	$2.55
Boilermaker's helper	2.30

Bricklayers

Case C–3745: Fort Smith and area within the territorial jurisdiction of Bricklayers, Masons and Plasterers International Union, Local 8; building construction only.

Journeyman bricklayer	$3.30

Case C–4890: Counties of Fulton, Randolph, Clay, Izard, Sharp, Greene, Craighead, Lawrence, Independence, Jackson, Cross, St. Francis, Woodruff, Lee, Phillips, and Monroe; building construction only.

Journeyman brick mason	$3.25

Case C–2254: Malvern, and area within the territorial jurisdiction of Bricklayers, Masons and Plasterers International Union, Local 7; building construction only.

Journeyman bricklayer	$3.25

Case C–3071: Counties of Jefferson, Chicot, Arkansas, Bradley, Desha, Ashley, Lincoln, Drew, and Cleveland; building construction only.

Journeyman bricklayer	$3.30

Carpenters

Case C–3448: Parts of Chicot, Drew, and Desha Counties; building construction only.

Journeyman carpenter	$1.85
Journeyman millwright	2.10
Journeyman pile driver	2.10

Case C–5838: County of Crittenden; building construction only.

Journeyman carpenter, millwright, pile driver and floor layer	$2.25

Case C–2126: Arkadelphia and area within the territorial jurisdiction of United Brotherhood of Carpenters and Joiners, Local 1722; building construction only.

Journeyman carpenter, millwright and floorman	$1.925

Case C–3447: Camden and area within the territorial jurisdiction of United Brotherhood of Carpenters and Joiners, Local 529; building construction only.

Journeyman carpenter	$2.075

Case C–7573: Counties of Ashley and parts of Union, Bradley, Chicot and Drew; building construction only.

For contracts over $20,000 and cost plus contracts:

Journeyman carpenter	$2.075

Case C–3442: All of Union County, Ark., except an eastern strip about 10 miles wide; a northern strip of Union Parish, La., about 12 miles wide; building construction only.

Journeyman carpenter	$2.075
Journeyman millwright	2.20

Case C–8399: Counties of Sebastian, Franklin, and Crawford; building and heavy construction only.

Carpenter foreman	$2.45
Journeyman carpenter	2.15
Apprentice carpenter:	
Fourth year	1.98–2.09
Third year	1.76–1.87
Second year	1.64–1.70
First year	1.44–1.50
Journeyman millwright and pile driver	2.275
Journeyman insulator	1.925
Apprentice:	
Fourth year	1.76–1.83
Third year	1.64–1.70
Second year	1.49–1.55
First year	1.34–1.40

Case C–4561: Hot Springs and area within the territorial jurisdiction of United Brotherhood of Carpenters and Joiners, Local 891; building and heavy construction only.

Journeyman carpenter	$2.15
Journeyman millwright	2.40

Case C–4730: Counties of Pope, Yell, south one-half of Newton, southwest part of Searcy and Van Buren and eastern half of Johnson and Logan; building and heavy construction only.

Journeyman carpenter	$2.00
Journeyman millwright	2.00
Journeyman pile driver	2.00
Pile driver foreman	2.25
Pile driver apprentice:	
First 6 months	1.20
Second 6 months	1.30
Third 6 months	1.40
Fourth 6 months	1.50
Fifth 6 months	1.60
Sixth 6 months	1.70
Seventh 6 months	1.80
Eighth 6 months	1.90

Case C–6121: City of Pine Bluff, Jefferson County, north half of Lincoln County, east half of Prairie County and west half of Grant County; building and heavy construction only.

Journeyman carpenter	$2.15
Journeyman floorman	2.15
Journeyman millwright	2.15
Apprentice:	
First year	1.15
Second year	1.40
Third year	1.65
Fourth year	1.90

Case C–8852: Craighead, Greene, Clay, Randolph, Sharp, Lawrence, Independence, Jackson, Poinsett, Mississippi, Cross, Crittenden, St. Francis, Phillips, Monroe, Prairie, Stone, Woodruff, Baxter, Fulton; building, heavy and highway construction only.

Journeyman carpenter	$2.15
Journeyman millwright and pile driver	2.25
Apprentices:	
First 6 months, 60 percent.	
Second 6 months, 65 percent.	
Third 6 months, 70 percent.	
Fourth 6 months, 75 percent.	
Fifth 6 months, 80 percent.	
Sixth 6 months, 85 percent.	
Seventh 6 months, 90 percent.	
Eighth 6 months, 95 percent.	

The Commission also voted to approve maintenance of the existing differential for foreman.

Cement Finishers and Masons

Case C–5107: County of Crittenden; building, heavy and highway construction.

Journeyman cement mason	$2.25

Case C–5887: Counties of Union, Ouachita, Ashley, Lafayette, Calhoun, Nevada, Hempstead, Bradley, and Columbia; building and heavy construction only.

Mason	$2.25

Case C–3745: Fort Smith and area within the territorial jurisdiction of Bricklayers, Masons and Plasterers' International Union, Local 8; building construction only.

Journeyman mason	$3.30

Case C–2790: Counties of Garland, Hot Springs, Pike, Montgomery, and Clark; building construction only.

Journeyman cement mason	$2.20

Electrical Workers

Case C–4567: Counties of Crittenden, St. Francis, Lee, Cross, the southern half of Mississippi and the northern half of Phillips; building and heavy construction only.

Journeyman cable splicer	$2.85
Journeyman wireman	2.75
Journeyman lineman	2.75

Case C–9815: Counties of Sevier, Howard, Pike, Little River, Hempstead, Miller and Lafayette; building and heavy construction only.

Journeyman wireman	$2.625
Journeyman lineman	2.625
Apprentice:	
First 6 months	Optional
Second 6 months	$1.39
Third 6 months	1.43
Fourth 6 months	1.555
Fifth 6 months	1.65
Sixth 6 months	1.775
Seventh 6 months	1.87
Eighth 6 months	2.00

Case C–3239: Counties of Nevada, Ouachita, Columbia, Union, Bradley, Drew, Ashley, and Chicot, and southern half of Desha County; building and heavy construction only.

	A	B
General foreman	$2.875	$3.00
Foreman	2.625	2.75
Journeyman electrical worker	2.375	2.50

Rates in Column A apply where contract or selling price does not exceed $2,500.

Rates in Column B apply to all other work.

Case C–5006: Fort Smith and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 700; building and heavy construction only.

Journeyman electrician (inside and outside)	$2.375
Cable splicer	2.50
Lineman	2.375
Hole digger operator	1.875
Winch truck driver	1.875
Flat bed truck driver	1.375
Jack hammer and powder man	1.675
Groundman (1 year experience)	1.375
Groundman (over 1 year)	1.50
Groundman helper	1.00
Apprentice:	
Fourth year	2.00
Third year	1.875
Second year	1.625

Case C–5237: Hot Springs and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 619; building and heavy construction only.

Journeyman cable splicer	$2.75
Journeyman electrician	2.50

Case C–5299: Little Rock and area within the territorial jurisdiction of the International Brotherhood of Electrical Workers, Local 295; building and heavy construction only.

Inside Electrician

Journeyman wireman	$2.50
Apprentice:	
First 6 months: 40 percent of journeyman rate.	
Second 6 months: 40 percent of journeyman rate.	
Third 6 months: 45 percent of journeyman rate.	
Fourth 6 months: 50 percent of journeyman rate.	
Fifth 6 months: 55 percent of journeyman rate.	
Sixth 6 months: 60 percent of journeyman rate.	
Seventh 6 months: 65 percent of journeyman rate.	
Eighth 6 months: 70 percent of journeyman rate.	

Outside Electrician

Journeyman lineman	$2.50
Journeyman cable splicer	2.625
Apprentice lineman:	
Fourth year	2.00
Third year	1.80
Second year	1.70
First year	1.60

Groundman	$1.60
Winch (heavy equipment)	2.00
Winch (under 2 ton)	2.00
Flat bed truck	1.60
Track equipment on transmission or distribution, to be operated by journeyman	2.50

Elevator Constructors

Case C–7054: City of Hot Springs; construction, repair, contract service and modernization in the elevator industry.

Elevator constructor foreman	$2.945
Elevator constructor mechanic	2.60
Elevator constructor helper	1.82

Case C–7876: City of Fort Smith; construction, repair, contract service and modernization in the elevator industry.

Elevator constructor foreman	$3.07
Elevator constructor mechanic	2.73
Elevator constructor helper	1.91

Case C–8796: City of Texarkana; construction, repair, contract service and modernization in the elevator industry.

Elevator constructor foreman	$2.94
Elevator constructor mechanic	2.615
Elevator constructor helper	1.83

Case C–4482: City of Little Rock; construction, repair, contract service and modernization in the elevator industry.

Elevator foreman	$2.925
Elevator mechanic	2.60
Elevator helper	1.82

Glaziers

Case C–9623: Counties of Benton, Washington, and Crawford; building construction only.

Journeyman glazier	$2.35

Case C–8930: Camden and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Local 1636; from city of Camden through Fordyce; northwest through Gurdon; west through Magnolia; south through Louann; east through Banks; building construction only.

Glazier	$2.125

Case C–4441: City of Crossett; county of Ashley; building construction only.

Glazing and glass work	$2.23

Case C–2043: Little Rock and area within the territorial jurisdiction of the Brotherhood of Painters, Decorators and Paperhangers, Local 424; building construction only.

Glazier	$1.925

Iron Workers

Case C–2898: Counties of Benton, Carroll, Boone, Newton, Madison, Washington, Crawford, Franklin, Johnson, and Sebastian; building and heavy construction only.

Journeyman structural iron worker	$2.50
Journeyman ornamental iron worker	2.50
Journeyman reinforcing iron worker	2.50
Journeyman rigger	2.50

Case C–4190: Cities of El Dorado, Camden, and Crossett; building, heavy and highway construction.

Journeyman structural iron worker	$2.475
Journeyman reinforcing steel rodman	2.20

Case C–5129: Halfway from Memphis, Tenn., to Little Rock, Ark.; building and heavy construction only.

Journeyman structural and ornamental ironworker	$2.375
Reinforcing ironworker	2.225
Apprentice:	
First 6 months 50 percent of Journeyman's rate.	
Second 6 months 60 percent of Journeyman's rate.	
Second year 66⅔ percent of Journeyman's rate.	

Case C–8753: Cities of Magnolia, Texarkana, Hope, Washington, Fulton, and Ashdown; counties of Miller, Lafayette, Columbia, western part of Union, corner of Ouachita, parts of Nevada, Hempstead, and Little River; building construction only.

Rodman	$2.30
Structural and ornamental	2.575
Rigger	2.575
Burner and welder—ornamental and structural	2.575
Burner—rodman	2.30
Sheeter	2.85

Case C–6498: Little Rock, Ark., and halfway to Monroe, and Shreveport, La.; Memphis, Tenn.; and Tulsa, Okla.; building construction only.

Journeyman iron worker (structural)	$2.49
Journeyman iron worker (reinforcing)	2.21

Laborers

Case C–4982: County of Crittenden; building, heavy and highway construction.

Air tool operator	$1.205
Asphalt raker—smoother	1.15
Chuck tender	1.75
Concrete foreman	2.025
Construction laborer	1.15
Flagman	1.15
Pneumatic gun and nozzleman	1.75
Pipe layer and form setter	1.325
Pipe layer foreman	2.025
Labor foreman	1.75
Truck laborer	1.15
Plumber laborer	1.15
Form stripper	1.15
Mat weaver	1.325
Powder man	1.775
General foreman	2.025
Wagon driller	1.325

Case C–4984: County of Crittenden; building, heavy and highway construction.

Hod carrier	$1.50

Case C–5160: Entire State of Arkansas; main line pipeline construction only.

Laborer	$1.10

Case C–4981: County of Jefferson; building and heavy construction only.

Laborer	$1.00

Case C–5887: Counties of Union, Ouachita, Ashley, Lafayette, Calhoun, Nevada, Hempstead, Bradley, and Columbia; building and heavy construction only.

Building laborer	$1.25
Hod carrier, finisher tender	1.50
Carpenter tender	1.30
Concrete labor	1.30
Air tool operator, jackhammer and vibrator operator	1.45
Common labor foreman	2.00
Concrete and general labor foreman	2.25

Case C–4311: Counties of Sebastian, Crawford, Franklin, and Johnson; building construction only.

Building labor	$1.43
Concrete labor	1.43
Wrecking labor	1.43
Carpenter tender	1.43
Mechanic labor	1.43
Excavating labor	1.43
Plumbing tender	1.525
Asphalt raker	1.525
Asphalt shoveler	1.525
Pipe layer, concrete and clay	1.525
Watchman	$1.10
Waterboy	1.10
Hod carrier	1.70
Mortar mixer	1.70
Powderman and blaster	2.20
Labor foreman	1.80
Jackhammer and air tool man vibrator	1.91

Case C–6519: Counties of Garland, Hot Spring, Pike, Montgomery, Saline, and Clavic; building and heavy construction only.

Building labor	$1.00
Mortar mixer	1.375
Air tool operator	1.375
Jackhammer man	1.375
Vibrator man	1.375

Case C–5577: City of Little Rock; county of Pulaski; building construction only.

Laborer building	$1.00
Carpenter tender	1.00
Laborer concrete	1.00
Watchman	1.00
Air tool operator	1.00

Case C–9879: Counties of Craighead, Greene, Clay, Randolph, Sharp, Lawrence, Independence, Jackson, Poinsett, Mississippi, Cross, Crittenden, St. Francis, Phillips, Monroe, Prairie, White, Baxter, Fulton, Stone, and Woodruff; building, heavy, and highway construction.

Common laborer	$1.25
Carpenter tender	1.25
Concrete labor	1.25
Cement finisher helper	1.25
Mechanic helper	1.25
Roofer helper	1.25
Air tool operator	1.25
Vibrator operator	1.25
Hod carrier	1.25
Flagman or spotter	1.25
Labor foreman	1.75
General labor foreman	2.00
Water boy	1.25
Mortar mixer	1.40
Vibrator, air tool and electrical equipment	1.40
Caisson and cofferdam work	1.40
Puddlers behind pavers	1.40
Concrete pipe assemblers	1.40
Concrete buster	1.40

Mason and Plasterer Tenders

Case C–4984: County of Crittenden; building, heavy and highway construction.

Plasterer tender	$1.50
Mason tender	1.50

Case C–5887: Counties of Union, Ouachita, Ashley, Lafayette, Calhoun, Nevada, Hempstead, Bradley, and Columbia; building and heavy construction only.

Plasterer tender	$1.50
Mason tender	1.50

Case C–4311: Counties of Sebastian, Crawford, Franklin, and Johnson; building construction only.

Mason tender	$1.43
Plasterer tender	1.525

Case C–6519: Counties of Garland, Hot Springs, Pike, Montgomery, Saline, and Clavic; building and heavy construction only.

Mason tender	$1.375
Plasterer tender	1.375

Case C–9879: Craighead, Green, Clay, Randolph, Sharp, Lawrence, Independence, Jackson, Poinsett, Mississippi, Cross, Crittenden, St. Francis, Phillips, Monroe, Prairie, White, Baxter, Fulton, Stone, Woodruff; building, heavy and highway construction only.

Mason tender	$1.25
Plasterer tender	1.25

Operating Engineers

Case C–4243: Little Rock and area within the territorial jurisdiction of International Union of Operating Engineers, Local 382; building construction only.

Crane, motor crane, dragline, clamshell shovel, backhoe, cherrypicker with boom, pile driver operator, cable way, paver with boom	$2.50
Bulldozer, sideboom, carry all, derrick, locomotive engs., hoist (two drum), mixer larger than 10's, mechanic, welder, motor patrol, Le Tourneau pull, highlift, scraper, elevating grader, trenching machine, tower excavator, central mixing plant, pump, 2 to 5 inch or larger	2.25
Hoist (1 drum), air compressor—2, dinkey operator, roller, distributor bituminous surface, finishing machine, earth drill, water pump 2 smaller than 5" pump 5" or larger, winch truck with "A" frame, mixer smaller than 10's, push cat, snatch cat with winch welding machine 2, fireman-boiler, high or low pressure, air compressor 2	2.00
Water pump 1 smaller than 5", welding machine 1, air compressor 1, roller sheepfoot, scale operator, motor crane oiler-driver, tail tower	1.75
Fireman, oiler, mechanic helper, welder helper	1.575

Case C–6834: Entire State of Arkansas; main line pipe line construction only.

Principal operator (operator of bulldozer, back filler and cleaning and doping machine)	$2.30
Principal operator (operator of trenching machine, boom cat, back hoe, drag line, crane, and other shovel type equipment and mechanic)	2.40
Intermediate operator (operator of bending machine, tow cat, gin truck, and power-agitated dope pot)	1.925
Apprentice operator (operator of small pump, welding machine, oiler or swamper on trenching machine and shovel-type equipment, air compressor, greaser and fuel truck man, and mechanic helper)	1.45

Painters

Case C–6016: County of Crittenden; building construction only.

Journeyman house painter and paperhanger	$2.1875
Journeyman painter, spray and steel	2.3125
Sandblaster	2.4375
Apprentice: (house painting)	.875
Third 6 months	.98
Fourth 6 months	1.20
Fifth 6 months	1.53
Sixth 6 months	1.86

Case C–6017: County of Crittenden; building construction only.

Journeyman sign writer	$2.4625
Sign writer's helper	1.94
Sign writer's apprentice:	.86
Second 6 months	1.00
Third 6 months	1.10
Fourth 6 months	1.35
Fifth 6 months	1.72

Case C–7978: City of Blytheville and the northeast part of Mississippi County: building construction only.

Journeyman painter and paperhanger	$2.00

Also maintenance of customary differentials for spray operator, sign painter, and steel painter.

Case C–8930: Camden and area within the territorial jurisdiction of Brotherhood of Painters, Decorators & Paperhangers, Local 1636; from city of Camden through Fordyce; northwest through Gurdon; west through Magnolia; south through Louann; east through Banks; building construction only.

Journeyman brush painter and paperhanger	$2.125
Spray, sandblasting, and buffing	2.625
Stage (swing)	2.625
Steel (structural)	2.50
Sheet rock, tapering and floating	2.25
Sign painter	2.50

Case C–5105: Halfway from El Dorado to Texarkana, Camden, Pine Bluff, and Crossett; building construction only.

Journeyman painter, brush	$2.00
Journeyman painter, steel	2.375

Case C–4441: City of Crossett: county of Ashley; building construction only.

Journeyman painter—residential wood	$1.855
Journeyman painter—commercial wood	1.98
Journeyman painter—structural steel	2.23
Journeyman painter—spray painter	2.48
Scenic artist display in free hand	2.105
Taping, floating and texture work	1.98
Canvassing, paper hanging—residential	1.855
Canvassing, paper hanging—commercial	1.98
Sign painting	2.23
Sand blasting	2.48

Case C–8444: Little Rock and area within the territorial jurisdiction of Brotherhood of Painters, decorators and paperhangers, local 424; building construction only.

Journeyman painter	$2.00
Steel painter	2.275
Paperhanger	2.135
Spray gun painter	2.825
Roller coater operator	2.275
Apprentice:	
First 6 months—40 percent of journeyman scale.	
Second 6 months—50 percent of journeyman scale.	
Third 6 months—60 percent of journeyman scale.	
Fourth 6 months—70 percent of journeyman scale.	
Fifth 6 months—80 percent of journeyman scale.	
Sixth 6 months—90 percent of journeyman scale.	

Case C–4087: Counties of Jefferson, Lincoln, Cleveland, Arkansas, and eastern half of Grant; building construction only.

Journeyman painter, brush	$1.95
Journeyman painter, structural steel	2.20
Journeyman painter, spray	2.325

Plasterers

Case C–3745: Fort Smith and area within the territorial jurisdiction of Bricklayers, Masons and Plasterers International Union, Local 8; building construction only.

Plasterer	$3.30

Case C–2790: Counties of Garland, Hot Springs, Pike, Montgomery, and Clark; building construction only.

Journeyman plasterer	$2.75

Plumbers

Case C–4998: Entire State of Arkansas; mainline pipeline construction only.

Journeyman pipe fitter	$2.65
Pipe fitter welder	2.65
Pipe fitter apprentice	[1] 1.35

[1] Or 15 cents per hour over and above the common laborer rate in any given area.

Case C–5190. City of West Memphis; building construction only.

Journeyman plumber	$2.80

Case C–8546: Entire State of Arkansas; building construction only.

Journeyman sprinkler fitter	$2.57

Case C–6462: Counties of Little River, Hempstead, Sevier, Howard, Pike, Clark, Nevada, Miller, Columbia, Ouachita, Dallas, Calhoun, Union, Bradley, Cleveland, Drew, Ashley, Chicot, Desha, Lafayette, Phillips, Polk, and Arkansas; building construction only.

Plumber, pipe fitter, sprinkler fitter or refrigeration fitter	$2.65
Foreman	3.00
General foreman	3.35
Assistant superintendent	3.60
Apprentice:	
First 6 months	1.10
After 1 year	1.35
After 2 years	1.60
After 3 years	2.00
After 4 years	2.35
Journeyman rate after 5 years.	

Case C–8372: Cities of Fort Smith, Van Buren and surrounding area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 29; building construction only.

Journeyman plumber and pipe fitter	$2.625

Case C–2156: City of Pine Bluff, Jefferson County, and Grady, in Lincoln County; building construction only.

Journeyman plumber and welder	$2.475

Case C–8517: Little Rock and area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 155; building construction only.

Journeyman plumber, pipe fitter, and welder	$2.67

Case C–8198: St. Louis, Mo., and area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Joint Council of Lead Burners, Local 495; building, heavy and highway construction.

Journeyman lead burner	$3.175
Lead burner apprentice:	
First 3 months, 30 percent of journeyman's rate.	
Next 9 months, 35 percent of journeyman's rate.	

Roofers

Case C–4628: Counties of Clay, Craighead, Crittenden, Cross, Greene, Lee, Lawrence, Mississippi, Monroe, Phillips, Randolph, Poinsett, St. Francis; building construction only.

Journeyman roofer	$1.975
Apprentice:	
First year	50% of journeyman's rate.
Second year	55% of journeyman's rate.
Second year, second 6 months	60% of journeyman's rate.
Third year	70% of journeyman's rate.
Third year, second 6 months	80% of journeyman's rate.

Case C–3901: Counties of Sebastian, Franklin, and Crawford; building construction only.

Journeyman roofer	$1.54
Foreman	1.79
Apprentice:	
First year	.99
Second year	1.10
Third year	1.375

Case C-6121: Pine Bluff and area halfway (north) to Little Rock; halfway (south) to Monticello; halfway (west) to Camden and halfway (east) to Jonesboro. This consists of Jefferson County, north half of Lincoln County, east half of Prairie County and west half of Grant County; building and heavy construction only.

Journeyman roofer..... $2.15

Sheet Metal Workers

Case C-5592: All counties, except Clay, Craighead, Crittenden, Cross, Greene, Lee, Lawrence, Mississippi, Monroe, Phillips, Randolph, Poinsett, and St. Francis; building construction only.

Journeyman sheet metal worker..... $2.15

Steam Fitters

Case C-5190: City of West Memphis, building construction only.

Journeyman steam fitter..... $2.80

Case C-6462: Counties of Little River, Hempstead, Sevier, Howard, Pike, Clark, Nevada, Miller, Columbia, Ouachita, Dallas, Calhoun, Union, Bradley, Cleveland, Drew, Ashley, Chicot, Desha, Lafayette, Phillips, Polk, and Arkansas; building construction only.

Steam fitter..... $2.65

Case C-2156: Cities of Pine Bluff, Jefferson County, and Grady in Lincoln County; building construction only.

Steam fitter..... $2.475

[F. R. Doc. 52-12334; Filed, Nov. 18, 1952; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8258]

TEXAS STAR BROADCASTING CO.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR FURTHER HEARING

In re application of Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, Docket No. 8258, File No. BP-5820; for construction permit.

1. By a decision of January 27, 1950, released February 2, 1950, the Commission granted the above-entitled application of Roy Hofheinz and W. N. Hooper, a partnership doing business as Texas Star Broadcasting Company, for a permit to construct a new AM broadcast station in Dallas, Texas, to be operated on the frequency 740 kc, with power of 5 kw night and 10 kw day, unlimited time, employing a directional antenna during both daytime and nighttime hours of operation. Petitions for reconsideration and rehearing were filed by (1) KTRH Broadcasting Company, the licensee of Station KTRH, Houston, Texas, whose mutually conflicting application for a construction permit to change its daytime directional antenna system, which had been heard in a consolidated proceeding with the Texas Star application, was denied by that decision, and (2) Democrat Printing Company, licensee of Station KSEO, Durant, Oklahoma, an intervenor in the proceeding who alleged objectionable adjacent channel interference to it from the Texas Star proposal. The petitions for reconsideration and rehearing were denied by memorandum opinion and order of June 1, 1950, released June 2, 1950. Democrat Printing Company filed a Notice of Appeal from the Commission's decision in the United States Court of Appeals for the District of Columbia Circuit on June 21, 1950. KTRH Broadcasting Company did not appeal from the denial of its application, and did not join in the appeal taken by Democrat Printing Company. Texas Star Broadcasting Company participated in the appeal as an intervenor. The Court handed down its decision on June 12, 1952, Democrat Printing Company v. Federal Communications Commission, — F. 2d —, 7 Pike & Fischer, R. R. 2137, reversing the Commission's decision with respect to the grant to Texas Star because of errors committed by the Commission in reaching its decision that a grant to Texas Star was in the public interest, and remanding the matter to the Commission for further proceedings in accordance with its opinion. The Court's mandate was received on July 30, 1952.

2. The Court found that the Commission had committed error in failing to consider the nature of the program service to KSEO in the area of interference for the purpose of determining the comparative merits of its service with that of Texas Star. It will, therefore, be necessary to reopen the hearing for the purpose of receiving evidence with respect to KSEO's program service. The issues designated for the previous hearing included one with respect to the "type and character of program service proposed to be rendered (by Texas Star) and whether it would meet the requirements of the populations and areas proposed to be served." There was, however, no issue relating to the program service of KSEO.[1] Accordingly, in accordance with the Court's opinion, an additional issue with respect to KSEO's program service will be included.

3. The Court also found error in the grant to Texas Star because the Commission permitted a deviation from the normal requirements of the so-called "blanketing" standard of its Standards of Good Engineering Practice[2] without having any evidence that consideration was given to other transmitter sites, one of the conditions set forth by the standard for permitting a deviation, and without suggesting why, in the public interest, the showing of no alternative site should not be required in this case. We believe that in the light of the Court's opinion, the parties should be given an opportunity in this proceeding to make a further showing with respect to compliance with the "blanketing" standard, or justification for non-compliance. That issue will also be designated for further hearing.

4. One other matter requires mention. The Court's opinion states that there was no substantial evidence to support the Commission's finding that "the grant to Texas Star will not impair the ability of KSEO to continue to serve the local Durant area." It is clear from the opinion that the Court interpreted this finding as one pertaining to the continuing financial ability of KSEO to operate in the public interest in the event of a grant to Texas Star. We believe that the ambiguous wording of our finding, and its proximity to a finding that considerations of equitable distribution of service between the respective communities warranted a grant to Texas Star, led the Court to misunderstand the meaning of the finding. The Commission's finding was intended as one that KSEO's ability to serve the local Durant area in a technical sense would not be impaired, i. e., that KSEO would continue to render a satisfactory signal in that area. There is clearly record evidence to support that conclusion. It is true that there is no evidence in the record on financial injury to KSEO, but no finding on this matter was intended and no issue on financial injury was included.

5. Nor do we believe that it would be appropriate for the Commission on its own motion to include an issue, in the further proceedings in this case, relating to the financial effect of a grant upon an existing station which will receive objectionable interference. The question of whether any showing of financial injury under such circumstances would be relevant to a determination of whether the interfering grant would be in the public interest, is a very complex one which the Commission has not hitherto been called upon to consider. Since financial injury obviously does not necessarily flow from the fact that an existing station will receive electrical interference from a pending grant, and since no allegation of financial injury has been made to the Commission in this proceeding and no motion to enlarge the issues has been made based upon such a claim, we believe that it would be both unnecessary

[1] KSEO had contended that the issues designated by the Commission required it to show only that Texas Star's proposed signal would interfere with the existing KSEO signal in order to defeat Texas Star's application. The Court stated that this interpretation of the issues was too restrictive, since issue number four was "To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, *if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.*" (Emphasis added.) The Court's opinion then states "Unless we are to ignore the italicized portion, we think the issue clear notice that the public interest might require an award to Texas Star even though the signal of other stations might suffer interference, and that any evidence showing that such interference would not be in the public interest would be relevant. The Federal Communications Act and the Commission's rules leave no doubt that in appropriate cases, licenses may be granted despite resulting interference to existing stations." The question there decided by the Court was one of notice, and we do not construe the Court's language as changing the scope of the Commission's issues. The Commission has never construed the issue referred to by the Court as including evidence of program service, and the evidence of KSEO's program service offered at the hearing was rejected as immaterial under the issues.

[2] 47 C. F. R., p. 136 (1949); Vol. 1, part 2, Pike & Fischer, R. R. 81:173-4.

and improper to attempt to resolve the question at this time.[3]

6. For the foregoing reasons: *It is ordered,* That the grant of a construction permit to Texas Star Broadcasting Company, dated January 27, 1950, is vacated, the application (BMP–5900) of Texas Star Broadcasting Company for modification of construction permit to extend the completion date is dismissed as moot, and the above-entitled application for construction permit is designated for further hearing to be held at Washington, D. C., before Hugh B. Hutchison, Hearing Examiner, at a date to be announced, upon the following issues:

1. To determine the type and character of program service rendered by Station KSEO, Durant, Oklahoma, to the area in which KSEO would receive objectionable interference from the proposed operation of Texas Star Broadcasting Company.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice Concerning Standard Broadcast Stations relating to "blanket area" interference and, if not, whether the public interest warrants a departure from such standards.

3. To determine, on the basis of the above issues and the record heretofore had in those proceedings, whether a grant of the above-entitled application is in the public interest.

Adopted: November 5, 1952.

Released: November 6, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–12345; Filed, Nov. 18, 1952; 8:54 a. m.]

[Docket Nos. 9136, 10243, 10316]

PIONEER BROADCASTERS, INC. ET AL.

ORDER SCHEDULING HEARING

In re applications of Pioneer Broadcasters, Inc., Portland, Oreg., Docket No. 9136, File No. BPCT–431; KXL Broadcasters, Portland, Oreg., Docket No. 10243, File No. BPCT–954; Mount Hood Radio and Television Broadcasting Corporation, Portland, Oreg., Docket No. 10316, File No. BPCT–1029; for construction permits for new television stations (Channel 6).

Pursuant to agreement of counsel at a conference held on November 4, 1952, the further hearing on the applications in the above-entitled proceeding presently scheduled for November 10, 1952, is hereby continued to 10 o'clock a. m., November 19, 1952, in Washington, D. C.

Dated, this 4th day of November 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–12350; Filed, Nov. 18, 1952; 8:56 a. m.]

[Docket Nos. 9138, 10245, 10319, 10324]

WESTINGHOUSE RADIO STATIONS, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Westinghouse Radio Stations, Inc., Portland, Oreg., Docket No. 9138, File No. BPCT–494; Portland Television, Inc., Portland, Oreg., Docket No. 10245, File No. BPCT–956; North Pacific Television, Inc., Portland, Oreg., Docket No. 10319, File No. BPCT–1138; Cascade Television Company, Portland, Oreg., Docket No. 10324, File No. BPCT–1235; for construction permits for new television stations (Channel 8).

Pursuant to agreement of counsel at a conference held on November 4, 1952, the further hearing on the applications in the above-entitled consolidated proceeding presently scheduled for December 1, 1952, is hereby continued to 10 o'clock a. m., January 6, 1953, in Washington, D. C.

Dated this 4th day of November 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–12349; Filed, Nov. 18, 1952; 8:55 a. m.]

[Docket Nos. 10199, 10204, 10230]

ARCTIC TELEPHONE & TELEGRAPH CO. AND AERONAUTICAL RADIO, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Arctic Telephone & Telegraph Company, for construction permit for an aeronautical and aeronautical fixed station to be located at the International Airport, Spenard, Alaska; Docket No. 10199, File No. 8107–A3–P–F; and Aeronautical Radio, Inc., for construction permit to relocate aeronautical and aeronautical fixed stations KWH2/KWC99 from Elmendorf Field to the International Airport, Spenard, Alaska, Docket No. 10204, File No. 14572–A3–P–G. In the matter of Arctic Telephone & Telegraph Company, application for modification of construction permit to change location of a fixed public point-to-point telephone station from Fourth of July Creek, Alaska to Anchorage, Alaska, to add frequencies and to increase the maximum power, Docket No. 10230, File No. 11330–F4–MP–D.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1952;

The Commission having under consideration the designation of time and place for hearings in the above-captioned matters;

It appearing, that by an order dated May 21, 1952, the proceedings in Dockets 10199 and 10204 were designated for a consolidated hearing in Washington, D. C., at a time to be specified later and by an order dated July 9, 1952, the proceeding in Docket 10230 was designated for hearing in Washington, D. C., to be held on August 26, 1952, and subsequently adjourned; and

It further appearing, that Arctic Telephone & Telegraph Company requested that the hearing location in both proceedings be changed from Washington, D. C. to Anchorage, Alaska, for the reason, among other things, that the applicant and all its witnesses reside in Alaska and it would not be possible for it effectively to present its case in Washington; and

It further appearing, that the foregoing request was denied by the Commission on July 23, 1952, but Arctic Telephone & Telegraph Company was advised that the hearings on the above applications might be held either in Seattle, Washington or Portland, Oregon, at a time which would coincide with the then anticipated hearings on other matters which were expected to be held in the Pacific Northwest in the near future; and

It further appearing, that Arctic Telephone & Telegraph Company filed a written appearance indicating that it would appear at a hearing held in either one of the above-mentioned cities; and

It further appearing, that although considerations which arose after the Commission's action of July 23, 1952, was taken make, at present, indefinite the time when other proceedings may be scheduled for hearings in the Pacific Northwest, the Commission desires to afford Arctic Telephone & Telegraph Company the opportunity to be heard at a place which would more practicably enable the applicant to appear and present its cases than if the place of hearing were Washington, D. C.:

It is ordered, That the above-mentioned orders of May 21, 1952, and July 9, 1952, are amended by changing the hearing location from Washington, D. C. to a place in the Pacific Northwest to be determined, together with the time for such hearings, by a subsequent order.

Released: November 10, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–12344; Filed, Nov. 18, 1952; 8:54 a. m.]

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[3] We recognize that the Court by dictum in a footnote to its opinion included language suggesting that if the matter were properly raised, economic injury to an existing station might, under certain circumstances, be relevant. It seems doubtful that this dictum, written in the absence of any Commission consideration of the problem, was intended to prejudge Commission determination of the question should it be properly raised in any case. In any event, we need not consider, in the present posture of this case, the applicability of the principle stated in circumstances where a party timely raised the issue.

[Docket Nos. 10248, 10249]

MT. SCOTT TELECASTERS, INC., AND VANCOUVER RADIO CORP.

ORDER SCHEDULING HEARING

In re applications of Mt. Scott Telecasters, Inc., Portland, Oreg., Docket No. 10248, File No. BPCT-939; Vancouver Radio Corporation, Vancouver, Wash., Docket No. 10249, File No. BPCT-959; for construction permits for new television stations (Channel 21).

Pursuant to agreement of counsel at a conference held on November 4, 1952, the further hearing on the applications in the above-entitled consolidated proceeding presently scheduled for November 7, 1952, is hereby continued to 10 o'clock a. m., February 9, 1953, in Washington, D. C.

Dated this 4th day of November 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12351; Filed, Nov. 18, 1952; 8:56 a. m.]

[Docket Nos. 10268, 10269, 10270]

WJR, THE GOODWILL STATION, INC. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WJR, The Goodwill Station, Inc., Flint, Mich., Docket No. 10268, File No. BPCT-967; Trebit Corporation, Flint, Mich., Docket No. 10269, File BPCT-968; W. S. Butterfield Theatres, Inc., Flint, Mich., Docket No. 10270, File No. BPCT-953; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1952;

The Commission, having under consideration the above-entitled application of W. S. Butterfield Theatres, Inc., requesting a construction permit for a new television broadcast station to operate on Channel 12 in Flint, Michigan; and

It appearing, that the said application is mutually exclusive with the above-entitled applications of WJR, the Goodwill Station, Inc., and Trebit Corporation, both of which also request construction permits for television stations to operate on Channel 12 in Flint, Michigan; and

It further appearing, that the applicant W. S. Butterfield Theatres, Inc., was advised on October 30, 1952, that its proposal was mutually exclusive with those of the other above-entitled applications and was requested to file any reply within five days, and that this time has now expired and the said conflict has not been resolved:

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application of W. S. Butterfield Theatres, Inc., be designated for hearing in the same consolidated proceeding with the other above-entitled applications to commence at 10:00 a. m., on November 17, 1952, in Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of any of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12348; Filed, Nov. 18, 1952; 8:55 a. m.]

[Docket Nos. 10340, 10341]

MARIA HELEN ALVAREZ AND CAL TEL CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Maria Helen Alvarez, Sacramento, Calif., Docket No. 10340, File No. BPCT-1041; Ashley L. Robison and Frank E. Hurd, d/b as Cal Tel Company, Sacramento, Calif., Docket No. 10341, File No. BPCT-1330; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 5th day of November 1952;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 40 in Sacramento, California; and

It appearing, that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 40 in Sacramento, California; and

It further appearing, that the applicants were advised on October 24, 1952, that their proposals were mutually exclusive and were requested to file any replies within ten days, and that this time has now expired and the said conflict has not been resolved:

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on November 17, 1952, in Washington, D. C. upon the following issues:

1. To determine the technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12346; Filed, Nov. 13, 1952; 8:54 a. m.]

[Docket Nos. 10342, 10343]

JOHN POOLE BROADCASTING CO. AND JACK O. GROSS

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of John H. Poole, tr/as John Poole Broadcasting Company, Sacramento, Calif., Docket No. 10342, File No.: BPCT-1007; Jack O. Gross, Sacramento, Calif., Docket No. 10343, File No.: BPCT-1077; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1952;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 46 in Sacramento, California; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 46 in Sacramento, California; and

It further appearing, that the applicants were advised on August 13, 1952, that their proposals were mutually exclusive and were requested to file any replies within thirty days, and that this time has now expired and the said conflict has not been resolved:

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications be designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on November 17, 1952, in Washington, D. C. upon the following issues:

1. To determine the technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12347; Filed, Nov. 18, 1952; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6460]

PUBLIC SERVICE CO. OF COLORADO

ORDER POSTPONING HEARING

NOVEMBER 12, 1952.

On November 3, 1952, counsel for Public Service Company of Colorado requested that the public hearing now set to commence on December 8, 1952, in the above entitled docket be postponed until a date agreeable to the Commission subsequent to January 1, 1953. Counsel states that they are presently engaged in a case pending in the United States District Court in which Public Service Company of Colorado is a defendant and will be engaged in other cases to be tried during November and December.

The Commission finds: Good cause exists for postponement of the hearing in the above-entitled proceeding.

The Commission orders: The hearing now set for December 8, 1952, at 10:00 a. m., be and the same is hereby postponed until January 12, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington 25, D. C.

Date of issuance: November 13, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12314; Filed, Nov. 18, 1952; 8:45 a. m.]

[Docket No. E-6462]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

NOVEMBER 12, 1952.

Take notice that on November 10, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of a maximum of $2,000,000 unsecured Promissory Notes payable to The National City Bank of New York, dated as of the dates of their respective issue, due not more than one year after the dates of their respective issue, bearing interest at the commercial bank rate in effect at the dates of their respective issue. The Northwestern National Bank of Minneapolis will have a 25 percent participation in each note and the First National Bank of Minneapolis will have a 15 percent participation in each note; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 1st day of December, 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12319; Filed, Nov. 18, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27540]

ANHYDROUS AMMONIA FROM SOUTH POINT, OHIO, TO CHICAGO AND STREATOR, ILL.

APPLICATION FOR RELIEF

NOVEMBER 14, 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: H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, carloads.

From: South Point, Ohio.

To: Chicago and Streator, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: N. & W. Ry. tariff I. C. C. No. 9424, Supp. 44.

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] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12315; Filed, Nov. 18, 1952; 8:45 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 8]

GEORGIA RAILROAD ET AL.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Georgia Rail Road & Banking Company, Operated as the Georgia Railroad by lessees: Atlantic Coast Line Railroad Company, Louisville and Nashville Railroad Company, account work stoppage, is unable to transport traffic routed over this line. It is ordered, that:

(a) Rerouting traffic: The Georgia Rail Road & Banking Company, operated as the Georgia Railroad by lessees: Atlantic Coast Line Railroad Company, Louisville and Nashville Railroad Company, account work stoppage, is unable to transport traffic in accordance with shippers' routing, and is hereby authorized to divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a. m., November 13, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., November 28, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., November 12, 1952.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 52–12316; Filed, Nov. 18, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2930]

WACHUSETT GAS CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER AUTHORIZING ISSUANCE AND SALE OF CAPITAL STOCK

NOVEMBER 12, 1952.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary company, Wachusett Gas Company ("Wachusett"), having filed with this Commission an application-declaration, pursuant to sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-23 and U-42 (b) (2) thereunder, with respect to the following proposed transactions:

Wachusett proposes to issue and sell, for cash, 5,000 shares of additional capital stock, $100 par value, at a price of $100 per share, aggregating $500,000. NEES, the sole stockholder of Wachusett, proposes to acquire such shares and will use available cash for such purpose.

Pursuant to a bank loan agreement with The National City Bank of New York, Wachusett presently has outstanding $430,000 principal amount of unsecured promissory notes, due April 1, 1953. The proceeds from the proposed issuance and sale of capital stock will be used by Wachusett to pay its outstanding note indebtedness under its loan agreement and the balance of the proceeds will be used to pay for construction.

The application-declaration states that the total expenses to Wachusett and NEES in connection with the proposed transactions, including services rendered by New England Power Service Company, an affiliated service company, at the actual cost thereof, are estimated at $1,500 and $300, respectively.

The Department of Public Utilities of the Commonwealth of Massachusetts has approved the proposed issuance and sale of capital stock by Wachusett and, according to the application-declaration, no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective upon issuance.

Notice of the filing of the application-declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and hereby is, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52–12320; Filed, Nov. 18, 1952; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19061]

FRITZ WINTER

In re: Real property and property insurance policies owned by Fritz Winter, also known as Fritz Winters. F–28–31717.

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

1. That Fritz Winter, also known as Fritz Winters, whose last known address is Calshornerstrasse 301, Bremen-Arbergen, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City of Chicago, County of Cook, State of Illinois, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of the person named in subparagraph 1 hereof, in and to all insurance policies covering the premises described in the aforesaid Exhibit A, and any and all extensions or renewals thereof,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Winter, also known as Fritz Winters, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

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

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of a designated enemy country, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–b hereof,

All such property so vested to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on November 13, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain piece or parcel of land situated in the City of Chicago, County of Cook, State of Illinois, particularly described as follows:

Lot Eighteen (18) of Block Eleven (11) in F. H. Bartletts Garfield Ridge Subdivision of Section Seventeen (17), Township Thirty-eight (38) N., Range Thirteen (13), East of the Third Principal Meridian.

[F. R. Doc. 52–12336; Filed, Nov. 18, 1952; 8:52 a. m.]

[Vesting Order 14701, Amdt.]

KARL HERRMANN

In re: Real property owned by Karl Herrmann, also known as Karl George Herrmann, and as Carl Herman. F–28–29323–B–1.

Vesting Order 14701, dated June 1, 1950, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached to and by reference made a part of Vesting Order 14701, the following:

The westerly half of Lot No. 9 and all of Lot No. 10 in Block No. 42, as said lots and

block are delineated on that certain map entitled Richmond Junction Heights, Contra Costa County, California, 1913.

and substituting therefor the following:

Southwest 12.5 feet of Lot 9 and all of Lot 10 in Block 42, as shown on the Map of Richmond Junction Heights, filed in Book 10 of Maps, Page 230, in the office of the County Recorder of Contra Costa County.

All other provisions of said Vesting Order 14701 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 13, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12339; Filed, Nov. 18, 1952; 8:52 a. m.]

[Vesting Order 19062]

WALTER MOBIUS ET AL.

In re: Rights of Walter Mobius and others under insurance contract. File No. F-28-32000-H-1.

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

1. That Walter Mobius and T. Paul Mobius, whose last known address is (13a) Erlangen, Gerberei 19, Bavaria, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Walter Mobius, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8 562 394 issued by the New York Life Insurance Company, New York, New York, to Walter Mobius, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on November 13, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12337; Filed, Nov. 18, 1952; 8:52 a. m.]

[Vesting Order 19063]

OTTO KUEHN ET AL.

In re: Bond owned by Bernhard Julius Otto Kuehn, also known as Otto Kuehn, Friedel Kuehn, also known as Friedel Berta Auguste Kuehn and Hans Kuehn, also known as Hans Joachim Kuehn. F-28-20554-C-1.

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

1. That Bernhard Julius Otto Kuehn, also known as Otto Kuehn, Friedel Kuehn, also known as Friedel Berta Auguste Kuehn and Hans Kuehn, also known as Hans Joachim Kuehn, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany, and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the property described as follows: One (1) United States Savings bond Series E, due September 1, 1952, having a face value of $25.00 and numbered Q, 43608820E, said bond issued in the names of Hans Kuehn or Mr. Otto Kuehn and presently in the custody of the Bishop Trust Company, Limited, Honolulu, Hawaii for the account of Mrs. Friedel Berta Auguste Kuehn, together with any and all rights in, to and under said bond,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bernhard Julius Otto Kuehn, also known as Otto Kuehn, Friedel Kuehn, also known as Friedel Berta Auguste Kuehn and Hans Kuehn, also known as Hans Joachim Kuehn, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on November 13, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12338; Filed, Nov. 18, 1952; 8:52 a. m.]