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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR–386]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

SPECIAL CIVIL AIR REGULATION; FLIGHT TIME LIMITATIONS FOR PILOTS NOT REGULARLY ASSIGNED TO ONE TYPE OF CREW

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of September 1952.

Special Civil Air Regulation SR–381 which terminates September 30, 1952, provides authority whereby a pilot may serve in more than one type of flight crew without incurring any penalty in terms of maximum permissive flight duty. This authority has heretofore been provided for an experimental period with a view to the establishment of permanent rules for such crew assignments.

The Civil Aeronautics Administration has advised the Board that the regulation is a desirable one and not subject to abuse. It therefore recommends that the authority granted by SR–381 be continued and that it be incorporated in Part 41 of the Civil Air Regulations. Certain scheduled air carriers have also asked that the authority be incorporated in Part 41. However, the Board considers, since a proposed major revision of Part 41 is expected to be published shortly, that it would be more advisable to extend the authority granted by SR–381 and incorporate the changes in the proposed revision of Part 41 when published.

This regulation will not allow evasion of the stricter limitations applicable to smaller crew combinations, but will allow assignment of a pilot in any given month to another type of crew combination without additional flight time limitation if he flies not more than 20 hours in the type of crew to which the more restrictive flight time limitations apply and if such assignment is not interrupted more than once during such month.

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

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective immediately.

1. Contrary provisions of § 41.57 of the Civil Air Regulations notwithstanding, the following rules shall apply to the monthly and quarterly flight time limitations of pilots assigned in combinations of two-pilot crews, two-pilot and additional flight crew member crews, or three-pilot and additional flight crew member crews.

2. A pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of two or more pilots and an additional flight crew member, shall be governed by the provisions of § 41.54.

3. Except for a pilot coming within the provisions of paragraph 2, a pilot who is assigned to duty aloft for more than 20 hours in two-pilot and additional flight crew member crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of three pilots and an additonal flight crew member, shall be governed by the provisions of § 41.55.

4. A pilot to whom the provisions of paragraphs 2 and 3 are not applicable, assigned to duty aloft for a total of 20 hours or less within a given month in two-pilot crews with or without additional flight crew members, shall be governed by the provisions of § 41.56.

5. A pilot assigned to each of two-pilot, two-pilot and additional flight crew member, and three-pilot and additional flight crew member crews in a given month, who is not governed by the provisions of paragraphs 2, 3, or 4, shall be governed by the provisions of § 41.55.

This regulation shall supersede Special Civil Air Regulation Serial Number SR–381 and shall terminate one year from its effective date, unless sooner superseded or rescinded by the Board.

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(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 604, 52 Stat. 1007, 1008, 1010; 49 U. S. C. 551, 552, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-10422; Filed, Sept. 24, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter II—Production and Marketing Administration (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURES

FOURTH APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, FISCAL YEAR 1952

The funds available for purposes of the National School Lunch Act (60 Stat. 230) for food assistance for the fiscal year ending June 30, 1952, are reapportioned as follows in order to effect a further apportionment of supplemental funds pursuant to section 4 of the act:

State	Total	State agency	Withheld for private schools
Alabama	$2,580,189	$2,520,906	$59,283
Arizona	399,872	378,516	21,356
Arkansas	1,599,664	1,572,008	27,656
California	2,947,144	2,947,144	
Colorado	527,661	491,693	35,968
Connecticut	536,972	536,972	
Delaware	77,700	73,905	3,795
Dist. of Col.	155,861	155,861	
Florida	1,232,012	1,187,357	44,655
Georgia	2,395,366	2,395,366	
Idaho	299,754	291,062	8,692
Illinois	2,413,994	2,413,994	
Indiana	1,491,368	1,491,368	
Iowa	1,048,892	943,722	105,170
Kansas	778,782	778,782	
Kentucky	2,144,069	2,144,069	
Louisiana	1,688,285	1,688,285	
Maine	428,922	374,181	54,741
Maryland	754,057	678,634	75,423
Massachusetts	1,445,523	1,445,523	
Michigan	2,219,307	1,954,985	264,322
Minnesota	1,242,419	1,068,171	174,248
Mississippi	2,208,621	2,208,621	
Missouri	1,442,717	1,442,717	
Montana	211,866	193,100	18,766
Nebraska	487,922	437,470	50,452
Nevada	44,100	43,482	618
New Hampshire	217,178	217,178	
New Jersey	$1,364,462	$1,106,055	$258,407
New Mexico	431,728	431,728	
New York	3,910,213	3,910,213	
North Carolina	3,005,949	3,005,949	
North Dakota	306,381	276,881	29,500
Ohio	2,505,441	2,164,481	340,960
Oklahoma	1,313,928	1,313,928	
Oregon	533,960	533,960	
Pennsylvania	3,426,730	2,961,441	465,289
Rhode Island	240,495	240,495	
South Carolina	1,875,279	1,875,899	19,380
South Dakota	238,071	213,301	24,770
Tennessee	2,317,464	2,262,120	55,344
Texas	3,541,808	3,541,808	
Utah	370,813	365,758	5,055
Vermont	183,931	183,931	
Virginia	1,764,257	1,709,920	54,337
Washington	757,908	715,166	42,742
West Virginia	1,316,339	1,287,731	28,608
Wisconsin	1,308,518	1,039,317	269,201
Wyoming	115,086	115,086	
Total	63,818,975	61,280,240	2,538,735

Dated: September 19, 1952.

[SEAL] C. J. MCCORMICK, *Acting Secretary of Agriculture.*

[F. R. Doc. 52-10425; Filed, Sept. 24, 1952; 8:48 a. m.]

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

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1953

Correction

In F. R. Doc. 52-8385, appearing at page 6995 of the issue for Thursday, July 31, 1952, the sixth line of § 701.412 (c) should read: "in §§ 701.413 to 701.415, 701.416 (2), 701.417".

TITLE 26—INTERNAL REVENUE

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

Subchapter A—Income and Excess Profits Taxes

[T. D. 5932; Regs. 103, 111]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INVOLUNTARY LIQUIDATION AND REPLACEMENT OF INVENTORIES ACCOUNTED FOR ON LAST-IN FIRST-OUT METHOD

On April 9, 1952, notice of proposed rule making to conform Regulations 103 (26 CFR Part 19) and 111 (26 CFR Part 29) to Public Law 919, 81st Congress, approved January 11, 1951, and to section 306 of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 3105). After consideration of all relevant matter presented by interested persons, the amendments to such regulations set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 19.22 (d)-1 the following:

PUBLIC LAW 919, 81ST CONGRESS, APPROVED JANUARY 11, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 22 (d) (6) (relating to the involuntary liquidation and replacement of elective inventories) of the Internal Revenue Code is hereby amended as follows:

(a) By amending the title of subparagraph (A) thereof to read as follows:

(A) *Adjustment of net income and resulting tax.* Years beginning prior to January 1, 1948.

(b) By striking out in subparagraph (A) thereof "January 1, 1951" and by inserting in lieu thereof "January 1, 1953".

(c) The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1940.

* * * * *

PAR. 2. Section 19.22 (d)–7, as amended by Treasury Decision 5841, approved May 22, 1951, is further amended by striking from the second paragraph, as revised by Treasury Decision 5645, approved July 20, 1945, the date "January 1, 1951" and inserting in lieu thereof the following: "January 1, 1953".

PAR. 3. There is inserted immediately preceding § 29.22 (d)–1 the following:

PUBLIC LAW 919, 81ST CONGRESS, APPROVED JANUARY 11, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 22 (d) (6) (relating to the involuntary liquidation and replacement of elective inventories) of the Internal Revenue Code is hereby amended as follows:

(a) By amending the title of subparagraph (A) thereof to read as follows:

(A) *Adjustment of net income and resulting tax.* Years beginning prior to January 1, 1948.

(b) By striking out in subparagraph (A) thereof "January 1, 1951" and by inserting in lieu thereof "January 1, 1953".

(c) The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1940.

SEC. 2. LIQUIDATIONS IN TAXABLE YEARS ENDING AFTER JUNE 30, 1950, AND PRIOR TO JANUARY 1, 1954.

(a) *In general.* Section 22 (d) 6) of the Internal Revenue Code is hereby amended by the addition of the following subparagraph:

(F) *Years ending after June 30, 1950, and prior to January 1, 1954.*

(i) *Adjustment of net income and resulting tax.* If, for any taxable year ending after June 30, 1950, and prior to January 1, 1954, the closing inventory of a taxpayer inventorying goods under the method provided in this subsection reflects a decrease from the opening inventory of such goods for such year, and if the taxpayer elects, at such time and in such manner and subject to such regulations as the Commissioner with the approval of the Secretary may prescribe, to have the provisions of this paragraph apply, and if it is established to the satisfaction of the Commissioner, in accordance with such regulations, that such decrease is attributable to the involuntary liquidation of such inventory as defined in subparagraph (B) (as modified by clause (ii) of this subparagraph), and if the closing inventory of a subsequent taxable year, ending prior to January 1, 1956, reflects a replacement, in whole or in part, of the goods so previously liquidated, the net income of the taxpayer otherwise determined for the year of such involuntary liquidations shall be increased by an amount equal to the excess, if any, of the aggregate cost of such goods reflected in the opening inventory of the year of involuntary liquidation over the aggregate replacement cost, or decreased by an amount equal to the excess, if any, of the aggregate replacement cost of such goods over the aggregate cost thereof reflected in the opening inventory of the year of the involuntary liquidation. The taxes imposed by this chapter and by chapter 2 for the year of such liquidation, for preceding taxable years, and for all taxable years intervening between the year of liquidation and the year of replacement shall be redetermined, giving effect to such adjustments. Any increase in such taxes resulting from such adjustments shall be assessed and collected as a deficiency but without interest, and any overpayment so resulting shall be credited or refunded to the taxpayer without interest.

(ii) *Definition of involuntary liquidation.* For the purposes of this subparagraph the term "involuntary liquidation" shall have the meaning given to it in subparagraph (B) and, in addition, it shall mean a failure, as referred to in that subparagraph, on the part of the taxpayer due, directly and exclusively, to disruption of normal trade relations between countries. For the purposes of this subparagraph the words "enemy" and "war", as used in subparagraph (B), shall be interpreted, pursuant to regulations prescribed by the Secretary, in such a way as to apply to circumstances, occurrences and conditions, lacking a state of war, which are similar, by reason of a state of national preparedness, to those which would exist under a state of war.

(iii) *Application of Subparagraphs (C) and (E).* Subparagraphs (C) and (E), to the extent that they refer to any taxpayer subject to the provisions of subparagraph (A) or to the adjustments specified in or resulting from the effect of subparagraph (A), shall be as applicable to a taxpayer subject to the provisions of this subparagraph or to adjustments specified in or resulting from the effect of this subparagraph as though they specifically referred to this subparagraph. For this purpose, and with respect to the taxable years covered by this subparagraph, the reference in subparagraph (E) to section 734 (d) shall be taken as a reference to section 450 (d) [sic].

(b) *Effective date.* The amendment made by this section shall be applicable with respect to taxable years ending after June 30, 1950.

Approved January 11, 1951.

SEC. 306. INVOLUNTARY LIQUIDATION AND REPLACEMENT OF INVENTORY (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 22 (d) (6) (F) (iii).* Section 22 (d) (6) (F) (iii) (relating to replacement of inventory involuntarily liquidated) is hereby amended by striking out the last sentence and inserting in lieu thereof the following: "If, for any taxable year ending after June 30, 1950, and prior to January 1, 1953, subparagraph (C) is applicable with respect to involuntary liquidations of goods of the same class subject to the provisions of both subparagraph (A) and this subparagraph, the involuntary liquidations of such goods subject to the provisions of this subparagraph shall be considered for the purpose of subparagraph (C) as having occurred prior to the involuntary liquidations of such goods subject to the provisions of subparagraph (A). For the purpose of this clause, and with respect to the taxable years covered by this subparagraph, the reference in subparagraph (E) to section 734 (d) shall be taken as a reference to section 452 (d)."

(b) *Effective date.* The amendment made by subsection (a) shall be applicable with respect to taxable years ending after June 30, 1950.

PAR. 4. Section 29.22 (d)–7, as amended by Treasury Decision 5841, approved May 22, 1951, is further amended as follows:

(A) By striking from the first sentence of paragraph (a) "If prevailing war conditions beyond the control of the taxpayer should render it impossible during the period of the war for a taxpayer using the elective inventory method to have on hand at the close of the taxable year a stock of merchandise" and inserting in lieu thereof the following: "If prevailing war conditions beyond the control of the taxpayer, or certain prescribed post-war conditions beyond his control, should render it impossible either during the period of the war or within the prescribed post-war period for a taxpayer using the elective inventory method to have on hand at the close of the taxable year a stock of merchandise".

(B) By striking from paragraph (a) "If the taxpayer notifies the Commissioner at any time not later than six months after the time of filing his income tax return for the year of the liquidation" from the second sentence and inserting in lieu thereof the following: "If the taxpayer notifies the Commissioner at any time not later than six months after the time of filing his income tax return for the year of the liquidation, or at any time not later than December 15, 1952, in the case of the year of liquidation being a taxable year ending after June 30, 1950, and before March 1, 1952,".

(C) By striking "January 1, 1951" from paragraph (b) and inserting in lieu thereof the following: "January 1, 1953."

(D) By inserting at the end of paragraph (b) the following: "The statutory provisions affording recognition to the involuntary character of inventory decreases which become apparent in post-war taxable years and authorizing for tax purposes a replacement of the items of merchandise so liquidated are limited in their application to liquidations occurring in taxable years ending after June 30, 1950, and prior to January 1, 1954, and to inventory replacements effected in taxable years ending prior to January 1, 1956."

(E) By striking "A failure on the part of the taxpayer" from the first sentence of paragraph (c) and inserting in lieu thereof the following: "With respect to inventory decreases occurring during the period of the war, a failure on the part of the taxpayer".

(F) By inserting immediately after paragraph (c) the following new undesignated paragraph:

With respect to inventory decreases occurring in taxable years ending after June 30, 1950, and prior to January 1, 1954, the rules prescribed in the preceding paragraph shall apply. For the purpose of such rules, the words "enemy" and "war" shall be interpreted to apply to circumstances, occurrences, and conditions lacking a state of war, which are similar, by reason of a state of national preparedness, to those which would exist under a state of war. The various directives, orders, regulations, and allotments issued by the Federal

Government in connection with national preparedness are among such circumstances and conditions. Likewise, a voluntary compliance with a request of an authorized representative of the Federal Government made upon an industry or an important segment thereof, or a voluntary allocation of materials by an industry or important segment thereof sanctioned by the Federal Government, if made in connection with the national preparedness program, might be considered as such a circumstance or condition. Similarly, so much of an inventory decrease as is directly and exclusively attributable to the Federal Government's stockpiling program for periods during which an item is not subject to allotment shall also be considered as subject to the provisions of section 22 (d) (6). Thus, so much of an inventory decrease as is due wholly to the effect of directives, orders, regulations, or allotments issued pursuant to the Defense Production Act of 1950, or to any other circumstance or condition which is solely dependent upon other action taken by the Federal Government in furtherance of the national preparedness program, ordinarily shall be considered as an involuntary liquidation under section 22 (d) (6) and this section; however, to the extent that such a decrease is due to the disposition of goods acquired in violation of such directives, orders, regulations, or allotments, such decrease shall not be considered as such an involuntary liquidation. With respect to an inventory decrease in a taxable year ending after June 30, 1950, and prior to January 1, 1954, due directly and exclusively to a disruption of normal trade relations between countries, such an inventory decrease shall be considered as an involuntary liquidation subject to the rules and requirements prescribed in the preceding paragraphs, including the requirement that the taxpayer establish to the satisfaction of the Commissioner the cause of the involuntary liquidation. A disruption of normal trade relations between countries may be reflected by unusual export limitations imposed by a foreign government, by unusual exchange restrictions, or by other unusual circumstances or conditions beyond the control of the taxpayer.

(G) By striking the first sentence from paragraph (d) and inserting in lieu thereof the following: "If the taxpayer would have the involuntary liquidation and replacement provisions applicable with respect to any inventory decrease, he must so elect within the time prescribed by this part".

(H) By striking from the second sentence of paragraph (d) "(3) the circumstances relied upon as rendering the taxpayer unable to maintain throughout the taxable year a normal inventory of the items involved" and inserting in lieu thereof the following: "(3) the circumstances relied upon as rendering the taxpayer unable to maintain throughout the taxable year a normal inventory of the items involved, including evidence of the applicable National Production Authority inventory control figures for the beginning and the close of the taxable year (or if none, a statement to that effect), allotments applied for, allotments received, and reason for failure to place allotments received".

(I) By striking the period at the end of the first sentence of paragraph (g) and inserting in lieu thereof the following: "; however, in a case involving involuntary liquidations of goods of the same class subject to the provisions of both section 22 (d) (6) (A) and section 22 (d) (6) (F), the involuntary liquidations of such goods subject to the provisions of section 22 (d) (6) (F) shall, for the purpose of replacements made in taxable years ending prior to January 1, 1953, be considered as having occurred prior to the involuntary liquidations of such goods subject to the provisions of section 22 (d) (6) (A)".

(J) By changing the penultimate sentence of paragraph (h) to read as follows: "The tax previously determined shall be ascertained in accordance with the principles stated in section 734 (d) and section 452 (d) and those sections of the regulations prescribed thereunder".

(53 Stat. 9, 32, 467; 26 U. S. C. 22, 62, 3791)

[SEAL] NORMAN A. SUGARMAN,
Acting Commissioner of Internal Revenue.

Approved: September 22, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10417; Filed, Sept. 24, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MUSTERING-OUT PAYMENTS

Section 536.75 is revised, § 536.76 (a) (2), (b) (3) and (c) (2), and § 536.77 (a) (1) and (7) are amended as follows:

§ 536.75 *Mustering-out payments*—(a) *Members engaged in active service in World War II*—(1) *To whom payable.* Except as provided in subparagraph (2) of this paragraph, each member of the Armed Forces who shall have been engaged in active service in World War II and who is discharged or relieved from active service under honorable conditions on or after December 7, 1941, shall be eligible to receive mustering-out payment. See Section 1 (a), act of February 3, 1944 (58 Stat. 8; 38 U. S. C. 691a).

(2) *To whom not payable.* No mustering-out payment shall be made to:

(i) Any member entering upon active service or enlisting on or after July 1, 1947.

(ii) Any member of the Armed Forces who at the time of discharge or relief from active service was serving as a warrant officer in a pay grade W–4 or officer in a pay grade O–3 (more than 17 years' service). (29 Comp. Gen. 371.)

(iii) Any member of the Armed Forces who at the time of discharge or relief from active service is transferred or returned to the retired list with retirement pay or to a status in which he receives retirement pay.

(iv) Any member of the Armed Forces discharged or relieved from active service or who was transferred to a Reserve component and subsequently discharged from an inactive status, because of the individual's importance to National health, safety, or interest, including any member discharged or relieved from active service on his own initiative to accept employment, unless he has served outside the continental limits of the United States or in Alaska.

(v) Any member whose total period of service was as a student detailed for training under the Army Specialized Training Program.

(vi) Any member of the Armed Forces for any active service performed prior to the date of his discharge from such forces for the purpose of entering the United States Military Academy, unless subsequently separated from the Academy.

(vii) Any member of the Armed Forces whose sole service has been as a cadet at the United States Military Academy or in a preparatory school after nomination as a principal, alternate, or candidate for admission to the Academy.

(viii) Any commissioned officer unless he is discharged or relieved from active service before April 28, 1955. See section 1, act of February 3, 1944 (58 Stat. 8); section 6, act of June 28, 1947 (61 Stat. 192; 38 U. S. C. Sup. 691a).

(b) *Members engaged in active service on or after June 27, 1950*—(1) *To whom payable.* Except as provided in subparagraph (2) of this paragraph, each member of the Armed Forces who shall have been engaged in active service on or after June 27, 1950, and prior to such date as shall be determined by Presidential proclamation or concurrent resolution of the Congress, and who is discharged or relieved from active service under honorable conditions, shall be eligible to receive mustering-out payment. See section 501 (a), act of July 16, 1952 (Public Law 550—82d Cong.).

(2) *To whom not payable.* No mustering-out payment shall be made to any member within the purview of subparagraph (1) of this paragraph:

(i) Who at the time of discharge or relief from active service is in a pay grade higher than O–3.

(ii) Who at the time of discharge or release from active service is entitled to severance pay or is transferred or returned to the retired list with retired pay, retirement pay, retainer pay, or equivalent pay, or to a status in which he receives such pay: *Provided*, That this paragraph shall not apply to any member who is retired or separated pursuant to title IV, Career Compensation Act of 1949.

(iii) For any active service performed prior to date of his discharge or relief from active service on his own initiative to accept employment, or in the case of any member so relieved from active service, for any active service performed prior to date of his discharge while in such inactive status, unless he has served outside the continental limits of the United States or in Alaska.

(iv) Whose total period of service has been as a student assigned by the Armed Forces to a civilian institution for a course of education or training which was substantially the same as established courses offered to civilians.

(v) For any active service performed prior to the date of his discharge from the Armed Forces for the purpose of entering the United States Military Academy, the United States Naval Academy, or the United States Coast Guard Academy.

(vi) Whose sole service has been as a cadet at the United States Military Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of said academies.

(vii) Any commissioned officer unless he is discharged or relieved from active service within 3 years after such date as shall be determined by Presidential proclamation or concurrent resolution of the Congress.

(viii) Any member of the Armed Forces who is ordered to active service for the sole purpose of training duty or a physical examination, or for a period of less than 60 days. See section 501 (b), act of July 16, 1952 (Pub. Law 550—82d Cong.).

(c) *Questionable payments.* Pending clarification from the Comptroller General of the United States, mustering-out payment will not be made to a member under the provisions of the Veterans' Readjustment Assistance Act of 1952 (Pub. Law 550—82d Cong.) when such member had received mustering-out payment upon separation on or after June 27, 1950 under the provisions of the Mustering-Out Payment Act of 1944, as amended.

(d) *Members entering active service prior to July 1, 1947.* Members entering active military service prior to July 1, 1947 and serving continuously thereafter who are eligible to receive mustering-out payment under the Mustering-Out Payment Act of 1944, as amended, and under the Veterans' Readjustment Assistance Act of 1952 for the same period of active service, shall elect to receive mustering-out payment under either act, but shall not be entitled to payment under both provisions of law. See section 501 (c), act of July 16, 1952 (Pub. Law 550—82d Cong.).

(e) *Rates and conditions*—(1) *Amounts.* Mustering-out payment for members eligible under paragraphs (a) and (b) of this section shall be in sums as follows:

(i) $300 for members who, having performed active service for 60 days or more, have served outside the continental limits of the United States or in Alaska.

(ii) $200 for members who, having performed active service for 60 days or more, have served no part thereof outside the continental limits of the United States or in Alaska.

(iii) $100 for members who have performed active service for less than 60 days. See section 2 (a), act of February 3, 1944 (58 Stat. 9; 38 U. S. C. 691b) and section 502 (a), act of July 16, 1952 (Pub. Law 550—82d Cong.).

(2) *Method of payment.* (i) Each member eligible to receive mustering-out payment under subparagraph (1) (i) of this paragraph shall receive one-third of the stipulated amount at the time of final discharge or ultimate relief from active service, or, at the option of the member so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Army; and the remaining amount of such payment shall be paid in two equal installments, 1 month and 2 months, respectively, from the date of the original payment.

(ii) Each member eligible to receive mustering-out payment under subparagraph (1) (ii) of this paragraph shall receive one-half of the stipulated amount at the time of final discharge or ultimate relief from active service, or at the option of the member so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Army; and the remaining amount of such payment shall be paid 1 month from the date of the original payment.

(iii) Each member eligible to receive mustering-out payment under subparagraph (1) (iii) of this paragraph shall receive the stipulated amount at the time of such discharge or relief from active service, or at the option of the member so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Army.

(iv) A member entitled to receive the first installment of the mustering-out payment at the time of discharge for the purpose of enlistment, reenlistment, or appointment in the Regular Army shall, at his election, receive the whole of such payment in one lump sum, rather than in installments. See section 2 (b), act of February 3, 1944 (58 Stat. 9); section 7 (a), act of October 6, 1945 (59 Stat. 549; 38 U. S. C. 691b); and section 502 (b), act of July 16, 1952 (Public Law 550—82d Cong.).

(f) *Time of payment.* No member of the Armed Forces shall receive mustering-out payment under the Mustering-Out Payment Act of 1944, as amended, more than once or under the Veterans' Readjustment Assistance Act of 1952 more than once. Such payment shall accrue and the amount thereof shall be computed as of the time of discharge for the purpose of effecting a permanent separation from the service or of ultimate relief from active service, or at the option of such member, for the purpose of enlistment, reenlistment, or appointment in the Regular Army. See section 3, act of February 3, 1944 (58 Stat. 9); section 7 (b), act of October 6, 1945 (59 Stat. 540); act of May 19, 1948 (62 Stat. 241); 38 U. S. C. Sup. 691c; and section 503, act of July 16, 1952 (Pub. Law 550—82d Cong.).

(g) *Payments of survivors.* If any member of the Armed Forces, after his discharge or relief from active service, shall die before receiving any portion of or the full amount of his mustering-out payment, the balance of the amount due him shall be payable, on appropriate application therefor, to his surviving spouse, if any; and if he shall leave no surviving spouse, then in equal shares to his child or children, if any; and if he shall leave no surviving spouse or child, or children, then in equal shares to his surviving parents, if any. No payments under these acts shall be made to any other person. See section 4, act of February 3, 1944 (58 Stat. 9; 38 U. S. C. 691d); and section 504, act of July 16, 1952 (Pub. Law 550—82d Cong.).

(h) *Payments on behalf of survivors and mentally incompetent members.* The Secretary of the Army, or such subordinate officer as he may designate, is authorized to make direct payment to survivors over 17 years of age, and to select a proper person or persons to whom mustering-out payments may be made for the use and benefit of former active members of the Armed Forces, or survivors thereof, as defined in paragraph (g) of this section, without the necessity of appointment by judicial proceedings of a legal representative of any such former member or such survivors when, in the opinion of the Secretary or his designees, the interests of the persons under 17 years of age so justify, or where the former active member or his survivors is suffering from a mental disability sufficient to make direct payment not in the best interests of such person or persons. Payments made under the provisions of this paragraph shall constitute a complete discharge of the obligation of the United States as provided in these acts; and the selection of a proper person or persons, as provided herein, and the correctness of the amount due and paid to such person or persons shall have the same finality as that accorded decisions made pursuant to section 5 (b), 58 Stat. 10, or section 505 (b), 66 Stat. 690. The provisions of this paragraph shall not apply where a legal guardian or committee has been judicially appointed, except as to any payments made hereunder prior to the receipt of notice of appointment. See section 5 (c), added to the act of February 3, 1944 (58 Stat. 10), by the act of December 16, 1944 (58 Stat. 812; 38 U. S. C. 691e (c)) and section 505 (c), act of July 16, 1952 (Pub. Law 550—82d Cong.).

(i) *Exemption from taxation and claims of creditors.* Mustering-out payments due or to become due under these acts shall not be assignable and any payments made to or on account of a veteran hereunder shall be exempt from taxation, shall be exempt from claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever either before or after receipt by the payee. See section 5 (a), act of February 3, 1944 (58 Stat. 10; 38 U. S. C. 691e (a)) and section 505 (a), act of July 16, 1952 (Pub. Law 550—82d Cong.).

(j) *Decisions and designations of persons to receive mustering-out payment under Veterans' Readjustment Assistance Act of 1952*—(1) *Authority regarding decisions concerning deceased persons.* The Commanding General, Finance Center, U. S. Army, will make all decisions, under approved policies and

procedures and subject to such instructions as may be received from the Chief of Finance, as to relationship and selection in cases pertaining to mustering-out payment to the eligible survivors, legally appointed guardians or committees, and other persons authorized to act in a fiduciary capacity, who are entitled to receive mustering-out payment in lieu of or on behalf of a qualified veteran or qualified survivors of veterans, under the provisions of the act of July 16, 1952.

(2) *Designation of persons to receive mustering-out payment of mentally incompetent members.* The Commanding General, Finance Center, U. S. Army will designate the person, or persons, as trustee, to receive mustering-out payment due any member of the Army who is mentally incompetent and who is entitled to receive mustering-out payment under the provisions of the act of July 16, 1952, for the use and benefit of such member.

(k) *Definitions.* (1) The term "member of the Armed Forces" means any member of the United States Army, United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, or any of their respective components.

(2) The term "spouse" means a lawful wife or husband.

(3) The term "child" includes:

(i) A legitimate child;

(ii) A child legally adopted; and

(iii) A stepchild, if, at the time of death of the member of the armed forces, such stepchild was a member of the deceased's household.

(4) The term "parent" includes father and mother, stepfather and stepmother, and father and mother through adoption.

(l) *Claims—Veterans' Readjustment Assistance Act of 1952*—(1) *By whom paid.* All claims for mustering-out payments of members who have performed active military service on or after June 27, 1950, and who were discharged prior to July 16, 1952, will be forwarded to the Mustering-Out Payment Branch, Finance Center, U. S. Army, St. Louis 20, Missouri. A former member will submit a signed application containing information set forth in subparagraph (2) of this paragraph for mustering-out payment with his original Report of Separation from Armed Forces of the United States (DD Form 214). The former member will place his name and address on the DD Form 214 to assure its return. A member or former member inquiring about lost or destroyed Forms 214 should be advised to request a duplicate Form 214 from The Adjutant General and upon receipt submit the duplicate Form 214 with a signed application to the Mustering-Out Payment Branch, Finance Center, U. S. Army, St. Louis 20, Missouri.

(2) *Information required to be furnished with application.* The following information will be submitted:

(i) Statement that member was not discharged or released from active service on his own request to accept employment; or if discharged or released to accept employment, statement that the member served outside the United States after June 26, 1950.

(ii) Statement that member is not now serving on active duty in the Armed Forces of the United States, if applicable.

(iii) Statement that member has not and will not make any other application for mustering-out payment for service after June 26, 1950.

(iv) Statement that member served outside the continental limits of the United States or in Alaska after June 26, 1950, if applicable.

(v) If member has served outside the continental limits of the United States or in Alaska, date of arrival in the United States.

(vi) Statement that member has or has not received any mustering-out payment for service after June 26, 1950.

(vii) Statement requesting return of DD Form 214, and address to which check should be mailed, substantially as set forth below:

---------- ---------- ----------
(First name) (Middle name) (Surname)
Print or type

---------- ----------
(Service No.) (Street No.)

---------- ----------
(City and zone) (State)

(viii) Statement reading as follows:

I certify that the above information is true and correct.

(Signature)

§ 536.76 *Payments on behalf of members discharged as mentally incompetent of managing their own affairs*—(a) *By whom made.* * * *

(2) *Finance Center, U. S. Army.* Mustering-out payments on behalf of any member discharged as mentally incompetent, who, in the opinion of the examining physician, is mentally incompetent to manage his own personal affairs and where no legal guardian or committee had been appointed, will be made only by the Commanding General, Finance Center, U. S. Army. Claims for such payment will be forwarded to Chief, Military Pay Division, Finance Center, U. S. Army, Indianapolis 49, Indiana.

(b) *To whom payable.* * * *

(3) Person or persons designated by the Commanding General, Finance Center, U. S. Army, to receive mustering-out payments for the use and benefit of the mentally incompetent veteran (paragraphs (h), (j) and (k) of § 536.75).

* * * * *

(c) *Evidence required for payment.* * * *

(2) [Revoked]

* * * * *

§ 536.77 *Payments to survivors*—(a) *General*—(1) *By whom made.* All mustering-out payments to survivors will be made by the Commanding General, Finance Center, U. S. Army. Original applications for mustering-out payment received from the relative or relatives of a deceased veteran by finance officers will be transmitted to the Chief, Military Pay Division, Finance Center, U. S. Army, Indianapolis 49, Indiana, with a statement that no payment has been or will be made on behalf of the veteran named therein.

* * * * *

(7) *Payments to selected persons for use and benefit of mentally incompetent or minor survivors.* Where no legal guardian or committee has been appointed, and where payment cannot be made to a survivor under subparagraph (5) of this paragraph, payment is authorized to be made for the use and benefit of mentally disabled survivors who are otherwise qualified, or survivors under 17 years of age who are otherwise qualified, to a person selected under the provisions of § 536.75 (h) and (j). Such payments will not be made without a written and signed statement executed by the person selected to receive the payment for the use and benefit of the survivor containing a statement that the proceeds of the payment will be used for the exclusive benefit of the survivor and such other recitals and supported by such additional evidence as the selecting officer may require. In such cases, the check covering the payment will name the payee thereof as follows: "Richard Roe, for the use and benefit of (name of survivor)."

* * * * *

[C1, AR 35–1340, Aug. 25, 1952] (sec. 5 (b), 58 Stat. 10, sec. 505 (b), 66 Stat. 690; 38 U. S. C. 691e (b))

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

[F. R. Doc. 52–10393; Filed, Sept. 24, 1952; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Federal Security Agency

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

FEE FOR SUPERVISION

Notice having been published in the FEDERAL REGISTER on July 22, 1952 (17 F. R. 6717), that the Director of the Bureau of Federal Credit Unions, with the approval of the Commissioner for Social Security and the Federal Security Administrator, proposed to prescribe certain regulations in lieu of the § 301.6 of the present regulations of the Bureau of Federal Credit Unions (45 CFR 301.6) and that prior to the official adoption of the proposed regulations consideration would be given to any data, views, or arguments pertaining thereto submitted to the Director of the Bureau of Federal Credit Unions, Federal Security Agency, Washington 25, D. C., within a period of 30 days from the date of publication of the notice in the FEDERAL REGISTER, and the regulations proposed to be adopted having been set forth in the FEDERAL REGISTER on page 6717 (17 F. R. 6717), and the 30-day period having elapsed and no data, views, or arguments pertaining to the proposed regulation having been submitted, the proposed regulations as printed in the FEDERAL REGISTER (17 F. R. 6717), and as amended by inserting "FCU–544" in paragraph (a) (3) after the words, "Manual of Accounting Procedure for Federal Credit Unions" are hereby adopted and promulgated as set forth below thirty days after the date of

publication of this document in the FEDERAL REGISTER.

Section 301.6 is hereby amended to read as follows:

§ 301.6 *Fee for supervision*—(a) *Extent of fee.* (1) Not later than January 31 of each calendar year, each Federal credit union shall pay to the Bureau of Federal Credit Unions, for the preceding calendar year, a supervision fee in accordance with the graduated scale set forth in subparagraph (2) of this paragraph on the basis of assets as of December 31 of such preceding year, but such fee shall in no event be less than $10: *Provided, however,* That no such annual fee shall be payable by such an organization with respect to the year in which its charter is issued or the year in which final distribution is made in liquidation of the credit union or the charter is otherwise canceled.

(2) Scale of supervision fees:

Total Assets	*Maximum Fee*
$500,000 or less	30 cents per $1,000;
Over $500,000 and not over $1,000,000	$150, plus 25 cents per $1,000 in excess of $500,000;
Over $1,000,000 and not over $2,000,000	$275, plus 20 cents per $1,000 in excess of $1,000,000;
Over $2,000,000 and not over $5,000,000	$475, plus 15 cents per $1,000 in excess of $2,000,000;
Over $5,000,000	$925, plus 10 cents per $1,000 in excess of $5,000,000.

Provided, however, That no fee shall be payable with respect to the last fractional part of $1,000 of total assets.

(3) Definition of assets: (i) The term "assets" as used in this section shall mean all items properly coming within the classification of asset accounts as stated in the Manual of Accounting Procedure for Federal Credit Unions, FCU-54‡ as revised.

(ii) The term "total assets" as used in this section shall mean the sum of all assets.

(b) *Supervision fee certificate.* The treasurer of each Federal credit union shall certify as to the correctness of the Supervision Fee Certificate, Form FCU 511 Rev. He shall send, not later than January 31 of each year, the original Supervision Fee Certificate and as many copies as the Bureau of Federal Credit Unions may request, together with a check in payment of the supervision fee stated on the Supervision Fee Certificate to be due, to the Regional Office of the Bureau of Federal Credit Unions for the region in which the Federal credit union maintains its principal office, and shall retain one copy of the Supervision Fee Certificate in the permanent files of the Federal credit union. Copies of the Supervision Fee Certificate form may be obtained from any Regional Office of the Bureau of Federal Credit Unions.

(c) *Checks in pyament of supervision fees.* All checks in payment of supervision fees shall be made payable to the Treasurer of the United States.

(d) *Audit of supervision fee computation and payment.* Whenever the Bureau of Federal Credit Unions makes a regular or special examination of a Federal credit union, the employee of the Bureau of Federal Credit Unions making the examination will audit the computation and payment of annual supervision fee(s) for the years which have elapsed since the last previous audit. Such employee shall adjust any errors in computation and the Federal credit union shall deliver to such employee a check payable to the Treasurer of the United States to cover the amount of any underpayment of the supervision fee(s). The decision of the employee of the Bureau as to amount due shall be final and conclusive: *Provided,* That the Federal credit union may make the supplementary payment subject to the results of an appeal from the employee's decision to the Regional Representative of the Bureau of Federal Credit Unions for the region in which the Federal credit union maintains its principal office: *Provided further,* That the Federal credit union shall file such appeal within 30 days from the date the employee's decision is made. If the audit discloses that an overpayment has been made, the employee of the Bureau of Federal Credit Unions is authorized to advise and assist the Federal credit union to prepare and file a request for a refund of the amount of overpayment. Such request should be addressed to the Regional Representative of the Bureau of Federal Credit Unions for the area in which the credit union maintains its principal office.

(Sec. 16, 48 Stat. 1221, as amended; 12 U. S. C. 1766)

Dated: September 5, 1952.

[SEAL] CLAUDE R. ORCHARD,
Director,
Bureau of Federal Credit Unions.

Approved: September 18, 1952.

A. J. ALTMEYER,
Commissioner for Social Security.

Approved: September 18, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-10407; Filed, Sept. 24, 1952; 8:46 a. m.]

Chapter V—War Claims Commission

Subchapter B—Receipt, Adjudication and Payment of Claims

PART 507—ENTITLEMENT TO AWARD

SUBPART C—REIMBURSEMENT TO RELIGIOUS ORGANIZATIONS AND PERSONNEL THEREOF

Part 507 is hereby amended as follows:

§ 507.50 *Religious organization functioning in the Philippine Islands.* (a) A "religious organization functioning in the Philippine Islands" for purposes of section 7 (a) of the act, means any church, sect, denomination, religious order or congregation, or any group, body, corporation, association or other entity formed for religious purposes, professing and adhering to the tenets of some particular religious faith or form of worship and which maintained under its auspices in the Philippine Islands, on or after December 7, 1941, a church, chapel, or other place of divine worship or a religious house, community, mission, convent or facilities for divine worship, or operated a school, dormitory, hospital, dispensary, orphanage or other like institutions under religious auspices; or any part, division or association of such churches, sects, denominations, religious orders, congregations, groups, bodies, corporations or entities.

(b) Within the contemplation of section 7 (b) of the act the term "such religious organization" shall be deemed to include a religious organization as defined in paragraph (a) of this section, but restricted to the religious organization which owned and operated the schools, colleges, universities, scientific observatories, hospitals, dispensaries, orphanages, and other property or facilities connected with their educational, medical, or welfare work at the time loss or damage was sustained.

(c) Within the contemplation of section 7 (c) of the act the term "such [affiliated] organization"[1] shall be deemed to mean a religious organization as defined in paragraph (a) of this section.

§ 507.51 *Affiliated with a religious organization in the United States.* A religious organization functioning in the Philippine Islands will be deemed to have been affiliated with a religious organization in the United States when (a) by its charter or articles of association, incorporation or its rules, regulations or constitution it was a branch, part or division of a religious organization operating in the United States; or (b) by its rules, regulations or customs was subject to the control or directions of the duly constituted authorities of a church, sect, or religious order operating in the United States; or (c) it was directly supported financially, in whole or in part, by a church, sect, or religious organization operating in the United States; or, furnished or exchanged personnel with such organizations under conditions determined by the Commission to be consistent with the intent and purpose of section 7 (a), (b), and (c) of the act.

§ 507.52 *Personnel*—(a) *Personnel of any such Philippine organization within the meaning of section 7 (a) of the act.* The personnel of such Philippine organization for purposes of section 7 (a) shall be deemed to include any person who held office therein by reason of appointment, ordination, consecration, profession, religious vows or other form of ceremonial admission to ministerial religious status, and any duly authorized representative, agent or employee of such organization.

(b) *Personnel of any such religious organization within the meaning of sec-*

[1] Bracket supplied.

tion 7 (b) of the act. The term personnel of a religious organization for purposes of section 7 (b) of the act shall include only a person, group of persons (e. g. trustees, vestrymen or deacons, etc.), or any other individual or legal entity in whom legal title to that portion of the property for which claim is made is vested pursuant to the customs, practices, or usages of a religious organization as defined in § 507.50, for the beneficial use of such organization.

§ 507.59 *Definitions of "compensated"*—(a) *Compensated.* (1) The word "compensated" as employed in section 7 (b) of the act shall be deemed to include a computation of the loss or damage sustained, deducting therefrom any amounts which such religious organization or its personnel, as defined in §§ 507.50 (b) and 507.52 (b) or any person or entity, has heretofore received from, or which have been expended by, the Philippine War Damage Commission or any other agency of the United States on account of the same loss or damage.

(2) In any case in which a claim may properly be filed under section 7 (c) of the act, no compensation for the same loss or damage may be authorized under section 7 (b).

(b) *"Compensated" within the meaning of section 7 (c) of the act.* Within the contemplation of section 7 (c) of the act, the term "compensated" shall be deemed to include a computation of the loss or damage sustained deducting therefrom any amounts which the Philippine War Damage Commission or any other agency of the United States has heretofore awarded and paid or expended on account of the same loss or damage.

§ 507.60 *Loss or damage sustained as a consequence of the war.* (a) Within the contemplation of section 7 (b) of the act, "loss or damage sustained as a consequence of the war" shall be deemed to include any such loss or damage which resulted directly from one or more of the following perils subsequent to December 6, 1941, and prior to August 15, 1945:

(1) Enemy attack;

(2) Action taken by or at the request of the military, naval, or air forces of the United States to prevent such property from coming into the possession of the enemy;

(3) Action taken by enemy representatives, civil or military, or by the representatives of any government cooperating with the enemy;

(4) Action by the Armed Forces of the United States in opposing, resisting, or expelling the enemy from the Philippines;

(5) Looting, pillage, or other lawlessness or disorder accompanying the collapse of civil authority determined by the Commission to have resulted from any of the other perils enumerated in this section or from control by enemy forces.

(b) Any award made pursuant to the provisions of section 7 (c) of the act shall be authorized only for loss or damage sustained as a consequence of the war as defined in paragraph (a) of this section.

§ 507.61 *"Other property or facilities connected with" within the meaning of section 7 (b) of the act.* The term "other property or facilities connected with" within the meaning of section 7 (b) of the act shall be deemed to include any property, both real and personal, owned by such religious organization or its personnel, as defined in §§ 507.50 (b) and 507.52 (b), which was substantially used and necessarily maintained in the operation of its schools, colleges, universities, scientific observatories, hospitals, dispensaries, and orphanages in the furtherance of its work in the fields of education, medicine and welfare.

§ 507.62 *Educational, medical and welfare work within the meaning of section 7 (b) of the act.* Educational, medical and welfare work shall be deemed to include those programs, curricula and other duly constituted procedures and services essential to the functioning of educational, medical and welfare institutions, and which were regularly offered by such schools, colleges, universities, scientific observatories, hospitals, dispensaries and orphanages.

§ 507.63 *Any interest in.* The term "any interest in" as used in section 7 (c) of the act shall mean less than a freehold ownership but shall include substantial participation in the management and operation of a hospital by furnishing the equipment, teachers, nurses, or personnel by which such institutions were operated.

§ 507.64 *American citizens substantially composed the administrative staff.* The administrative staff of any hospital described in section 7 (c) of the act will be deemed to be substantially composed of American citizens where it is determined that persons, who are citizens of the United States, mainly, and for the most part, comprised or made up the personnel engaged in the management, conduct, direction or superintendence of the application of things, or functions of persons, in connection with and directly related to the operation of such hospital. Where a hospital within the purview of section 7 (c) has ceased operations, qualifications relating to the composition of the administrative staff will be determined as of December 7, 1941.

§ 507.65 *At the time of the outbreak of the war.* The phrase "at the time of the outbreak of the war" as used in section 7 (c) of the act, means December 7, 1941.

§ 507.66 *Postwar*—(a) *Real property.* (1) "Postwar" as used in the term "postwar cost of replacement" for purposes of section 7 (d) of the act is defined to mean, in cases where buildings, structures, installations, etc., have not been replaced or restored, the twelve-month period extending from October 1, 1951, to October 1, 1952.

(2) In cases where real property has been fully replaced or restored at the expense of an eligible claimant, "postwar" as used in the term "postwar cost of replacement" for purposes of section 7 (d) of the act is defined to mean the actual date on which the obligation was incurred or the calendar year during which the obligation was incurred.

(3) In cases where real property has been partially replaced or restored, "postwar" as used in the term "postwar cost of replacement" for purposes of section 7 (d) of the act, for that portion which has been replaced or restored shall be determined in accordance with subparagraph (2) of this paragraph, and as to that portion which has not been replaced or restored in accordance with subparagraph (1) of this paragraph.

(b) *Personal property.* "Postwar" as used in the term "postwar cost of replacement" for purposes of section 7 (d) of the act is defined to mean, in relation to personal property lost or damaged as a consequence of the war, the twelve-month period extending from October 1, 1951, to October 1, 1952.

§ 507.67 *Cost of replacement.* The term "cost of replacement" as used in the phrase "postwar cost of replacement" for purposes of section 7 (d) of the act shall be the amount determined to be fair and equitable within the limitations set forth in § 507.66, required to restore the property lost or damaged as defined in § 507.60 to the same actual functional capacity or degree of usefulness as existed immediately prior to the loss or damage.

§ 507.68 *In an amount sufficient to enable such organization to replace.* The term "in an amount sufficient to enable such organization to replace" as used in section 7 (c) of the act shall be construed in relation to both real and personal property in accordance with the formulae and limitations set forth in §§ 507.66 and 507.67: *Provided, however,* That the date to be used in determining the actual functional capacity or degree of usefulness shall be December 7, 1941.

§ 507.69 *The hospital's facilities and capacity.* The term "the hospital's facilities and capacity" as used in section 7 (c) of the act shall be deemed to be restricted to property, both real and personal, which was substantially used and necessarily maintained in the operation of such hospital as of December 7, 1941.

§ 507.70 *Equal to.* The term "equal to" as used in section 7 (c) of the act means the same actual functional capacity and degree of usefulness as existed on December 7, 1941.

(Sec. 2, 62 Stat. 1240, as amended; 50 U. S. C. App. Sup., 2001)

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-10472; Filed, Sept. 24, 1952; 9:34 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by

the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for certification of batches of antibotic and antibiotic-containing durgs (21 CFR 1951 Supp., 146; 17 F. R. 7885) are amended as indicated below:

1. In § 146.45 *Procaine penicillin in oil*, subparagraph (1) (iii) of paragraph (c) *Labeling*, change the figures "24" and "36" to read "36" and "48", respectively.

2. Section 146.62 is revised to read as follows:

§ 146.62 *Animal feed containing penicillin; animal feed containing streptomycin; animal feed containing dihydrostreptomycin; animal feed containing aureomycin; animal feed containing chloramphenicol; animal feed containing bacitracin.* Animal feed containing penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol, or bacitracin shall be exempt from the requirements of sections 502 (l) and 507 of the act under the following conditions:

(a) If it is intended for use solely as an animal feeding supplement and is conspicuously so labeled; or

(b) If it is intended for veterinary use in the cure, mitigation, treatment, or prevention of disease and it contains as the active drug ingredient only a drug certified under section 507 of the act for mixing in such animal feed, it has been mixed in accordance with the directions in the labeling of such certified drug, and the labeling of the animal feed bears only the indications and directions for use approved when the drug was certified.

3. In § 146.216 *Aureomycin therapeutic formula for animal feed* * * *, in the last sentence of paragraph (b) *Packaging*, the figure "10" is changed to read "50".

This order, which provides for a change in the expiration date for procaine penicillin in oil to a minimum of 36 months and a maximum of 48 months after the month during which the batch was certified; for the exemption from certification of animal feed containing antibiotic drugs if it is intended for use solely as an animal feed supplement and is conspicuously so labeled, or if it is intended for veterinary use in the cure, mitigation, treatment, or prevention of disease and it contains as the active drug ingredient only a drug certified under section 507 of the act for mixing in such animal feed, it has been mixed in accordance with the directions, and the labeling of such certified drug and the labeling of the animal feed bear only the indications and directions for use approved when the drug was certified; and for a change in the maximum size of container permitted for aureomycin therapeutic formula for animal feed from 10 pounds to 50 pounds, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I do so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the changes set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

Dated: September 19, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-10416; Filed, Sept. 24, 1952; 8:46 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. 13 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

a. For the Fourth Quarter, 1952, the following entry and related submission dates are added:

Dept. of Comm. Sched. B No.	Commodity	Submission dates, fourth quarter, 1952
	Controlled materials: Commodities with processing code TNPL: Secondary tinplate products.	Oct. 6-Oct. 27, 1952.

b. The following submission dates for the First Quarter, 1953, are added thereto:

Dept. of Comm. Sched. B No.	Commodity	Submission dates, first quarter, 1953
	Controlled materials: Commodities with processing code TNPL: Specification production plate.	Oct. 6-Oct. 27, 1952.

c. The submission dates for the First Quarter, 1953, for Commodities with processing code STEE (Controlled Materials) are amended to read as follows:

Sept. 8-Oct. 6, 1952.

2. Section 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended by deleting therefrom the following entries.

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Bialick, William E., 136 Liberty St., New York, N. Y.	3-7-52	9-7-52	Validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 2137, 3-12-52.
Croton Trading Co., 136 Liberty St., New York, N. Y.	3-7-52	9-7-52	do	17 F. R. 2137, 3-12-52.
Croton Trading Co. Inc., 136 Liberty St., New York, N. Y.	3-7-52	9-7-52	do	17 F. R. 2137, 3-12-52.
Leviant & Co., 239 Broadway, New York, N. Y.	6-1-52	9-1-52	Validated licenses, all commodities, any destination.	17 F. R. 4722, 5-23-52.
Leviant, Jacques, 239 Broadway, New York N. Y.	6-1-52	9-1-52	do	17 F. R. 4722, 5-23-52.
Leviant, Kalman, 239 Broadway, New York, N. Y.	6-1-52	9-1-52	do	17 F. R. 4722, 5-23-52.
Leviant, Riva, 239 Broadway, New York N. Y.	6-1-52	9-1-52	do	17 F. R. 4722, 5-23-52.

(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.)

This amendment shall become effective as of September 18, 1952.

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52-10423; Filed, Sept. 24, 1952; 8:47 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 11[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

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

[1] This amendment was published in Current Export Bulletin No. 679, dated September 18, 1952.

1. The following revisions are made in commodity descriptions. These revisions include changes in validated license control where indicated:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment (see § 399.2):				
	Iron and steel (specify by name):				
619910	Steel shot [2]	Lb.[1]	STEE	100	RO
619910	Flexible tubing, except electrical [2]	Lb.[1]	STEE	1,000	RO
619910	Packing, nickel-bearing stainless steel [3]	Lb.[1]	STEE	100	RO
619910	Packing, non-nickel-bearing stainless steel [3]	Lb.[1]	STEE	100	RO
619910	Tubular steel scaffolding equipment [2]	Lb.[1]	STEE	1,000	RO
	Separators and collectors, industrial process type, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name):				
775360	Filters, fabricated of or lined with corrosion-resistant materials as defined in the "General Notes to Appendix A." [4]	----------	GIEQ 1	100	R
	Crushing, pulverizing and screening machines, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name) (report construction and mining types in 720310-720990):				
775380	Specially fabricated parts for crushers and grinders [5]	----------	GIEQ	100	R
	Plastics and resin materials:				
	Synthetic resins, n. e. c., including film, monofilaments, and bristles (report manufactured plastic products in 981510 and 981590; monofilaments for weaving into fabrics in 384050 and 384052; woven fabrics in 384600-384985) (specify by name):				
	Molding and extrusion compounds, including scrap:				
825910	Plastic-type nylon (specify manufacturer's type number). [6]	Lb.	RTSN	25	RO

[1] The unit of quantity "pound" is added.

[2] The commodities included in this Positive List entry are subject to (1) dollar-limit (DL) restrictions (see § 374.2), and (2) evidence of availability (see §373.16).

[3] The commodities included in this Positive List entry are (1) subject to dollar-limit (DL) restrictions (see § 374.2), and (2) are controlled materials (see § 398.5).

[4] The above revised entry, effective Sept. 18, 1952, is substituted for the eighth entry presently on the Positive List under Schedule B No. 775360. The amendment clarifies the description without making substantive change.

[5] The above revised entry, effective Sept. 18, 1952, is substituted for the second and third entries presently on the Positive List under Schedule B No. 775380. The effect of this amendment is to increase the GLV dollar-value limit from $25 to $100 on parts specially fabricated for crushers and grinders for cement and lime-making machinery installations.

[6] The above revised entry is substituted for the first entry presently on the Positive List under Schedule B No. 825910. The effect of this amendment is to require the exporter to specify the manufacturer's type number. The commodities included in this Positive List entry are subject to dollar-limit (DL) restrictions (see § 374.2).

This part of the amendment shall become effective as of 12:01 a. m., September 25, 1952, except the revisions for filters (Schedule B No. 775360) and specially fabricated parts for crushers and grinders (Schedule B No. 775380) which shall become effective as of September 18, 1952.

2. 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 limit
619130	Metal powders: Aluminum or aluminum-bronze powders and pastes (aluminum content)	100

This part of the amendment shall become effective as of 12:01 a. m., September 18, 1952.

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

Dept. of Commerce Schedule B No.	Commodity
	Castings, iron and steel, rough and semi-finished:
610050	Other railway car wheels (chilled iron wheels).
	Fabricated steel products:
618961	Other structural shapes, fabricated (specify by name).
618963	Plates, fabricated, punched or shaped n. e. c.
618965	Penstock for conducting water (sections fabricated from rolled steel plate).
618967	All other storage tanks, unlined (all steel grades) (specify type), field erected (report tanks when used as shipping containers in 619012, 619022).

(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.)

This part of the amendment shall become effective as of September 18, 1952.

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52-10424; Filed, Sept. 24, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 21]

DMO 21—ESTABLISHING A DEFENSE LOAN REVIEW COMMITTEE

By virtue of the authority vested in me by Executive Order No. 10193, and Executive Order No. 10161, as amended, and in order to improve the coordination and effectiveness of Federal policies and programs relating to loans under section 302 of the Defense Production Act of 1950, as amended, and section 310 of Executive Order No. 10161, as amended, *It is hereby ordered:*

1. There is established in the Office of Defense Mobilization a Defense Loan Review Committee which shall be composed of a Chairman designated by the Director of Defense Mobilization, a representative of the Reconstruction Finance Corporation, and a representative of the agency which has certified the loan being reviewed by the Committee as essential to the national defense pursuant to Executive Order No. 10161, as amended.

2. There shall be referred to the Committee, at the request of the certifying agency, any application for a loan under section 302 of the Defense Production Act of 1950, as amended, which the Reconstruction Finance Corporation has denied or has notified the certifying agency of its intention to deny, and which had been certified as essential to the national defense by the Secretary of Agriculture, the Defense Production Administrator, or the Defense Materials Procurement Administrator.

3. The Committee shall review each application so referred, determine whether the interest of national defense requires that the loan be granted, and make its report and recommendation thereon to the Director of Defense Mobilization.

4. This order shall take effect on September 25, 1952.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

[F. R. Doc. 52-10455; Filed, Sept. 24, 1952; 8:49 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 41, Amdt. 4]

CPR 41—SHOE MANUFACTURERS' REGULATION

SUSPENSION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization

Agency General Order No. 2, this Amendment 4 to Ceiling Price Regulation 41 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment suspends the provisions of Ceiling Price Regulation 41 on and after September 23, 1952. This action is taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the foreseeable future.

Simultaneously with the issuance of this amendment there is being issued an amendment to General Overriding Regulation 4, Revision 1 suspending the application of all ceiling price regulations to shoe sales, except for sales in the territories and possessions of the United States. CPR 41 was never made mandatory and many manufacturers and manufacturer-retailers covered by this regulation elected to remain under the General Ceiling Price Regulation. Also, manufacturers' sales of some footwear were covered by Ceiling Price Regulation 45, Ceiling Price Regulation 22 or Supplementary Regulation 8 to CPR 22. Wholesalers of shoes were subject to Supplementary Regulation 29 to the GCPR and retailers were under Ceiling Price Regulation 7.

As detailed at greater length in the statement of considerations for Amendment 7 to GOR 4, Rev. 1, being issued together with this amendment, sales of shoes are currently below ceiling prices. There is no prospect in the foreseeable future of a significant rise in shoe prices unless prices of raw materials for the shoes increase substantially. Hides and skins and leather, the principal shoe raw materials, are selling well below ceiling price levels and have been suspended from price control by Amendment 1 to Ceiling Price Regulation 2, Revision 2, issued April 28, 1952, and Amendment 4 to GOR 4, Rev. 1, issued June 23, 1952. The statements of considerations for those amendments explain in some detail the reasons for the Director's conclusion that the prices of these commodities will not increase materially in the foreseeable future.

It is therefore the judgment of the Director of Price Stabilization that price controls on shoes are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program. This suspension will be terminated, in any event, when the suspension of ceilings on hides and skins or leather is terminated.

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

AMENDATORY PROVISIONS

Ceiling Price Regulation 41, as amended, is further amended by adding a new section, 32, to read as follows:

SEC. 32. *Suspension.* All provisions of this regulation are suspended on and after September 23, 1952. You must, however, continue to comply with section 26 of this regulation as to all records you were required to have on September 22, 1952. This suspension will contiuue unless and until the Director of Price Stabilization terminates or modifies it. The suspension of this regulation does not operate to place any of the commodities affected under the General Ceiling Price Regulation or any other ceiling price regulation.

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

Effective date. This amendment shall take effect on September 23, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 23, 1952.

[F. R. Doc. 52–10470; Filed, Sept. 23, 1952; 4:33 p. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 7]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

SUSPENSION OF SHOES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 7 to General Overriding Regulation 4, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds shoes and slippers made of leather, felted, knitted or woven fabrics, or rubber or plastics to the commodities suspended from price controls by section 3 of General Overriding Regulation 4, Revision 1. This suspension action does not apply to manufacturer's sales of all-rubber shoes vulcanized as a unit or rubber-soled fabric-upper shoes vulcanized as a unit, or to any sales in the territories and possessions of the United States.

Heretofore sales of the footwear affected by this suspension action have been covered by Ceiling Price Regulation 41, Ceiling Price Regulation 45, the General Ceiling Price Regulation, Supplementary Regulation 29 to the GCPR, and Ceiling Price Regulation 7. CPR 41, Shoe Manufacturers' Regulation, covered most of the manufacturers' sales of shoes, but because this regulation was never made mandatory some manufacturers who otherwise would be subject to CPR 41 have elected to continue under the GCPR. Manufacturers' sales of a few items of footwear, such as babies' bootees and plastic overshoes, have been subject to CPR 45. CPR 41 and the GCPR have covered sales by manufacturer-retailers; Supplementary Regulation 29 to the GCPR has covered sales by wholesalers, and retailers have been subject to CPR 7 or the GCPR. An amendment suspending the application of CPR 41 is being issued together with this amendment to GOR 4, Rev. 1.

This suspension action is being taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the foreseeable future. In the judgment of the Director of Price Stabilization, price controls on the commodities covered by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. However, all records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this suspension must continue to be preserved. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

By Amendment 1 to Ceiling Price Regulation 2, Revision 2, and Amendment 4 to this revised general overriding regulation, sales of hides and skins and leather, the principal shoe raw materials, were suspended from price control. Despite a mild upturn in prices since their suspension from price controls, these basic shoe raw materials remain far below both former ceilings and the points at which controls would be re-imposed. Prices of cattlehides, as of mid-September 1952, were 44 percent below the prices in CPR 2, Revision 2, the suspended regulation governing the prices of hides and skins, and 30 percent below the level of prices at which controls would be re-imposed. All other types of hides and skins are also substantially below former ceilings. Hides, skins and leather are in adequate supply to meet the foreseeable demand and are not likely to increase materially in price within the foreseeable future.

The bulk of manufacturers' sales of shoes are now at levels generally from 10 to 15 percent or more below peak prices. A proportionate decline in prices is evident at the retail level. To a large extent the decline in shoe prices is a reflection of the decrease in raw material costs. Leather is by far the largest single cost item in the typical shoe. The Wholesale Price Index of the Bureau of Labor Statistics of the United States Department of Labor indicates that as of August 1952, the most recent month for which data are available, prices of footwear were 11.3 percent below the post-Korea peak of February 1951. Although the rate of decline has decreased perceptibly, there is no evidence of any significant reversal in the trend. Reports obtained from the shoe trade, both at the manufacturing and distributive levels, indicate further price declines in fall offerings of shoes.

The price decline has affected all types of shoes, whether used for dress or work purposes, or used by men, women or children. Manufacturers' prices of men's and boys' shoes, in August 1952, were 14.5 percent below the peak reached in February 1951. Women's and misses' shoes and children's and infants' shoes in August 1952 were 8.8 and 12.6 percent, respectively, below post-Korea peak levels.

The decline in shoe prices that has occurred at the manufacturers' level is also

evident at the retail level. Retail prices of shoes reached a post-Korea peak in September 1951 and have consistently declined since that date. Data of the Bureau of Labor Statistics on retail prices of shoes are now available in detail only as late as June 1952. Due to the lag of several months between the time retailers make their purchases from manufacturers and their offerings to the consumer, June 1952 retail prices did not fully reflect the continuing decline in wholesale prices of shoes that has taken place since the beginning of 1952. This will be shown below. It is significant, however, that the data of the Bureau of Labor Statistics for June 1952 already showed a decline of 4.3 percent below the September 1951 peak for all types of shoes. Women's shoes were 5.6 percent below the peak and men's street and work shoes were 4.0 and 4.9 percent, respectively, below the peak. Children's shoes, however, showed a decline of slightly less than 1 percent from September 1951 to June 1952.

The decline in shoe prices is largely the result of the sharp drop in the cost of leather. In the case of children's shoes, the proportion of the cost of leather to the total cost of the shoes is less than in other types of shoes. Consequently, the drop in leather prices has not had as severe an effect on the prices of children's shoes.

Because of the lag mentioned above, more recent data were collected by a survey of three of the country's largest retailers. This survey shows that fall 1952 prices at retail have declined in relative proportion to the decline in manufacturers' prices. Retail prices have declined from the peak of 1951 by the following percentage ranges: men's and boys' shoes from 9.2 to 15.4 percent, though one low priced shoe declined only 7.6 percent; men's work shoes from 13.7 percent to 23.4 percent though one high priced shoe declined only 8.4 percent; women's and misses' shoes from 8.3 to 12.7 percent; and children's and infants' shoes from 8.5 to 14.7 percent, though one low priced shoe declined only 4.8 percent. It is, therefore, apparent that both manufacturers' and retail prices are materially below the 1951 peak prices.

Shoe manufacturing capacity in the United States is well in excess of six hundred million pairs per year, while the largest number ever produced in this country in a year (1946) was about five hundred thirty million pairs. During 1951, about four hundred eighty million pairs were produced, with an average work week of 36.8 hours for the employees engaged in shoe manufacture. The shoe manufacturing industry can supply any foreseeable demand with present capacity and work force. Unless there is a sustained surge of raw material prices, therefore, there does not appear to be any prospect of a significant rise in shoe prices.

Data available to the Director are inconclusive as to whether manufacturers' selling prices of the all-rubber and rubber and fabric vulcanized shoes have declined below ceiling prices to the same general extent as in the case of the other types of shoes. For this reason, and pending further study, the Director has concluded that sales by manufacturers of such rubber and vulcanized shoes should not be suspended at this time. At the retail level, however, these shoes are sold together with and in competition with other types of shoes. In the judgment of the Director, therefore, price controls of sales at other than the manufacturing level can safely be suspended.

The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program. In any event, price ceilings on shoes will be reimposed when the suspension of ceilings on hides and skins or leather is terminated.

AMENDATORY PROVISIONS

Section 3 of General Overriding Regulation 4, Revision 1, is amended by adding the following paragraph:

(k) Shoes and slippers made of leather, felted, knitted or woven fabrics, or rubber or plastics, except (1) manufacturer's sales of all-rubber shoes vulcanized as a unit and rubber-soled fabric-upper shoes vulcanized as a unit, and (2) any sales made in the territories and possessions of the United States.

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

Effective date. This amendment shall become effective September 23, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10469; Filed, Sept. 23, 1952; 4:33 p. m.]

[Ceiling Price Regulation 7, Amdt. 23]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

MODIFICATION OF RECORD KEEPING REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 23 to Ceiling Price Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 7 generally requires sellers to keep for inspection by the Office of Price Stabilization all of their invoices and certain other records, for as long as the Defense Production Act of 1950, as amended, remains in effect and for a period of two years thereafter.

In an effort to minimize the burden of record keeping for sellers involved in extensive record keeping, it has been deemed advisable to change the requirements by providing that current records need not be kept more than two years. Most other regulations issued by the Office of Price Stabilization do not require the keeping of current records for longer than two years. Base period records, however, must be kept for as long as the Defense Production Act of 1950, as amended, remains in effect and for a period of two years thereafter. The accompanying amendment to Ceiling Price Regulation 7 makes this distinction between current and base period records.

In the formulation of this amendment industry representatives, including trade association representatives, were consulted to the extent practicable and consideration was given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is amended as follows:

1. Section 38b is amended by adding to paragraph (d) the following sentence: "The records you are required to keep by this paragraph must be kept for a period of two years."

2. The first undesignated paragraph of section 52 following the words "SEC. 52 *Records*" is amended to read as follows:

The records required by paragraph (a) and subparagraph (4) of paragraph (b) of this section must be kept for as long as the Defense Production Act of 1950 remains in effect and for two years thereafter. The records required by subparagraphs (1) and (2) of paragraph (b) of this section must be kept for a period of two years. All such records must be kept at your store, except in the case of certain chain stores for which special record-keeping requirements are provided in Supplementary Regulation 1 to this regulation.

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

Effective date. This amendment is effective on September 29, 1952.

NOTE: The record-keeping and reporting requirements of the 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.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10490; Filed, Sept. 24, 1952; 4:00 p. m.]

[Ceiling Price Regulation 7, Amdt. 13 to Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES, MAIL ORDER ESTABLISHMENTS AND DEPARTMENTALIZED ESTABLISHMENTS, CONSIGNORS AND CONSIGNEE OUTLETS

MODIFICATION OF RECORD KEEPING REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 13 to Ceiling Price Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

The reasons underlying this amendment to Supplementary Regulation 1 to Ceiling Price Regulation 7 are included in a Statement of Considerations to an

accompanying Amendment 23 to Ceiling Price Regulation 7.

AMENDATORY PROVISIONS

Supplementary Regulation 1 to Ceiling Price Regulation 7 is amended as follows:

1. Section 3 is amended by adding the following: "The notices or notifications the central or main office of the chain must send to its outlet under this section must be kept by the outlet for a period of two years."

2. The first paragraph of section 6 (f) is amended to read as follows:

(f) *Records.* You must keep the records required by subparagraphs (1) and (2) of this paragraph for two years. The records required by subparagraph (3) of this paragraph must be kept for as long as the Defense Production Act of 1950 remains in effect and for two years thereafter. All such records must be kept in your main office.

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

Effective date. This amendment is effective on September 29, 1952.

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

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10491; Filed, Sept. 24, 1952; 4:00 p. m.]

[Ceiling Price Regulation 7, Amdt. 1 to Supplementary Regulation 5]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 5—SPECIAL METHODS FOR DETERMINING INBOUND TRANSPORTATION COST INCREASES

MODIFICATION OF RECORD KEEPING REQUIREMENTS

Under the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 5 to Ceiling Price Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

The reasons underlying this amendment to Supplementary Regulation 5 to Ceiling Price Regulation 7 are included in a statement of considerations to an accompanying Amendment 23 to Ceiling Price Regulation 7.

AMENDATORY PROVISION

Supplementary Regulation 5 to Ceiling Price Regulation 7 is amended by amending the first paragraph of section 6 preceding paragraph "(a)" to read as follows:

1. SEC. 6. *Records.* The records required by this section, insofar as they relate to any matter which occurred in any base period specified in this supplementary regulation and the records required by section 3 and section 5 must be kept for as long as the Defense Production Act of 1950, as amended, remains in effect and for two years thereafter. All other records required by this section must be kept for a period of two years. A seller electing to determine ceiling prices under any provision of this supplementary regulation must:

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

Effective date. This amendment is effective on September 29, 1952.

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

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10492; Filed, Sept. 24, 1952; 4:00 p. m.]

[Ceiling Price Regulation 7, Amdt. 1 to Supplementary Regulation 6]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 6—ALTERNATIVE PRICING METHOD FOR RETAILERS WITH UNREPRESENTATIVE CATEGORY CHARTS

MODIFICATION OF RECORD KEEPING REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order No. 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 6 to Ceiling Price Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

The reasons underlying this amendment to Supplementary Regulation 6 to Ceiling Price Regulation 7 are included in a Statement of Considerations to an accompanying Amendment 23 to Ceiling Price Regulation 7.

AMENDATORY PROVISIONS

Section 5 of Supplementary Regulation 6 to Ceiling Price Regulation 7 is amended to read as follows:

SEC. 5. *Records.* In addition to the records you are required to keep by Ceiling Price Regulation 7 you must preserve for inspection by OPS for as long as the Defense Production Act of 1950 remains in effect and for two years thereafter the following records:

(a) The OPS acknowledgment described in section 4 of this supplementary regulation.

(b) A copy of the report filed pursuant to section 4;

(c) The records referred to in paragraph (d) of section 4.

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

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

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

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10493; Filed, Sept. 24, 1952; 4:00 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 33]

CPR 22 MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 33—INTRODUCTORY OFFERS DURING THE BASE PERIOD

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 33 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation provides a procedure under which manufacturers may obtain an upward adjustment in the ceiling prices of commodities introduced during their base periods under CPR 22 or a supplementary regulation to CPR 22, at prices substantially below competitors' prices, and which consequently now have ceiling prices under CPR 22 which are out of line with those of competing commodities. They may also obtain adjustments in the ceiling prices of commodities whose ceiling prices have been established by reference to the former ceiling prices of such base period commodities.

When the General Ceiling Price Regulation went into effect, freezing all prices, it was recognized that some inequities would result. Various supplementary regulations, including SR 26 and SR 27, were issued to correct these inequities. Under SR 26 a manufacturer who was selling a commodity during the GCPR base period under the terms of a special deal, at an abnormally low price, could obtain relief. Under SR 27 a manufacturer who had introduced a new commodity during the GCPR base period at a price substantially below his competitors' prices could obtain an upward adjustment in the price of such a commodity. Similarly, this supplementary regulation is intended to correct certain inequities arising from the use of CPR 22 base periods.

Under normal business conditions it is commonplace for manufacturers to price commodities which they are selling for the first time substantially below the level of competition. Sometimes this is done deliberately for the purpose of breaking into the market, with the intention of raising the price at a later time when a measure of demand or good will for the commodity has been created. At other times the manufacturer is inexperienced with the product, and inaccurate cost estimates lead him to believe that he can make a normal margin of profit on the commodity while selling at a price substantially below competition.

Under normal business conditions such initial prices are readily subject to ad-

justment by the individual manufacturer. In many cases which have come to the attention of the Office of Price Stabilization, such adjustments in the prices of commodities introduced during the year before Korea had been made by the effective date of GCPR, so that the GCPR ceiling prices of the commodities were in line with the level of prices prevailing for the same or substantially similar competing commodities.

However, under CPR 22 the manufacturers of these commodities were compelled to go back to their low base period prices in order to establish ceiling prices under that regulation. As a result, the addition of material and labor cost adjustment factors to comparatively low base period prices still gave manufacturers CPR 22 ceiling prices on their commodities which in many cases were substantially below the level of prices of the same or substantially similar competing commodities.

Under this supplementary regulation a manufacturer in such a position may apply to the Director of Price Stabilization for an adjustment which will raise the ceiling price of his commodity to the general level of ceiling prices prevailing for the same or substantially similar competing commodities. This adjustment may also be made for any new commodity whose ceiling price was established by reference to such a base period commodity.

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

In the judgment of the Director of Price Stabilization, this supplementary regulation is generally fair and equitable, and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Commodities covered.
3. How to apply for an adjustment under this supplementary regulation.
4. Action on applications.
5. Delegation of authority.
6. Definitions.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides a procedure whereby CPR 22 ceiling prices predicated on unusually low base period prices due to an introductory offer during your base period may be adjusted upward. Included in the term "CPR 22 ceiling prices" are ceiling prices for any commodity established under CPR 22, under any supplementary regulation to CPR 22, or under CPR 161 by reference to a ceiling price established under CPR 22 or under one of the supplementary regulations thereto. This regulation does not prevent you from applying for an adjustment under any other regulation for which you are eligible.

SEC. 2. *Commodities covered.* You may apply for an adjusted ceiling price for any commodity which satisfies all the following conditions:

(a) Its present ceiling price has been established under CPR 22, under one of the supplementary regulations to CPR 22, or under CPR 161 by reference to a ceiling price established under CPR 22 or one of the supplementary regulations thereto.

(b) You had not prior to your base period delivered, contracted in writing to sell or offered for sale in the usual course of business that commodity or any commodity in the same product line.

(c) Its base period price, or the base period price of the commodity by reference to which you have determined its ceiling price, was substantially below the level of prices prevailing during the base period for substantially similar commodities on sales to the same classes of purchasers.

(d) Its present ceiling price is substantialy below the level of current ceiling prices for substantially similar commodities on sales to the same classes of purchasers.

SEC. 3. *How to apply for an adjustment under this supplementary regulation.* An application under this supplementary regulation must be sent by registered mail to the Office of Price Stabilization, Washington 25, D. C. It must be signed by the seller, and must include his name and address and a statement identifying it as filed under this supplementary regulation. In addition, the application should contain the following information. If for any reason you cannot supply certain information called for by this section, state why you cannot in your application.

(a) *Base period commodities.* For each base period commodity whose ceiling price you wish to adjust, you must supply:

(1) A brief description of each base period commodity whose ceiling price you wish to adjust and of three substantially similar commodities sold by competing sellers during your base period. The description should cover construction, appearance, quality, or whatever other factors are traditionally considered as significant in your industry. If you have catalogues or specification sheets of these commodities, you may submit them in satisfaction of this requirement.

(2) The date on which you first delivered, contracted in writing to sell or offered the commodity for sale in the usual course of business.

(3) The selling prices to the largest class of purchaser of the four commodities described in subparagraph (1) on or around the date given in subparagraph (2) of this paragraph.

(4) Your current ceiling price, and the current ceiling or selling prices, if ceiling prices are not known, to your largest buying class of purchaser, of the competing commodities described in subparagraph (1).

(5) Your proposed ceiling price and the reasons why you believe this proposed ceiling price is in line with the current level of ceiling prices.

(b) *New commodities.* For each new commodity whose ceiling price you wish to adjust, you must supply:

(1) All the information called for by subparagraphs (1), (2), (3) and (4) of paragraph (a) of this section with respect to the base period commodity which was used as the comparison commodity to determine the ceiling price of the new commodity whose price you wish to adjust.

(2) Your proposed ceiling price and the reasons why you believe this proposed ceiling price is in line with the current level of ceiling prices.

SEC. 4. *Action on applications.* You may not sell any commodity covered by your application at a price higher than the ceiling price otherwise established for it until an adjusted ceiling price has been authorized in writing by the Director of Price Stabilization, or a duly authorized Regional or District Director. An application under this supplementary regulation may be granted in whole or in part, or further information may be requested. Where adjusted ceiling prices are granted under this supplementary regulation, you may be required to notify your purchasers of the adjusted ceiling prices.

SEC. 5. *Delegation of authority.* The National Office of the Office of Price Stabilization may refer any application for adjustment filed pursuant to this supplementary regulation to the appropriate Regional Director. Any Regional Director, or any District Director authorized by the appropriate Regional Director, may in cases properly referred to him, take action in accordance with section 4 of this supplementary regulation.

SEC. 6. *Definitions.* Unless the context otherwise requires the terms used in this supplementary regulation have the same meaning as in CPR 22.

Base period. Your base period is determined by the base period you had elected to use, under CPR 22 or a supplementary regulation to CPR 22, for the commodity covered by your application.

Base period commodity. This means a commodity sold or offered for sale during your base period.

New commodity. A new commodity means any commodity first sold or offered for sale after June 24, 1950.

Effective date. This supplementary regulation to Ceiling Price Regulation 22 is effective September 29, 1952.

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

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52–10486; Filed, Sept. 24, 1952; 11:08 a. m.]

[Ceiling Price Regulation 71, Supplementary Regulation 1]

CPR 71—Manufacturers of Sintered Tungsten Carbide Products and Mixed Powders

SR 1—Certain Manufacturers of Mixed Powder

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 Ceiling Price Regulation 71, is hereby issued.

STATEMENT OF CONSIDERATIONS

Since issuance of Ceiling Price Regulation 71 it has become apparent that the regulation, although generally fair and equitable to the group which it covers, may work an inequity on at least one manufacturer of mixed powders covered by the regulation. The provisions of this supplementary regulation are designed to correct this situation.

CPR 71 sets forth specific dollar and cents prices based upon the general industry price level prevailing during December 19, 1950, to January 25, 1951 (the base period of the General Ceiling Price Regulation) but under section 7 (a) requires that customary special discounts be reflected. At least one manufacturer charged, during the base period of the GCPR, a higher base price than that prevailing in the industry, but gave toolmakers to whom he sold mixed powders a higher discount which brought his net prices in line with those of his competitors. The result is that this manufacturer, who must use his high customary discount and the lower base price fixed in the regulation, has ceiling prices to some purchasers which are out of line with those of other producers.

This supplementary regulation will permit application for individual adjustment of ceiling prices under these circumstances, to bring the applicant's net ceiling prices for mixed powders in line with the net ceiling prices of his competitors established under the regulation.

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

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Application for individual adjustment.
3. Order of adjustment.
4. Applicability of provisions of CPR 71.

Authority: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

Section 1. *What this supplementary regulation does.* This supplementary regulation permits an adjustment of ceiling prices for certain producers of mixed powders. This adjustment will be given where the producer can show that prior to the issuance of CPR 71 his net prices were in line with those of other producers and that, because of an historical method of granting special customer's discounts, his ceiling prices to various classes of purchasers under CPR 71 are lower than the net ceiling prices of other sellers to the same classes of purchasers.

Sec. 2. *Application for individual adjustment*—(a) *Who may apply.* If you are a manufacturer of mixed powders covered by Ceiling Price Regulation 71 you may apply for an adjustment of your ceiling prices for such powders determined under the provisions of the regulation where:

(1) On January 25, 1951, you customarily sold mixed powders at base prices higher than those of other sellers but at net prices in line with the net prices charged by other sellers of mixed powders; and

(2) Your ceiling prices determined under the provisions of the regulation are below the ceiling prices established for other manufacturers of mixed powders as a result of the necessity of reflecting your special customer discounts.

(b) *How to file an application.* An application pursuant to this section must be filed with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following:

(1) Your name and address; a statement of the mixed powders you manufactured as of January 25, 1951, classes of purchasers to whom you sold, your base prices and the base price differentials, delivery terms, allowances, premiums and extras, deductions, guarantees, security terms and other terms and conditions of sale to each of the classes of purchasers;

(2) A statement of your existing ceiling prices for sales of mixed powders to your different classes of purchasers; including base price delivery terms, allowances, premiums and extras, deductions, guarantees, security terms, and other terms and conditions of sale;

(3) Identification of the mixed powders covered by your application and the classes of purchasers to which you wish to have your ceiling prices for these mixed powders adjusted.

(4) A statement of your net prices as of January 25, 1951, for the powders listed in subparagraph (3) for sale to the classes of purchasers listed in subparagraph (3) of this paragraph and the net prices of your two most closely competitive sellers for the same mixed powders to the same classes of purchasers as of January 25, 1951, together with the names and addresses of such sellers.

(5) A statement as to why your net ceiling prices which you wish adjusted are out of line with those of other sellers covered by CPR 71;

(6) A schedule of your proposed adjusted ceiling prices for mixed powders.

Sec. 3. *Order of adjustment.* Any adjustment pursuant to this supplementary regulation will be granted by Letter Order and the ceiling prices so established will be limited to an amount sufficient to bring your ceiling prices in line with the ceiling prices of other sellers under CPR 71.

Sec. 4. *Applicability of provisions of CPR 71.* Except to the extent expressly modified or supplemented by this regulation all provisions of CPR 71, including the reporting provisions, shall be applicable to any manufacturer subject to this regulation.

Effective date. This supplementary regulation is effective September 29, 1952.

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

Tighe E. Woods,
Director of Price Stabilization.

September 24, 1952.

[F. R. Doc. 52–10488; Filed, Sept. 24, 1952; 11:08 a. m.]

[Ceiling Price Regulation 74, Amdt. 13]

CPR 74—Ceiling Prices of Pork Sold at Wholesale

DRIED PORK, SPECIALTY PORK PRODUCTS, AND PREFABRICATED RETAIL CUTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, this Amendment 13 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation (CPR) 74 increases the ceiling prices for prefabricated retail pork cuts, specialty pork products and dried (other than aged, dry cured) pork products that are processed from pork cuts for which ceiling price increases were granted by Amendment 11 to CPR 74. This increase is necessary to permit continued production of these items.

After October, when the seasonal adjustments in ceiling prices for pork cuts are revised to reflect the then effective legal requirements of the Defense Production Act of 1950, as amended, the ceiling price increases provided by this amendment will be terminated.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 74, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of pork, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 74, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

1. Section 5 (c) is deleted and a new section 5 (c) is added to read as follows:

(c) *Prefabricated retail cuts.* (1) If you produced and sold a prefabricated retail cut prior to September 25, 1951, you may increase your ceiling price for that cut established under the General Ceiling Price Regulation (GCPR) by the dollars-and-cents amount by which the ceiling price provided by CPR 74, prior to July 29, 1952, for the wholesale pork cut from which that prefabricated retail cut is processed was increased effective July 29, 1952.

(2) If your ceiling price for a prefabricated retail cut that you purchase for resale was established under the General Ceiling Price Regulation before September 29, 1952, your ceiling price for that cut is increased by the dollars-and-cents amount your supplier is authorized to increase his ceiling price for this product on and after July 29, 1952.

(3) If, after September 29, 1952, you first sell a prefabricated retail cut which you purchase, your ceiling price for that cut is established under the provisions of the GCPR. If you are authorized to adjust your ceiling price pursuant to the provisions of this paragraph, you must give written notice of this to each buyer on the initial sale of that prefabricated retail cut to each buyer. A legible statement stamped on the invoice covering the initial sale of your product to each buyer indicating the amount of the increase in your ceiling price permitted by this section will be considered as meeting the requirements of this paragraph.

2. Section 5 (f) is deleted and a new section 5 (f) is substituted therefor to read as follows:

(f) *Purchasers of dried (other than aged, dry cured) pork or specialty pork product.* If you purchase a dried (other than aged, dry cured) pork or a specialty pork product for which the ceiling price of the producer of the product has been established either by letter order or by section 5 (g) of this regulation, your ceiling price for that product shall be the producers' ceiling price, as amended from time to time, plus any applicable additions provided for your sale of that product in Article IV.

3. A new section 5 (g) is added to read as follows:

(g) *Ceiling price adjustment for dried or specialty pork products.* (1) If, prior to September 29, 1952, your filing under section 5 (a) has not been acted upon by letter order, signed by the Director of Price Stabilization, either approving, modifying, or denying your application, you may increase your GCPR ceiling price for your dried or specialty pork product, which you produced and sold in 1950, by the dollars-and-cents amount by which the ceiling price provided by CPR 74, prior to July 29, 1952, for the wholesale pork cut from which that product is processed, was increased effective July 29, 1952.

(2) If you are authorized to adjust your ceiling price for your dried or specialty pork product pursuant to the provisions of this paragraph, you must give written notice of this to each buyer on the initial sale of your product to each buyer. A legible statement stamped on the invoice covering the initial sale of your product to each buyer indicating the amount of the increase in ceiling price permitted by this section will be considered as meeting the requirements of this paragraph.

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

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

NOTE: The record keeping and reporting requirements of this amendment 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.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10494; Filed, Sept. 24, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 6, Revision 1, Corr.]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 6—MILK PRODUCTS FOR FLUID CONSUMPTION IN THE SPRINGFIELD, MASSACHUSETTS, MILK MARKETING AREA

CORRECTION

Due to an error, the symbol "$" was inserted before the figure "0.946" in the last sentence of Example No. 1 in section 5(b). Accordingly, that example is corrected by deleting the last sentence thereof and substituting therefor the following: "The equivalent rate of increase per quart of milk is, therefore, 0.946 cent per quart."

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

JOSEPH M. MCDONOUGH,
Director of Region 1 Office,
Boston 9, Massachusetts.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10448; Filed, Sept. 23, 1952; 12:01 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 31, Corr.]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 31—MILK PRODUCTS FOR FLUID CONSUMPTION IN THE FALL RIVER, MASSACHUSETTS, MILK MARKETING AREA

CORRECTION

Due to an error, the symbol "$" was inserted before the figure "0.946" in the last sentence of Example No. 1 in section 5 (b). Accordingly, that example is corrected by deleting the last sentence thereof and substituting therefor the following: "The equivalent rate of increase per quart of milk is, therefore, 0.946 cent per quart."

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

JOSEPH M. MCDONOUGH,
Director of Region 1 Office,
Boston 9, Massachusetts.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10449; Filed, Sept. 23, 1952; 12:01 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 34]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 34—WESTERN NEVADA MILK MARKETING AREA, STATE OF NEVADA

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 Area Milk Price Regulation pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at various levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. On September 24, 1951, Supplementary Regulation 63 became effective permitting adjustments of ceiling prices for fluid milk products in individual marketing areas upon petition or upon the initiative of the appropriate Regional or District Director. Pursuant to this authority, this area milk price regulation is being issued adjusting ceiling prices for the Western Nevada marketing area, consisting of Washoe, Pershing, Churchill, Lyon, Douglas, Ormsby and Storey Counties, on sales of fluid milk products within that area by processors, distributors, and operators of retail stores. Sales of milk products not covered by this regulation remain bound by the provisions of the General Ceiling Price Regulation.

This marketing area was selected after consideration of all relevant factors. The population within this area is reached by most of the large distributors. Nearly uniform conditions in this economic market apply in terms of labor and material costs. Raw milk product cost has been historically uniform throughout the area. The pattern of prices charged throughout the area has been based upon the processors' local prices, plus transportation, and this pattern has been retained.

This Area Milk Price Regulation provides for uniform adjustments over each seller's base period prices as originally determined under the General Ceiling Price Regulation. Various adjustments are provided for fluid milk items and cream items of different container size. These adjustments are based on an increase of 30 cents per pound butterfat together with an increase of $.005 per sales point in distributors' costs of direct labor, delivery labor, and containers.

These increases have been incurred since the first six months of 1950, which period is established as the base period for Supplementary Regulation 63. Calculations were based on data submitted by a representative number of processors and distributors including the largest firm in the area and one of the smaller, altogether representing approximately 55% of the volume sold in the area.

This regulation indicates a price for producer milk of $1.64½ per pound of butterfat for Grade A milk f. o. b. processors' plant, and is to be the basis for computing future parity adjustments.

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

In the judgment of the District Director of the Office of Price Stabilization, the provisions of this area milk price regulation 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 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, June 24, 1950, inclusive; and to all relevant factors of general applicability.

The director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.

1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sellers and sales covered by this area milk price regulation.
4. Ceiling prices of listed items.
5. Ceiling prices of unlisted items.
6. Use of competitor's ceiling prices to establish your ceiling prices.
7. Sellers who cannot price under other sections of this regulation.
8. Producer prices.
9. Rounding of fractions.
10. Transfer of business or stock in trade.
11. Prohibitions.
12. Violation.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; SR 63 to GCPR, Sept. 19, 1951, 16 F. R. 9559.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, provides uniform adjustments of ceiling prices determined under section 3 of the General Ceiling Price Regulation (hereinafter referred to as GCPR base period prices). These adjustments are for the listed milk products in designated types and sizes of containers sold in the Western Nevada milk marketing area to all classes of purchasers. It also provides a method for determining ceiling prices for the listed products sold in containers of other types and sizes as well as ceiling prices of products which are unlisted in this area milk price regulation but which are within the purview of Supplementary Regulation 63.

SEC. 2. *Where this area milk price regulation applies.* The provisions of this area milk price regulation are applicable to the Western Nevada milk marketing area described as follows: The counties of Washoe, Pershing, Churchill, Lyon, Douglas, Ormsby and Storey.

SEC. 3. *Sellers and sales covered by this area milk price regulation.* This area milk price regulation covers sales in this marketing area of milk products for fluid consumption by processors, distributors, and operators of retail stores. Definitions of these terms may be found in sections 3 and 11 (e) of Supplementary Regulation 63 to the General Ceiling Price Regulation as amended. This area milk price regulation also covers sales of milk products to be delivered to a purchaser located in this area, although the seller is located outside of this area, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area.

SEC. 4. *Ceiling prices of listed items*—(a) *How you determine your ceiling prices.* If you are a processor, distributor or operator of a retail store, your ceiling prices for the listed items shall be your GCPR base period prices plus the following uniform adjustments:

Products	Minimum butterfat content, percent	Container size	All classes of purchasers
Standard milk	3.5	½ pints	$0.0075
		Quarts	.03
		Gallons	.12
Half and half	12.5	½ pints	.02
		Pints	.04
		Quarts	.08
		Gallons	.32
Table cream	22.0	½ pints	.04
		Quarts	.16
		Gallons	.64
Whipping cream	38.0	½ pints	.065
		Quarts	.26
		Gallons	1.04
Chocolate and buttermilk	.5	Quarts	.02
		Gallons	.08
Skim		Quarts	.02

The above adjustments apply equally to sales in either paper or glass containers.

(b) *Reporting of ceiling prices.* Processors and distributors (but not operators of retail stores) shall report the ceiling prices resulting from the application of the uniform adjustments specified in paragraph (a) of this section to the District Office of the Office of Price Stabilization, 1475 Wells Avenue, Reno, Nevada, by registered mail, return receipt requested, no later than September 15, 1952. The report shall be filed on OPS Public Form 124 which may be obtained from the aforementioned office. Your price lists in effect during any part or all of the GCPR base period, including the time during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Director who is issuing this regulation.

SEC. 5. *Ceiling prices of unlisted items*—(a) *Listed products in unlisted types and sizes of containers.* Your ceiling price for a product listed in section 4 which is packed in a container of an unlisted type or size, shall be the ceiling price determined pursuant to section 4 for a comparison item, adjusted by the dollar-and-cents differential which existed between your ceiling prices, determined pursuant to section 3 of the GCPR, of the comparison item and the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the same product packed in the container most similar, first, as to size, and, second, as to type and delivered to the same class of purchaser as the item for which you are determining a ceiling price.

(b) *Unlisted products.* Your ceiling price for a product which is not listed in section 4, but which is within the purview of Supplementary Regulation 63, shall be the ceiling price determined pursuant to section 4 for a comparison item, adjusted by the differential which you customarily used in the GCPR base period between the price of your comparison item and the price of the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the product most similar in composition as to butterfat and other ingredients to the item for which you are determining a ceiling price, packed in the container most similar, first as to size and second as to type, and delivered to the same class of purchaser.

(c) *Price differentials.* Ceiling prices established pursuant to sections 4 and 5 must be modified by price differentials which existed between your ceiling prices determined under section 3 of GCPR and which resulted from, among others, discounts, allowances, premiums, extras, location of purchasers, and terms and conditions of sale or delivery.

(d) *Reporting of differentials and prices resulting therefrom for Processors and Distributors.* You shall report the ceiling prices computed pursuant to paragraphs (a) through (c) of this section and the differentials used in determining these ceiling prices to the District Office of the Office of Price Stabilization, 1475 Wells Avenue, Reno, Nevada, by registered mail, return receipt requested, no later than September 15, 1952. The report shall be filed on OPS Public Form 123 which may be obtained from the aforementioned office. Your price lists in effect during any part or all of the GCPR base period, including the time during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Director who is issuing this regulation.

(e) *Modification of proposed ceiling prices by District Director of Price Stabilization.* The District Director of the Office of Price Stabilization may at any time disapprove or revise downward ceiling prices established under this section so as to bring them into line with the level of ceiling prices otherwise established under this regulation.

SEC. 6. *Use of competitor's ceiling prices to establish your ceiling prices*—(a) *How you determine your ceiling price.* If you cannot determine a ceiling price under either sections 4 or 5, your ceiling price for the sale of any milk product for fluid consumption to any class of purchaser is the ceiling price determined under this regulation for the sale of the same milk product in the same size and type of container by your most closely competitive seller of the same class (as defined in section 22 of GCPR) to the same class of purchaser.

(b) *When you may sell at your competitor's ceiling price.* You shall not sell any such milk product until you have sent the report required by paragraph (c) of this section by registered mail, return receipt requested, to the District Director of the Office of Price Stabilization who issued this regulation. After OPS has received your reports, as shown by your return postal receipt, you may sell the product at your proposed ceiling price unless you are notified by the District Director that your proposed ceiling price has been disapproved or that more information is required.

(c) *Report required when you use your competitor's ceiling price.* Your report shall state the name and address of your company; the name, address, and type of business of your most closely competitive seller of the same class; your reasons for selecting him as your most closely competitive seller; and if you are starting a new business, a statement indicating whether you or the principal owner of your business has been engaged in any part of the past 12 months in any capacity in the same or similar business at any other establishment and if so, the trade name and address of each such establishment. Your report should also include the following:

(1) *If you are a processor:* A description of the product you are pricing; the processing involved in the production of that product; the classes of purchasers to whom you will be selling; the ceiling price of your nearest competitor, and your proposed ceiling price to each class of purchaser.

(2) *If you are a distributor:* A description of the product you are pricing; your net invoice cost of the commodity being priced; the names and addresses of your sources of supply; the function performed by them (e. g., processing, distributing, etc.), and the class of purchasers to whom they customarily sell; the classes of purchasers to whom you plan to sell; the ceiling price of your most closely competitive seller; your proposed ceiling price to each class of purchaser; and a statement that your proposed ceiling prices will not exceed the ceiling price your customers paid to their customary sources of supply. A report under this section may be filed on OPS Public Form 122, which may be obtained from the District Director of the Office of Price Stabilization who issued this regulation.

SEC. 7. *Sellers who cannot price under other sections of this regulation*—(a) *How you obtain your ceiling price.* If you cannot determine a ceiling price under sections 4, 5, and 6, you must apply to the District Director of the Office of Price Stabilization who issued this regulation for the establishment of a ceiling price for sales by you of that milk product for fluid consumption. The Director will, as soon as possible after the receipt of the application or the receipt of such additional information as he may request, issue a letter order establishing a ceiling price for the sale by you of that product at the various levels of distribution, and specifying a producer price for milk from which parity adjustments will be computed. You may not sell the milk product until the Director has issued a letter order establishing your ceiling price for the sale of the product.

(b) *What your application must contain.* An application under the provisions of this section must contain the following information: An explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the product and the nature of your business such as indicated in section 6 (c) (1) or (2); a description of the product, its butterfat content, the type and size of container in which it will be sold and the class of purchaser to whom you intend to sell; your proposed ceiling price and the method used by you to determine it, including the producer price upon which it is based; and the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

SEC. 8. *Producer prices.* (a) The prices provided in sections 4 and 5 of this regulation are based upon a producer paying price of $1.645 per pound of butterfat for Grade A milk f. o. b. processor's plant. This paying price shall be used as the basis for pertinent computation of parity adjustment under section 8 (a) of General Ceiling Price Regulation, SR 63.

(b) After the determination of your ceiling price under either sections 6 or 7 you may increase, and you must decrease, the ceiling prices so established by parity adjustments in conformity with section 8 (a) of Supplementary Regulation 63. If your ceiling price was determined under section 6 of this regulation, you shall compute your parity adjustments from the highest price you paid or incurred for your customary purchase of milk or products processed therefrom during the most recent paying period prior to the date you mailed your report. If you made no customary purchase prior to the date you mailed your report, the price you paid or incurred for your first customary purchase between the date you mailed your report and the date you first offered your product for immediate delivery shall be your base for computing parity adjustments. If your ceiling price was determined under section 7 of this regulation, you shall compute your parity adjustments from the producer price specified in the letter order.

SEC. 9. *Rounding of fractions.* Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product (and after giving effect to section 8 (b) of Supplementary Regulation 63) shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more. If, however, you have customarily billed any particular purchaser or any class of purchasers for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption so sold during the preceding month or other billing period shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 10. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after this regulation becomes effective, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 11. *Prohibitions.* After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product at a price in excess of the ceiling price established by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 12. *Violation*—(a) *Civil and criminal action.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

(b) *Violations of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director may issue an order fixing ceiling prices for the milk

products such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

Effective date. This area milk price regulation is effective as of September 1, 1952.

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

FRED C. BORLACHER,
Director, Reno District Office.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10450; Filed, Sept. 23, 1952; 12:01 p. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 65]

CCPR, SR 65—ADJUSTMENT OF CEILING PRICES FOR RETAIL SALES OF PORK PRODUCTS

ADDITION OF ITEMS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order 2, this Amendment 2 to Supplementary Regulation 65 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Supplementary Regulation (SR) 65 to the General Ceiling Price Regulation (GCPR) places retail sales of specialty pork products, prefabricated retail pork cuts and dried pork under SR 65.

Amendment 13 to Ceiling Price Regulation 74 increased the ceiling prices of the above-mentioned products. In the absence of this amendment to SR 65 retailers could not pass on their increased costs of these products, except for aged dry cured pork, and retail margins would have been squeezed. This amendment provides for an increase or reduction each week in a retailer's GCPR price for each of these products by the amount of the difference between his cost of each in the base week and his cost of each in the week preceding the one in which each is being sold, in the same way retailers now calculate their ceiling prices for retail pork cuts derived from wholesale pork cuts they buy.

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

AMENDATORY PROVISIONS

Supplementary Regulation 65 to the General Ceiling Price Regulation is amended in the following respects.

1. Section 4 is amended to read as follows:

SEC. 4. *Exclusions.* This regulation does not apply to:

(a) Pork items exempted by General Overriding Regulation 7, as amended;

(b) Sausage;

(c) Sterile canned meat;

(d) Canned pork produced in Europe; or

(e) Mail order retail sales.

2. Section 13 (p) is amended to read as follows:

(p) "Wholesale pork cuts" means

(1) Those cuts, not including dressed hogs, listed and defined in Appendix 2 of Ceiling Price Regulation 74; and

(2) Specialty pork products defined in section 60 (x) of Ceiling Price Regulation 74; and

(3) Prefabricated retail cuts defined in section 60 (bb) of Ceiling Price Regulation 74.

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

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

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10495; Filed, Sept. 24, 1952; 4:00 p. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 8]

GOR 7—EXEMPTION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

EXEMPTION OF LIQUID WHEY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7, Revision 1, exempts liquid whey from price control. Liquid whey is a by-product of cheese manufacturing. Most of this liquid whey never enters commercial channels and most of the small percentage remaining is dried for use as an animal feed ingredient. Liquid whey is of slight significance in the cost of living and its continuation under price control does not justify the administrative burden it imposes.

Before issuing this amendment, the Director of Price Stabilization has consulted extensively with individual members of the industry affected as well as with trade association representatives. In view of the foregoing, a formal meeting with an industry advisory committee was deemed to be unnecessary and impracticable. It is the judgment of the Director that the provisions of this amendment comply with all the requirements of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 2 of Article II of General Overriding Regulation 7, Revision 1, is amended by the addition of a new subdivision (i) to read as follows:

(i) Milk Products:

(1) Liquid whey.

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

Effective date. This amendment is effective September 24, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10489; Filed, Sept. 24, 1952; 11:08 a. m.]

[General Overriding Regulation 38]

GOR 38—FREE DELIVERY OF SMALL PARCELS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this General Overriding Regulation 38 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 21 to Ceiling Price Regulation 7, issued July 9, 1952, permits a retailer "to discontinue a practice of delivering parcels which are sufficiently small and light in weight to be carried in hand from the store by the purchaser."

Amendment 21 applies only to the delivery of items covered by CPR 7. Since most retail stores carry items covered by regulations other than CPR 7, it has been determined to extend the principle of the amendment to these items. The effect of this extension upon the cost of living is insignificant. It does, however, eliminate the administrative burden placed on retailers by the necessity of separating CPR 7 items from non-CPR 7 items at the time of sale or delivery.

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

REGULATORY PROVISIONS

SECTION 1. *What this general overriding regulation does.* This general overriding regulation authorizes retailers to discontinue delivering parcels which are sufficiently small and light in weight to be carried in hand from the store by the purchaser. It shall not be deemed a violation of any regulation covering sales at retail for a retailer to discontinue such practice.

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

Effective date. This General Overriding Regulation is effective September 20, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10496; Filed, Sept. 24, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-8, Amdt. 2 of Sept. 23, 1952]

M-8—TIN

MODIFICATION OF CERTAIN END USE RESTRICTIONS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

NPA Order M-8, as issued July 21, 1952, and as amended by issuance of Amendment 1 thereto on August 1, 1952, is hereby further amended in the following respects:

AMENDATORY PROVISIONS

1. Subparagraph (3) of paragraph (b) of section 8 is changed to read as follows:

(3) Solder containing no more than 40 percent tin by weight (such solder may be used, however, only in accordance with the provisions of Schedule II of this order);

2. Item (3) of Schedule II is changed to read as follows:

(3) For a filler or smoother for the production or repair of automobile or truck (3) 30 bodies or fenders or for similar purposes.

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

This amendment shall take effect September 23, 1952.

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

[F. R. Doc. 52-10453; Filed, Sept. 23, 1952; 12:58 p. m.]

[NPA Order M-22 as Amended September 24, 1952]

M-22—DISTRIBUTION AND USE OF ALUMINUM SCRAP

This order 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 order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this amended order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

EXPLANATORY

NPA Order M-22, as last amended December 17, 1951, is hereby further amended by removing therefrom the requirement that owners or generators of scrap file Form NPAF-152, and by revising the provisions respecting requests for adjustment or exception, records and reports, communications, and violations so that these provisions conform to corresponding provisions in more recent NPA orders and regulations.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Segregation of aluminum scrap.
4. Restrictions on distribution of aluminum scrap.
5. Restrictions on use of aluminum scrap.
6. Allocations and directives.
7. Restrictions on toll agreements.
8. No acquisition or delivery in violation of order.
9. Request for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* The primary purpose of this order is to regulate the segregation, acceptance, delivery, and distribution (whether on purchase, toll agreement, or otherwise) of aluminum scrap. The order also prohibits undue accumulations of such scrap.

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

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

(b) "Aluminum scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure, or other reason, the principal ingredient of which by either weight or volume is metallic aluminum, or from which metallic aluminum may be recovered by sweating, either of domestic generation or imported in either loose or scrap pig form, and shall include all types and grades of aluminum residues, such as drosses, skimmings, fines, grindings, sawings, and buffings.

(c) "Producer" means any prime producer of metallic aluminum from the raw material alumina.

(d) "Smelter" means any person who maintains the necessary sorting and preparation equipment and who remelts virgin metal or scrap to produce properly alloyed, refined, chemically tested, specification casting ingot and metallurgical shapes for sale to other persons, and who has the testing equipment and technical knowledge necessary to perform this function without downgrading or waste.

(e) "Reclaimer" means any person who reclaims aluminum from scrap contaminated with extraneous materials in a furnace, crucible, or sweater operation. A "reclaimer" produces only unrefined metal which is not alloyed to a given specification or which is not otherwise properly controlled or refined, and which is sold as reclaimed scrap pig to a producer or a smelter.

(f) "Dealer" means any persons regularly engaged in the business of buying and selling aluminum scrap.

(g) "Generator of aluminum scrap" means any person who in salvage, manufacture, or fabrication produces aluminum scrap.

(h) "Fabricator" means a person who produces for sale (in whole or in part) the following mill products:

Plate, sheet (coiled or flat), or foil.
Extrusion or tubing.
Rod, bar, or wire.
Powder (atomized or flake, including paste).

(i) "Foundry" means a person who produces aluminum or aluminum alloy cast shapes by melting for use in rough or finished form, without further rolling, drawing, or extruding operations.

(j) "Ingot" means aluminum as cast to specific composition for remelting.

(k) "Pig" means aluminum of variable composition as produced in an electric reduction furnace.

(l) "Scrap pig" means unrefined aluminum of variable composition as produced in a reclamation operation.

SEC. 3. *Segregation of aluminum scrap.* (a) Any generator of aluminum scrap shall segregate such scrap by alloy and shall not mix scrap of one alloy with any other alloy or material: *Provided, however,* That this segregation requirement does not apply to skimmings, drosses, grindings, buffings, and sawings.

(b) Any dealer receiving aluminum scrap in segregated form must maintain such segregation.

SEC. 4. *Restrictions on distribution of aluminum scrap*—(a) *Delivery by scrap owners and generators.* Except as provided in section 5 (a) of this order, any person (other than a producer, smelter, reclaimer, fabricator, or dealer) who owns or generates any aluminum scrap shall deliver such scrap to a producer, smelter, reclaimer, fabricator, or dealer, and shall not dispose of such scrap in any other way.

(b) *Time of delivery.* Except as provided in section 5 (a) of this order, any person who generates or holds any aluminum scrap shall deliver all such scrap to a producer, reclaimer, smelter, fabricator, or dealer at intervals not longer than required to accumulate a minimum carload or at intervals not exceeding 30 days, whichever shall first occur.

(c) *Delivery by dealers.* Dealers shall deliver all aluminum scrap which they

receive at intervals not longer than required to accumulate a minimum carload or at intervals not exceeding 30 days, whichever shall first occur. A dealer shall deliver aluminum scrap only to a producer, smelter, reclaimer, or fabricator: *Provided, however*, That (1) any dealer may deliver any aluminum scrap to another dealer if, in the regular course of business, he does not collect sufficient scrap to make it practicable for him to deliver directly to a producer, smelter, reclaimer, or fabricator; except that a dealer who has received from another dealer scrap in a lot of 20,000 pounds or more may sell or deliver such scrap only to a producer, smelter, reclaimer, or fabricator, but not to another dealer; and (2) any dealer may deliver scrap reusable in the form in which received to any consumer of controlled materials who is entitled to receive and use it under applicable regulations and orders of the National Production Authority and who may elect to use it in lieu of aluminum in the forms and shapes listed in Schedule I of CMP Regulation No. 1. Any consumer who receives aluminum scrap as provided herein, shall charge such aluminum against his CMP allotment.

SEC. 5. *Restrictions on use of aluminum scrap.* (a) Except as provided in section 4 (c) of this order, no person other than a producer, smelter, reclaimer, or fabricator shall melt, reprocess, smelt, or otherwise use aluminum scrap: *Provided, however*, That a foundry may remelt its own gates, risers, and sprues, and its defective, rejected, and obsolete castings, if by so doing it does not degrade or contaminate the aluminum alloy: *And provided further*, That any person other than a producer, smelter, reclaimer, or fabricator who uses aluminum scrap in his regular operations (such as a chemical plant, steel mill, etc.) may request the National Production Authority for authorization to use aluminum scrap in such operations. Any such authorization will specify the type and grade of aluminum scrap to be used for the stated purpose.

(b) No person shall use a type of aluminum scrap, scrap pig, or ingot for a purpose or a process in which a lower grade is suitable.

(c) No person who melts, smelts, or otherwise reprocesses aluminum scrap shall downgrade such scrap.

SEC. 6. *Allocations and directives.* The National Production Authority from time to time may allocate scrap and specifically direct the manner and quantities in which deliveries to particular persons or classes of persons or for particular uses or classes of uses shall be made or suspended; and from time to time may issue specific directives to any person as to the source, destination, consignee, or amount of scrap to be delivered or acquired by such person.

SEC. 7. *Restrictions on toll agreements.* No aluminum scrap shall be delivered or received pursuant to any existing or future toll, conversion, or repurchase agreement, or any similar arrangement, without the prior written approval of the National Production Authority: *Provided, however*, That aluminum scrap owned by a fabricator may be shipped to a producer or to another fabricator for conversion into any product usually purchased by such fabricator, without specific approval of the National Production Authority. All approvals of toll transactions granted by the National Production Authority prior to the effective date of this order are hereby revoked as to all shipments of scrap not made on or before September 30, 1951.

SEC. 8. *No acquisition or delivery in violation of order.* No person shall acquire or deliver aluminum scrap if he knows or has reason to believe that such material has been or will be used in violation of this or of any other order of the National Production Authority.

SEC. 9. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. A producer, smelter, or fabricator shall keep his own metallurgical heat or furnace charge records, indicating the grade, quality, and weight of aluminum charged; the weight of the finished aluminum recovered; and the analysis thereof. A reclaimer shall keep a furnace charge record indicating the types and quantities of scrap treated. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

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

(c) All persons who melt, smelt, or reclaim any aluminum scrap, shall file with the Department of the Interior, Bureau of Mines, Washington 25, D. C., in duplicate, the following reports on or before the fifteenth day of the month following the period reported: (1) Smelters and reclaimers shall file Form 6–1114–M monthly; (2) producers, fabricators, and all other persons consuming aluminum scrap or secondary ingot (such as iron and steel plants and foundries and chemical producers), except foundries consuming less than a total of 12,000 pounds annually of scrap and secondary ingot, shall file Form 6–1111–M monthly; and (3) foundries consuming less than a total of 12,000 pounds annually of scrap and secondary ingot shall file Form 6–1111–Q quarterly.

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

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–22.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This order, as amended, shall take effect September 24, 1952.

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

[F. R. Doc. 52–10485; Filed, Sept. 24, 1952; 10:58 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 3, Amdt. 6]

DFO–3—AGRICULTURAL IMPORTS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by section 704 of the Defense Production Act of 1950, as amended (64 Stat. 798; 65 Stat. 131; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2061 et seq.), and having determined that the following amendment of Defense Food Order 3, as

amended (17 F. R. 6088), is necessary or appropriate to carry out the provisions of said act and the revised determination made by the Secretary of Agriculture under section 104 of the act, said Defense Food Order 3, as amended, is further amended as hereinafter set forth. Defense Food Order No. 3, as hereby amended, imposes over the commodities covered by such determinations the import controls contemplated by the act and, to effectuate such determinations, must be made effective as soon as possible. The amendment relieves certain restrictions currently imposed by the order and must be made effective promptly if it is to be of maximum benefit to importers. The order affects numerous segments of the economy and time does not permit consultation with all affected segments. Therefore, consultation with industry representatives on the amendment is impracticable and has been omitted.

SUMMARY OF AMENDMENT

Section 6 of Defense Food Order 3, as amended, provides that the Administrator will from time to time remove commodities from the list in Appendix A thereof in accordance with determinations by the Secretary of Agriculture under section 104 of the act. In order to implement the Secretary's revised determination, this amendment deletes Stilton cheese and all varieties of Italian type cheese except the following from import restrictions: Romano, Reggiano, Parmesano, Provoloni, Provolette, and Sbrinz.

This amendment, effective October 1, 1952, also contains a clarifying change with respect to varieties of cheese containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam, or Gouda, by expressly stating that substitutes for cheese are included in this category.

Appendix A of Defense Food Order 3, as amended (17 F. R. 6088), is hereby amended in the following respects:

1. Delete the listing "Italian cheese (B)" and the applicable Commerce Import Class Nos. from Appendix A and insert, in lieu thereof, the following:

Italian type cheese of the following varieties (B):	
Romano in original loaves made from cow's milk	0046.010
Reggiano in original loaves	0046.110
Parmesano in original loaves	0046.120
Provoloni in original loaves	0046.230
Provolette in original loaves	0046.250
Sbrinz in original loaves	0046.940

2. Delete the listing "Blue mold cheese (B)" from Appendix A and insert, in lieu thereof, the following:

Blue Mold cheese, except Stilton (B).

3. Delete the listing "Varieties of cheese containing, or processed in whole or in part, from Cheddar, Blue Mold, Edam and Gouda (B)" from Appendix A and insert, in lieu thereof, the following:

Varieties of cheese (this term includes substitutes for cheese) containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam, or Gouda (B).

This amendment shall become effective at 12:01 a. m., e. s. t., October 1, 1952. With respect to violations, rights accrued, liabilities incurred, or appeals taken concerning Defense Food Order 3, as amended, prior to the effective date hereof, all the provisions of said Defense Food Order 3, as amended, in effect at the time when such violations occurred, rights accrued, liabilities were incurred, or appeals were taken shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NOTE: All reporting requirements of DFO–3 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 23d day of September 1952.

[SEAL] G. F. GEISSLER,
Administrator, Production and Marketing Administration.

[F. R. Doc. 52–10504; Filed, Sept. 24, 1952; 12:04 p. m.]

[Import Determination re DFO–3, Revision 2]

DETERMINATION RELATING TO IMPORTS UNDER DEFENSE PRODUCTION ACT

On July 3, 1952 (17 F. R. 6090), the Secretary of Agriculture made a determination, pursuant to the authority vested in him by section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 132; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2074), relating to certain imports (other than by the Government of the United States), during the period from July 1, 1952, through June 30, 1953, into the commerce of the United States. Such determination was made upon the basis of facts then available and, as stated therein, would be subject to revision whenever it is determined that such action is necessary or appropriate in effectuating the purposes of the act. Upon the basis of facts available at present, it is hereby determined that the revision, as hereinafter set forth, of the determination of July 3, 1952, is necessary or appropriate in effectuating the purposes of the act.

The Import Determination re DFO–3, Revision 1 (17 F. R. 6090), is hereby revised to read as follows:

Pursuant to the authority vested in me by section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 132; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2074), it is hereby found and determined that imports (other than by the Government of the United States), during the period from July 1, 1952, through June 30, 1953, into the commerce of the United States of the commodities and products hereinafter listed, except as herein specified, would with respect to each such commodity or product or type or variety thereof listed (a) impair or reduce the domestic production of a commodity or product specified in said section 104 below present production levels, (b) interfere with the orderly domestic storing and marketing of a commodity or product specified in said section 104, or (c) result in an unnecessary burden or expenditure under a Government price support program.

SECTION 1. This determination applies to all types and varieties of the following listed commodities and products except as otherwise specified:

Butter.[1]
Butter oil.[2]
Casein and lactarene, and mixtures in chief value thereof, n. s. p. f.[3]
The following types and varieties of cheese:
Italian type cheese of the following varieties: [4]
Romano in original loaves made from cow's milk.
Reggiano in original loaves.
Parmesano in original loaves.
Provoloni in original loaves.
Provolette in original loaves.
Sbrinz in original loaves.
Cheddar.[5]
Blue Mold,[6] except Stilton.
Edam and Gouda.[7]
Varieties (this term includes substitutes for cheese) containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam, or Gouda.[8]
Flaxseed (linseed).[9]
Linseed oil, and combinations and mixtures, in chief value of such oil.[10]
Malted milk and compounds, or mixtures of or substitutes for milk or cream.[11]
Skimmed, dried milk (nonfat, dried milk solids).[12]
Peanuts (blanched, roasted, prepared, preserved).[13]
Peanuts (shelled, not shelled).[14]
Peanut oil (ground nut oil).[15]
Paddy rice.[16]
Uncleaned or brown rice.[17]
Cleaned or milled rice.[18]
Cleaned Patna rice for use in canned soups.[19]
Broken rice.[20]

SEC. 2. Importations during the period from July 1, 1952, through June 30, 1953, of the following commodities and products, subject to Government regulation under the following conditions, will not have any of the effects specified in section 104 of the Defense Production Act, as amended:

(a) Casein or lactarene and mixtures in chief value thereof, n. s. p. f., in an aggregate quantity not in excess of 40,000,000 pounds;

(b) Cheddar cheese in an aggregate quantity not in excess of 8,500,000 pounds;

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[1] Commerce Import Class No. 0014.000.
[2] Commerce Import Class No. 1423.200.
[3] Commerce Import Class No. 0943.000.
[4] Commerce Import Class Nos. 0046.010, 0046.110, 0046.120, 0046.230, 0046.250, and 0046.940.
[5] Commerce Import Class No. 0046.490.
[6] Commerce Import Class No. 0046.600.
[7] Commerce Import Class Nos. 0046.750 and 0046.790.
[8] Commerce Import Class No. 0046.990.
[9] Commerce Import Class No. 2233.000.
[10] Commerce Import Class No. 2254.000.
[11] Commerce Import Class No. 0041.900.
[12] Commerce Import Class No. 0041.100.
[13] Commerce Import Class No. 1300.080.
[14] Commerce Import Class Nos. 1367.000, 1368.000.
[15] Commerce Import Class No. 1427.000.
[16] Commerce Import Class No. 1051.000.
[17] Commerce Import Class No. 1051.100.
[18] Commerce Import Class No. 1053.000.
[19] Commerce Import Class No. 1054.000.
[20] Commerce Import Class No. 1059.200.

(c) The following varieties of Italian type cheese in an aggregate quantity not in excess of 8,000,000 pounds:

Romano in original loaves made from cow's milk.
Reggiano in original loaves.
Parmesano in original loaves.
Provoloni in original loaves.
Provolette in original loaves.
Sbrinz in original loaves.

(d) Blue Mold cheese, except Stilton, in an aggregate quantity not in excess of 3,000,000 pounds;

(e) Edam and Gouda cheese in an aggregate quantity not in excess of 4,000,000 pounds;

(f) Varieties (this term includes substitutes for cheese) containing, or processed in whole or in part from Cheddar, Blue Mold, Edam, and Gouda, in an aggregate quantity not in excess of the quantity imported during the calendar year 1950;

(g) Malted milk and compounds, or mixtures of or substitutes for milk or cream, which are determined by the official responsible for administration of Defense Food Order No. 3, as amended, to have none of the customary uses of butter;

(h) Registered or certified flaxseed and rice for planting purposes only and in accordance with applicable laws and regulations;

(i) Brewer's rice;

(j) The listed commodities and products as samples or gifts or for personal use where the value of each consignment or shipment is less than $25.00; and

(k) Such amounts of the listed commodities and products as may be required to avoid unnecessary or unreasonable hardship and as may be required to assure equitable treatment for small or new business.

SEC. 3. This determination is made upon the basis of facts available and is subject to revision whenever it is determined that such action is necessary or appropriate in effectuating the purposes of the act.

SEC. 4. It is hereby deemed necessary, taking into consideration the broad effects upon international relationships and trade, that, with respect to each of the commodities and products listed in paragraphs (a), (b), (c), (d), (e), and (f) of section 2 hereof, additional imports of 15 percent of the respective aggregate quantity fixed for each such commodity or product be authorized.

SEC. 5. The provisions hereof shall become effective at 12:01 a. m., e. s. t., October 1, 1952, and shall supersede the determination of July 3, 1952 (17 F. R. 6090), under section 104 of the Defense Production Act, as amended, but said determination of July 3, 1952, shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding concerning any violation, right accrued, liability incurred, or appeal taken under or with respect to said determination or Defense Food Order 3, issued August 9, 1951, as amended (16 F. R. 7934, 8272; 17 F. R. 4490, 5829, 6088), prior to the effective date hereof.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Issued at Washington, D. C., this 23d day of September 1952.

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

[F. R. Doc. 52-10505; Filed, Sept. 24, 1952; 12:04 p. m.]

[Defense Food Order 3, Sub-Order 3, Amdt. 1]

DFO-3—AGRICULTURAL IMPORTS

SO 3—STATEMENT OF POLICIES AND PROCEDURES RE IMPORT AUTHORIZATIONS FOR CERTAIN COMMODITIES

Sub-Order 3 (17 F. R. 6269), containing a statement of the policies and procedures relating to import authorizations for certain commodities under Defense Food Order 3, as amended (17 F. R. 6088), was issued pursuant to the authority vested by said amended Defense Food Order 3, under sections 101, 104, and 704 of the Defense Production Act of 1950, as amended (64 Stat. 798; 65 Stat. 131; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2061 et seq.). Said Defense Food Order 3 was further amended on September 23, 1952, to effectuate the determinations under the act, including the revised determination of the Secretary of Agriculture made on September 23, 1952. This amendment to Sub-Order 3 must be issued promptly in order to inform affected persons as soon as possible concerning the policies and procedures relating to import authorizations under the order. This amendment affects several segments of the economy and time is not available to permit consultation with all affected segments.

The most recent amendment to Defense Food Order 3, as amended, effective October 1, 1952, removed Stilton cheese and all varieties of Italian type cheese except the following from import restrictions: Romano, Reggiano, Parmesano, Provoloni, Provolette, and Sbrinz. Such amendment also contained a clarifying change with respect to varieties of cheese containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam or Gouda, by expressly stating that substitutes for cheese are included in this category. This amendment to Sub-Order 3 changes the various classifications of cheese, set forth in section 1 (c) (3) thereof, so as to be in conformity with the foregoing amendment of October 1, 1952, to Defense Food Order 3.

Defense Food Order 3, Sub-Order 3 (17 F. R. 6269) is hereby amended by deleting the provisions of section 1 (c) (3) and inserting, in lieu thereof, the following:

(3) In the administration of this Sub-Order, each of the following classifications is considered to be a type of cheese:

Description	*Commerce Import Class No.*
Italian type cheese of the following varieties:	
Romano in original loaves made from cow's milk	0046.010
Reggiano in original loaves	0046.110
Parmesano in original loaves	0046.120
Provoloni in original loaves	0046.230
Provolette in original loaves	0046.250
Sbrinz in original loaves	0046.940
Cheddar	0046.490
Blue Mold, except Stilton	0046.600
Edam and Gouda	0046.750 and 0046.790
Varieties (this term includes substitutes for cheese) containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam, or Gouda	0046.990

This amendment shall become effective at 12:01 a. m., e. s. t., October 1, 1952.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NOTE: All reporting requirements of DFO-3, Sub-Order 3 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 23d day of September 1952.

[SEAL] R. H. ROBERTS,
Acting Director, Office of Requirements and Allocations.

[F. R. Doc. 52-10506; Filed, Sept. 24, 1952; 12:05 p. m.]

[Defense Food Order 3, Sub-Order 4]

DFO-3—AGRICULTURAL IMPORTS

SO 4—REVOCATION OF IMPORT AUTHORIZATIONS WITH RESPECT TO ITALIAN TYPE CHEESE

Pursuant to the authority vested in me by section 11 and 13 of Defense Food Order 3, as amended, it is hereby determined that this order of revocation is necessary to effectuate the current determinations, under section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798; 65 Stat. 132; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2074).

Both the revised determination of the Secretary of Agriculture and the most recent amendment to Defense Food Order 3, as amended, which are to become effective October 1, 1952, exclude from import controls certain varieties of Italian type cheese. It is, therefore, necessary that all outstanding import authorizations for Italian type cheese be revoked and new authorizations issued for imports, after September 30, 1952, of the controlled varieties of Italian type cheese in quantities consistent with the revised determination of the Secretary. Consultation with industry representatives in the formulation of this order has been rendered impracticable since this order affects numerous segments of the economy and time is not available to permit consultation with all such segments.

SUMMARY OF ORDER

The effect of this order is to revoke, as of October 1, all import authorizations with respect to Italian type cheese that were heretofore issued pursuant to Defense Food Order 3, as amended. New import authorizations will be required for the importation, on or after October 1, 1952, of any variety of Italian type cheese remaining under import control.

It is hereby ordered that all authorizations issued under Defense Food Order 3, as amended (17 F. R. 6088), prior to the issuance of this revocation order, for the importation of Italian type cheese of any variety are revoked effective at 12:01 a. m., e. s. t., October 1, 1952.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Issued at Washington, D. C., this 23d day of September 1952.

[SEAL] R. H. ROBERTS,
Acting Director, Office of Requirements and Allocations.

[F. R. Doc. 52-10507; Filed, Sept. 24, 1952; 12:05 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 18 to Schedule B]

[Rent Regulation 2, Amdt. 19 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

GARY-HAMMOND DEFENSE-RENTAL AREA

Effective September 25, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

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

Issued this 22d day of September 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. A new item 63 is added to Schedule B of Rent Regulation 1, reading as follows:

63. Provisions relating to the Gary-Hammond Defense-Rental Area (Item 102 of schedule A):

With respect to housing accommodations in the Gary-Hammond Defense-Rental Area, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* The housing accommodation had a maximum rent in effect on June 30, 1947 or January 1, 1951 or June 11, 1952, and the present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodation or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Gary-Hammond Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 63 of Schedule B.

2. A new item 69 is added to Schedule B of Rent Regulation 2, reading as follows:

69. Provisions relating to the Gary-Hammond Defense-Rental Area (Item 102 of Schedule A):

With respect to housing accommodations in the Gary-Hammond Defense-Rental Area, section 138 is added to this regulation to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The room had a maximum rent in effect on June 11, 1952, and the present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Gary-Hammond Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 69 of Schedule B.

[F. R. Doc. 52-10418; Filed, Sept. 24, 1952; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 211—SCOPE OF OPERATING AUTHORITY; ROUTES

USE OF NEW JERSEY TURNPIKE (TOLL HIGHWAY) BY COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY SUBJECT TO THE INTERSTATE COMMERCE ACT

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 16th day of September A. D. 1952.

The above-entitled matter being under consideration:

It appearing, that the Commission has received many inquiries regarding the use of the New Jersey Turnpike as an alternate route by common and contract motor carriers of property subject to the Interstate Commerce Act;

It further appearing, that the said Turnpike is a modern toll highway in which there are improvements in design and construction over other highways in that region, including the elimination of cross traffic, reduction in grades, lengthening of curves, and widening of the pavement; that its use as an alternate route by motor carriers of property, as indicated below, would promote economical operation, improve the service rendered to the public, serve purposes of national defense, and contribute to the promotion of safety on the highways; and that only in special and unusual instances will there exist reasons for denying to any carrier of property operating over these parallel highways permission to use the Turnpike as an auxiliary highway;

And it further appearing, that the use of the said Turnpike as an alternate route by motor carriers of property holding authority to operate over certain highways which parallel the Turnpike, as more fully described herein below, is or will be required by public convenience and necessity in the case of common carriers, and consistent with the public interest and the national transportation policy declared in the Interstate Commerce Act in the case of contract carriers, and the Commission so finding; therefore: It is ordered, that:

§ 211.5 *Use of the New Jersey Turnpike by motor carriers of property authorized to operate over parallel highways*—(a) *Parallel highways.* The New Jersey Turnpike and such additional highways as may be required in traveling by the shortest practicable route between authorized highways and the Turnpike in performing authorized operations, may be used as an alternate route, without obtaining prior authority therefor, by common and contract motor carriers of property subject to the Interstate Commerce Act who are authorized to operate over highways which parallel the Turnpike, as follows:

(1) The segment extending between the Delaware Memorial Bridge interchange and the Camden-Philadelphia interchange, by those authorized to operate over U. S. Highways 1, 13, 130, and New Jersey Highway 45;

(2) The segment extending between the Camden-Philadelphia interchange and the Bordentown-Trenton interchange, by those authorized to operate over U. S. Highways 1, 13, and 130;

(3) The segment extending between the Bordentown-Trenton interchange and the New Brunswick interchange, by those authorized to operate over U. S. Highways 1, 13, and 130, and New Jersey Highway 27;

(4) The segment extending between the New Brunswick interchange and the George Washington Bridge interchange, by those authorized to operate over U. S. Highways 1, 13, and 130, and New Jersey Highways 17, 25, and 27;

(5) The entire length of the Turnpike, that is, extending between the Delaware Memorial Bridge interchange and the George Washington Bridge interchange, by those authorized to operate over U. S. Highways 1, 13, and 130;

(b) *Conditions.* The use of the Turnpike as indicated in paragraph (a) of this section shall be subject in all instances to the following conditions:

(1) The carrier in each case shall give notice to the Commission, by letter setting forth a complete description by highway numbers of the carrier's authorized route between the point where it proposes to leave its authorized route and the point where it proposes to return to such route; a complete description by highway numbers of the proposed deviation route, including the portion of the Turnpike to be used, between the point where it proposes to leave its authorized route and the point where it will return to such route; and a list of all known competitors, with a statement that a copy of such letter notice has been served on each of those listed.

(2) The letter shall state that the carrier filing the notice will continue to furnish reasonable and adequate service at all points it is now authorized to serve, that it will not serve new points or points it is not now authorized to serve, and that the use of the Turnpike will not enable the carrier to engage in transportation between any points where because of the circuity of its present routes, or otherwise, such operation is not now practicable.

(3) The right to use the Turnpike as an alternate route shall continue only so long as the carrier is entitled to use the highway or portion thereof described in its Certificate or Permit which parallels the Turnpike, in performing service authorized under the Interstate Commerce Act, and only so long as the conditions mentioned herein are observed.

(c) *Protests.* Any party in interest may file a protest within 30 days from the date a carrier gives notice of intent to operate over the Turnpike. Such protest may be in the form of a letter, should contain facts and information to support protestant's opinion that the carrier filing such notice cannot meet the terms of the above-specified conditions, and should reflect that a copy of the protest has been furnished to the carrier filing the notice. If such a protest is filed the Commission will give due consideration to all facts of record in the particular case, including the notice and protest, and will make a determination in accordance with those facts.

(d) *When applications required.* Motor carriers holding authority to operate over specified regular routes in New Jersey, which do not include the Turnpike or any of the highways specified above, who desire to use the Turnpike as an alternate route in performing their authorized service, must apply for and obtain such authority, using Form BMC 78, before operating over the Turnpike. If it appears that the use of the Turnpike by any such applicant would not result in a substantial change in its service between terminal points or to or from intermediate and off-route points, and would not enable the carrier to render service which is now impracticable because of the circuity of the carrier's presently authorized route, or otherwise, consideration will be given to the granting of authority without hearing and with or without restrictions.

(e) *Irregular-route operations.* If a motor carrier is authorized to operate within or through New Jersey over irregular routes, no specific authority is required from this Commission to use the New Jersey Turnpike in performing its authorized service.

It is further ordered, that this order shall become effective October 20, 1952, unless prior thereto it is otherwise ordered by this Commission.

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

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended, 553, as amended; 49 U. S. C. 308, 309)

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10405; Filed, Sept. 24, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 450]

DENVER UNION STOCK YARD CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued in this proceeding on August 17, 1951 (10 A. D. 1033) prescribing the rates and charges to be assessed by the respondent for stockyard services at the Denver Stock Yards, Denver, Colorado. On December 26, 1951, an order was issued (10 A. D. 1502) authorizing respondent to make certain modifications in its rates and charges.

On September 11, 1952, respondent filed a petition requesting authority to make certain additional modifications in its rates and charges. Those sections of respondent's current schedule of rates and charges modified as requested by the petition would read as follows:

SECTION 2

FEED, BEDDING, ETC. (SEE NOTE)

Prairie or alfalfa hay on fenee: $2.40 per hundredweight.

Prairie or alfalfa hay fed out: $2.50 per hundredweight.

Corn: $2.35 per bushel measure.

Bedding: [1] $1.20 per bale.

Miscellaneous feed, current market price, f. o. b. Stock Yards, plus: $0.75 per hundredweight.

When feed other than the above is desired, it will be furnished, if obtainable, by special arrangement.

When livestock is fed or bedded or watered in cars, a charge of $2 per deck will be made in addition to the regular charge for feed or other material used.

When empty stock or box cars are bedded with hay or straw, a charge of 55 cents per deck will be made in addition to the charge for hay or straw used.

The selling price of feed, bedding, etc. at The Denver Union Stock Yards shall be as follows:

Hay (on fenee), current market price, f. o. b. Stock Yards, plus: $0.50 per hundredweight.

Hay (fed), current market price, f. o. b. Stock Yards, plus: $0.60 per hundredweight.

Miscellaneous feed, current market price, f. o. b. Stock Yards, plus: $0.75 per hundredweight.

Corn, current market price, f. o. b. Stock Yards, plus: $0.45 per bushel.

Bedding, current market price, f. o. b. Stock Yards, plus: $0.40 per bale.

The charges on hay, corn and miscellaneous feed and bedding shall be divisible by 5 and the company shall amend its charges whenever the margin between the cost and the sale price varies 5 cents from the margin of profits set forth above. When feed other than that set forth above is desired, it will be furnished, if obtainable, by special arrangement.

[1] Hay may be furnished at the discretion of the Stock Yard Co.

NOTE: Applies only on market business; see section 3 for feed charges on transit business.

SECTION 5

DIPPING AND SPRAYING CHARGES (SEE NOTE)

Dipping charges will be as follows:

Cows, steers, and heifers: $0.50 per head—minimum $40 per lot.

Calves: $0.40 per head—minimum $40 per lot.

Bulls: $1.50 per head—minimum $40 per lot.

Lambs: $0.10 per head—minimum $40 per lot.

Ewes: $0.12 per head—minimum $40 per lot.

Bucks: $0.15 per head—minimum $40 per lot.

Spraying charges will be as follows:

Lambs: $0.10 per head—minimum $15 per lot.

Ewes: $0.12 per head—minimum $15 per lot.

Bucks: $0.15 per head—minimum $15 per lot.

This company will not be responsible for any loss or damage incident to dipping, unless insured with the company. The company will insure any kind of live stock against death for 1 percent of the declared value in addition to dipping charge. In the event insurance is desired, declaration of value and desire of insurance must be made when dipping order is placed.

All dipping and spraying is subject to the supervision and regulations of the Bureau of Animal Industry of the U. S. Department of Agriculture.

NOTE: These charges contemplate a standard charging of dip with chemical solutions.

If double strength charge is ordered by user or by U. S. D. A. requirements, the additional chemicals used will be charged against the user at a rate of $5 per car or portion thereof in addition to regular charges and minimums set forth above.

SECTION 6

DISINFECTING CHARGES

Whenever the Bureau of Animal Industry or other governmental authority deems it necessary to disinfect any portion of this company's yards, occasioned by the movement of infected stock, the following will be collected from owner of such infected stock:

	Each
Pens, single load	$10.00
Pens, double load	14.00
Chutes	10.00
Alleys (same proportion as pens).	

*Item eliminated. Service not available (disinfecting stock cars).

**Item eliminated. Service not available (disinfecting stock trucks or trailers).

SECTION 8

SPECIAL SALES

This company maintains special stables, pavilions and auction facilities for the sale of livestock.

The use of such facilities and all services in connection therewith will be charged for under special agreement.

SECTION 11

MISCELLANEOUS

***Item eliminated. Service not available (use of facilities and water for cleaning and washing trucks).

	Cents per head
Delivering cattle and calves from truck unloading chutes to sales division	6
Delivering sheep and hogs from truck unloading chutes to sales division	1

Special arrangements may be made for water troughs and feed troughs, papering cars, partitions in cars, double decking cars, drayage, tying bulls, and other services not covered by tariff.

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who wish to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

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

[SEAL] AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 52-10426; Filed, Sept. 24, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 136]

LEONARD SCHMERER, ET AL.

ORDER DENYING LICENSE PRIVILEGES

In the matter of: Leonard Schmerer, Simon Kaplan, Julia Considine, Leonard Schmerer & Co., Room 608, 90 Broad Street, New York, New York; Sherman International, Ltd., Room 608, 90 Broad Street, New York, New York, respondents; Case No. 136.

By charging letters dated December 13, 1951, the above-named respondents were charged by the Director, Investigation Staff, with a series of violations of the Export Control Act of 1949, as amended, and the regulations issued thereunder, occurring between December 1949 and June 1951, involving trafficking in licenses, falsifying documents filed with the Office of International Trade in support of pending applications, false representations on applications, improper and unauthorized use of licenses issued to others, duplication of applications for licenses, and false representations on shipper's export declarations and other export control documents effecting exportations. The majority of these violations were alleged to have been committed in concert with six (6) different hide and leather companies located in various cities in the United States and Canada.

The eligibility of respondents to participate as parties to any validated export licenses or to any exportations effected thereunder pending determination of these administrative compliance proceedings was suspended by the terms of the charging letters.

Charging letters were also served upon each of the said six (6) hide and leather concerns and their responsible officers or employees charging them with having participated with the above-named respondents in the commission of violations of the export control law and regulations. To date, one such company has admitted the charges applicable to it and has consented to the entry of an order under whose terms the company has been denied all export privileges for a period of sixty (60) days by order dated May 16, 1952 (17 F. R. 4723), and the officer of said company who was responsible for such violations has been denied all export privileges for fifteen (15) months by order issued May 21, 1952 (17 F. R. 4826). The proceedings against the other cited concerns are pending and will be disposed of in due course.

After receiving the charging letters mentioned above, respondents named herein conferred through their counsel and Leonard Schmerer with officials of the Office of International Trade and with the Compliance Commissioner. Thereafter, respondents submitted to the Office of International Trade, with the advice of and through counsel, a statement dated July 21, 1952, amended August 18, 1952, in which they admitted for the purpose of this compliance proceeding only the charges applicable to them in said charging letters, waived all rights to a hearing before the Compliance Commissioner and consented to the entry of an order, the terms of which are set forth below.

The charges, which respondents have admitted and to which they have entered their consent as above stated, are, in substance, the following: In the winter of 1950–51, respondents Leonard Schmerer & Co., a partnership, and Sherman International, Ltd., a domestic corporation, both engaged in the import-export of hides and skins, in which concerns Leonard Schmerer is the principal, held orders for large quantities of skins and hides from customers in Japan. Hides were in scarce supply and subject, therefore, to quota allocations established by the Office of International Trade governing their exportation. Respondents held, or had applied for, licenses to export such hides but knew that the likelihood of obtaining sufficient licenses to export the entire quantity of hides for which they held orders was remote in view of the known quotas established by the Office of International Trade for the export of hides and the share of such quotas respondents were likely to receive. With the intention of evading and circumventing such quota allocations and for the purpose of obtaining a larger number of licenses than they were entitled to so as to enable them to fill all of such orders, respondents took the following actions: [1]

Case No. 1; "A" Company, New York, N. Y. (A) Between December 1950 and May 1951, respondents prepared and filed or caused to be prepared and filed with the Office of International Trade twelve (12) applications for export licenses in the name of "A" to ship hides and skins purchased and to be purchased from "A" to their own consignees in Japan.

(B) In purported compliance with the Office of International Trade regulations, but without the knowledge or consent of "A," respondents prepared and filed in support of ten (10) such applications spurious, fabricated copies of documents purporting to evidence that "A" held accepted orders from the consignees named in the applications for the quantities of hides described therein.

(C) Without authority of the Office of International Trade, respondents used two (2) licenses, issued by the Office of International Trade to "A" in reliance upon the representations in said applications, to effect exportations for their own benefit and to ship hides to their own consignees, and prepared and caused "A" to execute three (3) shipper's export declarations relating to the exportations, one (1) such declaration covering a

[1] The names of the companies listed are withheld in view of the rule of confidentiality expressed in § 382.14 of the regulations.

quantity of skins purchased from a supplier other than "A."

(D) Respondents knew and intended that various of the applications filed in the name of "A" were duplicative of applications filed in the name of Leonard Schmerer & Co.; and knew and intended that such licenses would be used for their benefit to export from the United States larger quantities of hides and skins than they were permitted to export under validated licenses received by them or expected to be received by them under applications filed in the name of Leonard Schmerer & Co.

(E) The violation described in this paragraph was committed solely by respondents and the "A" Company was not a participant or involved therein.

(1) Respondents filed an application for a validated license on January 26, 1951, in the name of Leonard Schmerer & Co. to export to a customer in Japan a quantity of hides for which an order had been received, and on or about May 15, 1951, refiled said application;

(2) While said application was pending before the Office of International Trade and for the purpose of obtaining two (2) licenses to enable them to export a quantity of hides in excess of the order supporting the application, respondents filed a duplicate application on May 21, 1951, in the name of Sherman International, Ltd., therein falsely representing that Sherman International, Ltd., held an accepted order from the same customer in Japan described in the pending application (1) above, and, in purported compliance with the regulations, submitted in support of said application certain false and fabricated documents intended to evidence that Sherman International, Ltd., held an accepted order from the said customer for the hides described therein and an end-use statement, although Sherman International, Ltd., held no order whatsoever.

Case No. 2; "B" Company, New York, N. Y. (A) In June 1951, respondents entered into an arrangement with "B", whereby, for a consideration, "B" permitted respondents to have the use and benefit of a validated license issued by the Office of International Trade to "B", to export hides to their own customer in Japan. "B" asked the Office of International Trade for a consignee amendment to said license but returned the license at the request of the Office of International Trade and filed a new application, in lieu of the request for amendment. Said application falsely represented that "B" held an accepted order from the consignee in Japan regarding whom they had sought the amendment.

(B) Respondents prepared and filed in support of said application spurious, fabricated copies of documents as purported evidence that "B" held an accepted order and an ultimate consignee statement whereas "B", in fact, held no order whatsoever from the consignee.

(C) Respondents used the license issued to "B" on said application for their own benefit to export to their own customer hides purchased from other suppliers, and effected the export by a falsified shipper's export declaration misdescribing "B" as the exporter-seller and misdescribing the type of hides so exported.

Case No. 3; "C" Company, New York, N. Y. (A) During May 1951, respondents arranged with "C", whereby, for a consideration, "C" permitted respondents the use and benefit of three (3) export licenses issued to them to enable respondents to export hides to their customers in Japan.

(1) "C" amended three (3) licenses to show ultimate consignees who, in fact, were respondents' customers;

(2) Respondents fabricated false documents purporting to be evidence that "C" held accepted orders from the consignees named in the request for amendments, although "C" held no orders nor had received any orders whatsoever.

(3) Using the three (3) licenses as amended and issued to "C", respondents exported hides to their own customers in Japan, and effected the shipments by filing falsified shipper's declarations representing "C" as the exporter.

Case No. 4; "D" Company, Wilmington, Del. (A) Respondents, in the name of Sherman International, Ltd., applied for validated license on January 4, 1951, to export 1,385 hides to their customer in Japan; on March 6, 1951, respondents filed a request to amend and change the name of the consignee to another concern in Japan. In support of the applications, respondents filed a photostatic copy of a letter from the new consignee (February 22, 1951) certifying to the intended end-use of the hides.

(B) On January 8, 1951, respondents prepared and filed an application in the name of "D" which was in all respects a duplicate of the application in (A) above. "D" held no order from the Japanese customer.

(C) On March 6, 1951, respondents filed a request to amend and change the name of the consignee in the "D" application to the new consignee, just as they had done in the Sherman application (A) above, and submitted the identical photostatic copy of a letter from said consignee, dated February 22, 1951, certifying to the intended end-use of the hides except that this letter was ostensibly addressed to "D".

(D) The Sherman International, Ltd., license was issued by the Office of International Trade on March 13, 1951.

(E) The "D" license was issued by the Office of International Trade on March 13, 1951, but was not used and was subsequently surrendered to the Office of International Trade.

Case No. 5; "E" Company, Philadelphia, Pa. (A) Respondents, between December 1950 and January 1951, prepared and filed in the name of "E" two (2) applications for licenses to export to their own Japanese customer an aggregate of over 4,300 skins and hides, falsely representing that "E" held accepted orders for the commodities. Respondents also prepared and filed with the Office of International Trade in support of one (1) of these applications (for 1,825 skins) false and fabricated documents purporting to be evidence that "E" held an accepted order from such Japanese customer for the quantity of hides stated.

(B) In reliance upon the representations and certifications made in the applications and upon the purported evidence of an accepted order submitted to the Office of International Trade, two (2) licenses were issued to "E," although for a reduced quantity of 675 (out of 2,500 sought) as to the first application, but for the full quantity of 1,825 hides as to the second application.

(C) Without authority of the Office of International Trade, respondents used the said licenses issued to "E" for their own benefit and purpose to ship to their customer the hides thereon purportedly authorized to be exported. Respondents shipped 675 hides under the first license; and then, in two (2) separate shipments exported 1,056 hides and 769 hides, the latter quantity having been acquired from a supplier other than "E." Respondents effected these exportations, other than the 769 hides, by preparing falsified shipper's export declarations, naming "E" as the exporter-seller, having same executed by "E," which submitted them for authentication by the Collector of Customs. As to the shipper's export declaration relating to the 769 hides, respondents prepared and filed said declaration with the Collector of Customs themselves.

Case No. 6; "F" Company, Quebec, Province of Ontario, Canada. In December 1949, respondent Sherman International, Ltd., received an order for 3110 hides of Canadian origin from a Viennese customer for export to Austria. The letter of credit covering the order specified hides of Canadian origin and further stated that the funds for the purchase had been authorized by ECA procurement authorization for the Austrian Government.

Respondents, during December 1949 and January 1950, entered into an arrangement with "F", whereby they did the following:

(A) Respondents purchased 2911 United States origin hides.

(B) Exported such hides to Canada for the purported account of "F".

(C) Effected the export by filing shipper's export declarations with the United States Collector at the Canadian border representing that Canada was the ultimate destination and "F" the ultimate consignee.

(D) "F" entered such hides in Canada in three (3) railroad cars and shortly thereafter re-exported same in the same railroad cars through the United States in bond to New York City for export to Austria for the account of Sherman International and pursuant to false representations made to Canadian and United States officials that such hides were of Canadian origin.

(E) Respondents exported said 2911 hides to the Austrian customer by falsified documents filed with the United States authorities that such hides were of Canadian origin and therefore properly exportable from the United States to Austria under general in transit license GIT.

The charging letters, evidentiary material relating to the charges set forth therein, and the above-mentioned proposal for a consent order, as amended, have been submitted to the Compliance

Commissioner for review. Upon the basis of such review and upon the presentation of the facts, including extenuating circumstances claimed by respondents at the conference with counsel for the Office of International Trade and with respondents and their counsel, the Compliance Commissioner has found that the charges applicable to respondents are supported by the evidence and has concluded that the terms and conditions of the proposed order as consented to by respondents are fair and reasonable and should be approved.

The Compliance Commissioner has pointed out that the basis for the longer suspension period imposed upon Leonard Schmerer (and Leonard Schmerer & Co. and Sherman International, Ltd., in which he is a partner and officer-stockholder, respectively) is predicated upon his being primarily responsible for the conception and consummation of the violative acts herein described and that lesser sanctions have been given to Julia Considine and Simon Kaplan, minor employees who were subject to the instructions of Leonard Schmerer. The Compliance Commissioner has also pointed out that respondents have been prohibited from engaging in exports under validated licenses since December 13, 1951, pursuant to the suspension contained in the charging letters.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letters, the evidentiary material, and the proposal for a consent order, as amended. It appears therefrom that the Compliance Commissioner's findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered, as follows:

(1) Respondents Leonard Schmerer, Leonard Schmerer & Co., Sherman International, Ltd., Julia Considine, and Simon Kaplan, and each and all of them, are hereby denied and declared ineligible to exercise the privileges of exporting, receiving, or otherwise participating directly or indirectly in any exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation is deemed to include any action by the named respondents, or any of them, directly or indirectly, in any manner or capacity, (a) in the obtaining or using of export licenses, including general as well as validated export licenses and any export control documents relating thereto; (b) as a party or a representative of a party to any export license application; (c) in any exportation from the United States to Canada or to any other foreign destination; (d) in the financing, forwarding, transporting or other servicing of exports from the United States; and (e) in the receiving in any foreign country of any exportation from the United States.

(2) Such denial of export privileges shall extend not only to the named respondents, and each of them, but also to any person, firm, corporation or other business organization with which said respondents or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States.

(3) This order shall be effective from the date of issuance and shall extend with respect to Leonard Schmerer, Leonard Schmerer & Co., and Sherman International, Ltd., until December 13, 1954, or until the expiration of export controls, whichever occurs first, and shall extend until November 13, 1952, with respect to Julia Considine and Simon Kaplan.

(4) No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated and general licenses, or otherwise, to or for the named respondents or any of them, or any person, firm, corporation, or other business organization covered by paragraph (2) above, without prior disclosure of such facts to, and specific authorization, from, the Office of International Trade.

Dated: September 19, 1952.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 52-10394; Filed, Sept. 24, 1952; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6457]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

SEPTEMBER 18, 1952.

Take notice that on September 17, 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 $4,000,000 Promissory Notes to be issued to The National City Bank of New York, dated as of the dates of their respective issue, to be 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 8th day of October 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. 52-10398; Filed, Sept. 24, 1952; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

GROUND STEATITE TALC HELD IN NATIONAL STOCK PILE

DISPOSITION

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 60 Stat. 596, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 20,000 pounds of ground steatite talc now held in the National Stock Pile. The material to be disposed of is no longer needed in the Stock Pile because of a revised determination by the Munitions Board made on August 12, 1952, that this particular lot of ground steatite talc is no longer strategic and critical material within the purview of the above act.

The revised determination of the Munitions Board was made because of obsolescence of the material for use in time of war. As a result of contamination with bits of rotten bagging and other extraneous matter, the talc to be disposed of can no longer be processed into electronic insulators. The material was part of a larger quantity of ground steatite talc transferred to the National Stock Pile as Government-owned excess property at the close of World War II after a period of storage during which the burlap bag containers rotted and became incapable of withstanding normal handling. The greater portion of the material was successfully moved to the permanent storage location, but the portion to be disposed of, as a result of its deterioration, is no longer suitable for stock piling.

To avoid continuing storage costs and to obtain the greatest benefit to the Government from property no longer needed in the National Stock Pile, it is proposed to release the material for use by the Emergency Procurement Service, General Services Administration, in dusting bales of stock-piled rubber to prevent adhesion. The material will be made available for such use after May 1, 1953. Since the material is to be consumed by the Emergency Procurement Service, no disruption of the market for talc can result from this action.

Dated: September 22, 1952.

RUSSELL FORBES,
Acting Administrator.

[F. R. Doc. 52-10466; Filed, Sept. 24, 1952; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19016]

GEBR. HOESCH ET AL.

In re: Debts owing to Gebr. Hoesch and others. F-28-31616.

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

1. That the individuals whose names and addresses are set forth as owners in Exhibit A, attached hereto and by reference made a part hereof, 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 enterprises whose names are set forth as owners in the aforesaid Exhibit A are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany, and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the enterprises whose names and last known addresses are listed below:

Names and Addresses

Spar & Gewerbebank, e. G. m. b. H., Gemuend, Eifel, Germany;
Geschaeftsstelle des Altkatholischen Volksblattes, Bonn, Germany;
Verlag Stahleisen m. b. H., Duesseldorf, Germany;
Kloeckner & Co., Duisburg, Germany;

are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany, and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

4. That the persons whose names and last known addresses are listed below:

Names and Addresses

August Budde, Remscheid, Germany;
Wilhelf Auler, Solingen, Germany;
Adolf Heiderhoff, Wuppertal-Elberfeld, Germany;
Heinrich Kissing, Menden, 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);

5. That Anna Taggesell, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

6. That the personal representatives, heirs, next of kin, legatees and distributees of William John Sander, deceased, 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);

7. That the persons who own the property described in subparagraphs 8 (l), (m) and (n) hereof, who, if individuals there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, and which, if corporations, partnerships, associations or other business organizations there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

8. That the property described as follows:

a. Those certain debts or other obligations evidenced by the checks described in Exhibit A, attached hereto and by reference made a part hereof, said checks owned by the persons identified therein as owners, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said checks,

b. That certain debt or other obligation evidenced by one (1) American Express Money Order numbered BC 8115004, in the amount of $3.00, said Money Order owned by Spar & Gewerbebank, e. G. m. b. H., together with any and all rights to demand, enforce, and collect the aforesaid debt or other obligation, and any and all rights in, to and under said Money Order,

c. That certain debt or other obligation evidenced by one (1) American Express Money Order numbered AK 6145430, in the amount of $1.00, dated March 30, 1940, payable to Altkatholisches Volksblatt, and owned by Geschaeftsstelle des Altkatholischen Volksblattes, together with any and all rights to demand, enforce, and collect the aforesaid debt or other obligation, and any and all rights in, to and under said Money Order,

d. That certain debt or other obligation evidenced by one (1) American Express Money Order numbered AJ 8400788, in the amount of $11.00, dated January 30, 1940, payable to and owned by Verlag Stahleisen m. b. H., together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said Money Order,

e. That certain debt or other obligation evidenced by one (1) Bill of Exchange dated August 14, 1939, in the amount of $2,991.49, payable to and owned by Kloeckner & Co., together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said Bill of Exchange,

f. Those certain debts or other obligations evidenced by three (3) the National City Bank of New York Traveler's Checks, said Checks numbered A 7-080-077 in the amount of $10.00, and B 4-865-593/4 in the amount of $20.00 each, owned by August Budde, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said Traveler's Checks,

g. That certain debt or other obligation evidenced by one (1) Sola Bill of Exchange numbered 5584, in the amount of $10.00, dated July 27, 1940, drawn on the Yokohoma Specie Bank, Limited, New York, and owned by Wilhelm Auler, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said Sola Bill of Exchange,

h. That certain debt or other obligation evidenced by one (1) American Express Company Money Order numbered AF 7442866, in the amount of $10.00, dated September 22, 1938, owned by Adolf Heiderhoff, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said Money Order,

i. Those certain debts or other obligations evidenced by four (4) American Express Company United States Dollar Traveler's Cheques numbered P 8,625,-392/5, in the amount of $50.00 each, owned by Anna Taggesell, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said Traveler's Cheques,

j. Those certain debts or other obligations evidenced by four (4) Promissory Notes, in the amounts listed below, dated and due on the dates listed opposite each such amount:

Amounts	Dated	Date due
$141.71	Apr. 7, 1939	Apr. 7, 1942
141.71	-----do-----	Apr. 7, 1943
141.71	-----do-----	Apr. 7, 1944
141.71	-----do-----	Apr. 7, 1945

said Promissory Notes payable to and owned by Heinrich Kissing, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said Promissory Notes,

k. Those certain debts or other obligations evidenced by ten (10) American Express Company United States Dollar Traveler's Cheques numbered U 2,704,-976/85, in the amount of $10.00 each, owned by the personal representatives, heirs, next of kin, legatees and distributees of William John Sander, deceased, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said Traveler's Cheques,

l. That certain debt or other obligation evidenced by one (1) Treasurer's Voucher numbered E 357571, in the amount of $92.80, dated March 1, 1941, drawn by the Equitable Life Assurance Society of the United States on the Chase

National Bank of the City of New York, Pennsylvania Branch, owned by the persons referred to in subparagraph 7 hereof, together with any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said Treasurer's Voucher,

m. Those certain debts or other obligations evidenced by two (2) Vouchers numbered E2 20710 in the amount of $95.64, and E2 143195 in the amount of $92.80, said Vouchers dated March 1, 1940, and December 1, 1940, respectively, drawn by the Equitable Life Assurance Society of the United States on the Guaranty Trust Company of New York, and owned by the persons referred to in subparagraph 7 hereof, together with any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said Vouchers, and

n. That certain debt or other obligation evidenced by one (1) Check numbered 71 925, in the amount of $10.40, dated November 9, 1940, drawn by the Treasurer of the United States, payable to Walter Schmits, and owned by the persons referred to in subparagraph 7 hereof, together with any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said Check,

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

and it is hereby determined:

9. That the national interest of the United States requires that the persons referred to in subparagraphs 1, 2, 6 and 7, and named in subparagraphs 3, 4 and 5 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 September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Gebr. Hoesch, Kreuzau bei Duren.	3679	$253.46	11-13-39	Central Hanover Bank & Trust Co.	The Philadelphia National Bank.	F. Weber Co.
Deutsche Bank Aschen for Emil Brauer & Co., Germany.	70030 A	100.76	2- 1-40	The National City Bank of New York, N. Y.		Emil Brauer & Co.
	70029 A	87.58	2- 1-40	do		Do.
	14193 A	51.69	1-19-40	do		Do.
Geschw. Speier, Germany	01773	5.85	12-21-39	do	Anaconda Copper Mining Co.	Karl Kaerkes.
	109178	2.92	3-25-40	do	do	Do.
	112157	8.14	12-23-40	do	do	Do.
	112578	5.43	3-21-41	do	do	Do.
Rhein. Nadelfabriken G. m. b. H., Aachen, Reichsweg 19/12.	51/5680	20.25	11-29-39	The Chase National Bank, New York.		J. H. Nobis & Thissen G. m. b. H.
	EA 45173	85.22	10- 7-39	do		Joh. Casp & W. Rumpe.
Franz Heinze, Wiemerinhausen, Sauerland.	73207 A	108.31	10-14-39	The National City Bank of New York, N. Y.		Franz Heinze.
Wwe. Arnold Holste, Bielefeld.	7033	33.83	2-13-40	Central Hanover Bank & Trust Co.		Arnold Holste.
Helene Thomas, Bielefeld	UD713929	10.00	8-20-40	Chemical Bank & Trust Co., New York.	New York Life Insurance Co.	Helen Thomas.
	UD729725	10.00	11-19-40	do	do	Do.
	UG350099	10.00	2-19-41	Guaranty Trust Co. of New York	do	Do.
	UD752750	10.00	3-19-41	Chemical Bank & Trust Co., New York.	do	Do.
	UG263418	10.00	10-19-39	Guaranty Trust Co. of New York	do	Do.
	UX288200	10.00	12-19-39	The National City Bank of New York.	do	Do.
	UX293420	10.00	1-19-40	do	do	Do.
	UD686133	10.00	3-19-40	Chemical Bank & Trust Co., New York.	do	Do.
	UX298522	10.00	2-19-40	The National City Bank of New York.	do	Do.
	UG343715	10.00	1-13-41	Guaranty Trust Co. of New York	do	Do.
	UX338056	10.00	1-13-41	The National City Bank of New York.	do	Do.
	UX338057	10.00	1-13-41	do	do	Do.
	UD749957	10.00	1-13-41	Chemical Bank & Trust Co.	do	Do.
	UX358058	10.00	1-13-41	The National City Bank of New York.	do	Do.
C. A. Delius & Soehne, Bielefeld, Goldstr. 16-18.	502	1,410.80	3-19-40	Grace National Bank of New York, N. Y.		C. A. Delius E. Sohne.
Ursula Koehler, Goettingen	T. 257540	57.04	2- 2-40	City Bank Farmers Trust Co., New York.	City Bank Farmers Trust Co., New York.	Dresdner Bank.
	T. 217649	59.81	11-16-39	do	do	Do.
	T220718	114.00	3- 1-40	do	do	Do.
Hans Fischer, Ubbedissen	66090	10.16	1- 3-40		The Chase National Bank	Hans Fischer.
	65736	34.91	11- 2-39		do	Do.
Margaret Buba, Bexterhagen No. 10 (Lippe).	P 103887	171.09	11- 1-40	National Bank of Detroit	Comptroller of the Currency, Washington, D. C.	Margaret Buba.
Heinrich Beckmann (H. Beckmann Soehne), Bocholt.	396119	1,356.57	10-25-39	The National City Bank of New York, N. Y.		H. Beckmann Sohne.
	396648	441.69	11- 6-39	do		Do.
	397663	479.22	11-27-39	do		Do.
	396178	1,037.85	10-26-39	do		Do.
Gustav Brueggestrat, Bochum-Harpen.	N 147861	2,697.39	1-16-40	Irving Trust Co., New York	New York Life Insurance Co.	Elsee Middelmann, Mrs. Friederike Cremer, Julius Brueggestrat, and Gustav Brueggestrat.
Hans Ringsdorff, Bad Godesberg.	E 12104	537.05	10-20-39		Central Hanover Bank & Trust Co.	Commerz-und Privat-Bank Aktiengesellschaft.
Tapetenfabrik, H. Strauven, Bonn.	B 121653	102.00	12-13-39		Bank of the Manhattan Co., N. Y.	H. Strauven.
Bonner Fahnenfabrik, Bonn	397727	214.30	11-27-39	The National City Bank of New York, N. Y.		Deutsche Bank.
Annabella Anhenser, Bonn	172929	100.00	10-27-39	Irving Trust Co., New York	First National Bank, St. Louis	Annabella Anhenser.
	173603	100.00	2-26-40	National City Bank, New York	do	Do.
Gustav Tuchel, Enger, Westf.	228192	8.10	1-16-40	The Chase National Bank, New York.	Radio Corp. of America	Gustav Tuchel.
Fritz Sievers, Godesberg	E 12105	179.03	10-20-39		Central Hanover Bank & Trust Co., New York.	Deutsche Bank.
Paula Rhgsdorff, Godesberg	E 12105	179.03	10-20-39		do	Do.
A. Wirtz, Sechtem, bei Bonn	Unnumbered	1.00	11-40	Seattle-First National Bank, Spokane, Wash.	Rev. Charles M. Depiere	Fraulein A. Wirtz/Sechtem.
Mitteleuropaeisches, Reisebuero, Detmold.	1614691	5.63	2-20-40		The Chase National Bank	Mitteleuropaisches Reiseburo.
E. Siekmann, Lage (Lippe)	58062	2.50	9-20-31	Guaranty Trust Co., New York		Fa. H. Siekmann.
	58061	2.50	9-20-31	do		H. Siekmann.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Marie Albert, Dortmund-Berghofen.	94659	85.96	12-27-39	Lawyers Trust Co., New York	The Mortgage Corp., New York	Marie Albert.
	122541	48.89	3-21-40	do	do	Do.
	105672	39.37	1-25-40	do	do	Do.
Kloeckner & Co., Duisburg	2470	234.25	10-21-40	Bank of America N. T. & S. A., Los Angeles.	R. P. Oldham Co., Los Angeles	Kloeckner & Co.
	2504	114.80	12-12-40	do	do	Do.
Brabender, O. H., Duisburg, Wanheimerort.	245	26.83	8-16-40	Manufacturers Trust Co., New York	Rochelle Park Bank, New Jersey	Brabender, O. H.
Kloeckner & Co., Duisburg	2538	70.00	1-24-41	Bank of America N. T. & S. A., Los Angeles.	R. P. Oldham Co., Los Angeles	Kloeckner & Co.
	6625729	501.51	8-19-39		Bank of America N. T. & S. A., Los Angeles.	Do.
	0484499	84.60	12-39	Pan American Trust Co., New York		Do.
Antonie Huemmeler, Essen-Steele.	35023	20.00	1-2-40	Old Kent Bank, Grand Rapids, Mich.	The Guarantee Bond & Mortgage Co., Grand Rapids, Mich.	Maria Huemmeler and Antonie Huemmeler.
Dr. Wilhelm Kern, Essen	DS3940	3.20	1-19-40	City National Bank & Trust Co., Chicago.	Halsey, Stuart & Co., Inc., Chicago.	Dir. Dr. Wilhelm Kern.
Erich Hammer, Essen-Brodeney.	25882	11.18	4-1-40	The Agents Bank of Montreal, New York.	Sun Life Assurance Co., Canada	Erich Hammer.
W. Doellken & Co., G. m. b. H., Essen-Werden.	5594	6.23	11-9-39	Manufacturers Trust Co., New York	Bendix Manufacturing Co., Inc., New York.	W. Doellken & Co., G. m. b. H.
Fried, Krupp, Essen	28769	11.31	3-12-41	Union Trust Co., Baltimore, Md	Rustless Iron & Steel Corp	Technische Mitteilungen Krupp.
Chemiedenta, Hoesel b/Duesseldorf.	09755	5.81	12-8-39	The National City Bank of New York, New York.		Chemiedenta Chemische Produkte.
Maric and Antonie Huemmeler, Essen-Steele.	111	80.00	12-15-39	Manufacturers Trust Co	Manufacturers Trust Co	Maria Huemmeler and Antonie Huemmeler.
	36521	25.00	1-2-41	Old Kent Bank, Grand Rapids, Mich.	The Guarantee Bond & Mortgage Co., Grand Rapids, Mich.	Do.
Martha Krause, Bertlich bei Westerholt.	2906	25.00	1-24-40	Manufacturers Trust Co., New York	The First National Bank of Lewiston, Lewiston, Maine.	Mrs. Martha Krause.
Ewald Brooking, Gevelsberg	394443	207.75	9-25-39	The National City Bank of New York, N. Y.		Deutsche Bank.
Ernst Poehler, Hagen, Richard Wagnerstr. 2.	U 651	311.85	1-2-40	Central Hanover Bank & Trust Co., New York.	The Philadelphia National Bank, Philadelphia.	Ernst Pohler.
Sophie Salfeld, Herford	21808	182.84	1-13-40	The Chase National Bank, New York	American Trust Co., S. F.	Kreisparkasse.
Friederike Zoephel, Herford	013166	14.85	1-15-40	Philadelphia National Bank, Philadelphia.	Insurance Co. of North America, Philadelphia.	Frieda Zoephel.
Knebel & Roettger, Iserlohn	394250	123.90	9-20-39	National City Bank of New York, N. Y.		Knebel & Roettger.
Dossmann & Co., Iserlohn	1192	202.40	10-24-39	Manufacturers Trust Co., New York	Foreign & Domestic Commerce Corp., New York.	Dossmann & Co.
August Theodor Geek, Iserlohn	73987 A	82.45	11-17-39	The National City Bank of New York, N. Y.		August Theodor Geek.
	73543 A	34.65	10-28-39	do		Do.
Johanne Guenther, Oberstdorf, Allgaeu.	98697	20.00	1-2-40	The Chase National Bank, New York	Savannah Bank & Trust Co., Savannah, Ga.	Bankhaus J. H. Stein.
	98068	45.00	11-14-39	do	do	Do.
Frau Bertha Jacobs, Koln	34780	33.00	6-13-41	The National City Bank of New York, Fordham Branch.	The National City Bank of New York, Fordham Branch.	Felix Meyer.
Danzas & Cie G. m. b. H., Koln	25664	33.00	6-4-41	Manufacturers Trust Co., New York		Banco de Vizcaya.
Dresdne Bank, Koln	20213	375.00	5-25-39		The San Francisco Bank, San Francisco.	Estate of Mary Brandt.
Helene Schutz, Koln-Nippes	4233	200.00	1-8-40	Inter-State National Bank, Kansas City, Mo.	The Florence State Bank, Florence, Kans.	Deutsche Bank.
Vereinigte Ultramarinfabriken, A. G., Koln.	858	67.63	2-3-40	Bank of America N. T. & S. A., Oakland Main Office.		Vereinigte Ultramarinfabriken A. G.
Pferdmenges & Co., Koln, for Alwine Pammel, Germany.	50470	100.00	1-4-40	Guaranty Trust Co., New York	Harris Trust & Savings Bank, Chicago.	Bankhaus Pferdmenges & Company.
Emmy Pfaff, Koln-Riehl	41565	562.05	11-7-39	First National Bank, New York	Boston Safe Deposit & Trust Co.	Emy Pfaff.
Agrippina See-Fluss & Land-Vers., Koln.	15952	6,245.39	10-25-39	Empire Trust Co., New York	Francis C. Carr & Co., Inc	Agrippina See-Fluss und Landtransport Vers in Koln.
Oerling Konzern, Koln	35044	50.00	9-21-39	The New York Trust Co., New York	Mississippi Valley Trust Co., St. Louis.	Oerling Konzern.
Pauline Vierlinger, Saalhausen (Sauerland).	83645	.18	2-15-40	The Chase National Bank, New York	Consolidated Oil Corp., New York	P. A. Vierlinger.
	85567	.11	2-15-41	do	do	Do.
Luise Knott, Koln-Braunsfeld, Melatenguertel 6.	855490	145.70	1-26-40	The First National Bank, New York	Aetna Life Insurance Co., Hartford, Conn.	Luise Knott.
	901473	145.70	4-26-40	do	do	Do.
Heinrich Haseler, Koln	479	1,000.00	4-10-40	The New York Trust Co., New York		Au porteur (bearer).
P. J. Tonger, Koln-Bayenthal, Ulmenallee 132.	10166	11.50	10-9-39	The Detroit Bank, Detroit, Mich	German American Import House, Detroit, Mich.	P. J. Tonger.
Oberfinanzpraesidium, Koln	D78845	40.00	10-14-39	City National Bank & Trust Co., Chicago.	Halsey, Stuart & Co., Inc., Chicago.	Obfinanzpraident Rolin.
Wilhelm Kremer, Leverkusen-Schlebusch, Kurt Neubauerstr. 6.	59	20.00	12-28-39	The Mutual National Bank of Chicago, Chicago.	Chicago City Bank & Trust Co	Joseph Kremer.
	60	20.00	12-28-39	do	do	Wilhelm Kremer.
	135	3.00	5-15-48	Chicago City Bank & Trust Co., Chicago.	Anderson Hotel Co., Chicago	Joseph Kremer, Martin Kremer, and Wilhelm Kremer, J. T.
	143	3.00	11-15-47	do	do	Do.
	147	2.00	5-20-47	do	do	Do.
	312	72.27	5-22-48	The Mutual National Bank of Chicago, Chicago.	Chicago City Bank & Trust Co	Do.
Schebler & Co., Krefeld	168	600.00	10-23-39	Corn Exchange Bank Trust Co., N. Y.		Rud Schelteckes & Co.
Edmund Bercker, l. Fa. Butzon & Bercker G. m. b. H., Kevelaer.	302	2.25	2-29-40	The First National Bank, Minnesota	Rev. Matth. Hoffmann, Urhank, Minn.	Butzon & Bercker G. m. b. H.
	11153	1.65	1-5-40	The Chase National Bank, New York.	Lawndale National Bank, Chicago.	Butzon & Bercker.
	10007	2.67	2-19-40	Chemical Bank & Trust Co., New York.	Jefferson-Gravois Bank of St. Louis, Mo.	Sanctificatio Nostra
	33890	5.00	12-28-39	do	First National Bank & Trust Co., Vicksburg, Miss.	Butzon & Bercker.
	69287	1.56	3-2-40	Continental Illinois National Bank & Trust Co., Chicago.	Society of the Divine Word, St. Mary's Mission House, Techny, Ill.	Do.
Albert C. Feubel, Krefeld, Uerdingerstr. 487.	F2 14414	64.26	2-27-40	Guaranty Trust Co., New York	Equitable Life Assurance Society of the United States, New York.	Albert C. Feubel.
	F2 14437	59.69	2-28-40	do	do	Do.
	F2 26701	64.57	3-27-40	do	do	Do.
	F2 28032	59.69	3-28-40	do	do	Do.
	F2 43198	68.38	5-2-40	do	do	Do.
	F2 54723	59.69	5-28-40	do	do	Do.
	F2 112899	62.01	9-26-40	do	do	Do.
	F2 112152	57.74	9-28-40	do	do	Do.
	F2 136662	57.72	11-28-40	do	do	Do.
	F2 2302	66.09	1-30-41	do	do	Do.
	F2 24968	62.31	2-27-41	do	do	Do.
	F2 24957	57.03	2-28-41	do	do	Do.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Bernhard Boedefeld Bevinghausen.	41965	46.68	11-21-39	Bankers Trust Co., New York	Fidelity-Philadelphia Trust Co., Philadelphia.	Maria Bodefeld Kompernas.
Reichsbanknebenstelle, Luedenscheid.	68999	150.00	11- 9-40	National City Bank, New York	Commercial National Bank, Shreveport, La.	Paul Sippel.
Willy Cordt, Luedenscheid	678/25357 (dup.)	59.96	5-20-39	Chemical Bank & Trust Co., New York.		A. Kinkel A. G.
Heinrich Kissing, Menden	66318	79.50	1- 9-40	The Chase National Bank, New York.		Heinrich Kissing.
	406	17.64	2- 1-40	Marshall & Ilsley Bank, Milwaukee.		Do.
Maschinenfabrik Ferd., Gothot, G.m.b.H., Muelheim/Ruhr.	90292	131.42	12-19-39	Central Hanover Bank & Trust Co.		Maschinenfabrik Ferd Gothot G.M.B.H.
Franz Mueller, Muenchen-Gladbach.	4826	5.40	12-11-39	The Chase National Bank, New York.	MAWACO, Brooklyn, N. Y.	Franz Muller.
Georg Fischer, Muenster, Mauritz Lindenweg 35.	66091	111.41	1- 3-40		The Chase National Bank, New York.	George Fischer.
	65737	34.91	11- 2-39		do	Do.
Erich Froehl, Neuss	51412	60.48	12-26-39	The First National Bank, New York.	American Radiator & Standard Sanitary Corp.	Hermann Frohl.
Coutinho & Co., Remscheid	75816	543.03	9- 6-39	Hongkong & Shanghai Banking Corp., New York.		Hollandsche Bank, Unie N. V.
Honsberg & Spier, Remscheid-Hasten.	0512739	70.70	3-29-40	Pan American Trust Co., New York.		Commerz- und Privat Bank A. G.
Ferd. Esser & Co., Remscheid.	74059 A	118.40	11-20-39	The National City Bank, New York		Do.
Luckhaus & Gnenther, Remscheid.	37	263.30	2- 1-40	Chemical Bank & Trust Co., New York.		Do.
Korff & Honsberg, Weidhausen bei Coburg.	401782	8.62	2- 9-40	The National City Bank, New York		Do.
	76878	94.54	9-27-39	The Chase National Bank, New York.		Do.
	77011	182.84	10-18-39	do		Do.
	77012	276.01	10-18-39	do		Do.
	77222	224.03	11-17-39	do		Do.
	73961	24.85	9-39	do		Do.
	75926	271.43	11-39	do		Do.
	77711	123.33	1-40	do		Do.
	39/2028	734.51	10-10-39	The National City Bank, New York		Do.
	39/3480	919.91	12-23-39	do		Do.
Hermann Schoett A. G. Rheydt.	6116	10.00	11-14-39	The People's National Bank of Brooklyn, N. Y.	Fred Bauer, Brooklyn, N. Y.	Herman Schott A. G.
Dynamit A. G., Troisdorf	66020	43.15	12-22-39		The Chase National Bank, New York.	Dynamit Actien Gesellschaft.
Franz Massen, Alzenbach	2006	75.00	1-19-40	The Chase National Bank, New York.	The Burlington National Bank, Burlington, Wis.	Franz Maassen.
Wilhelm Auler, Solingen	7957	7.50	3-30-40	The National City Bank, New York		Wilhelm Auler.
Hugo Bauer, Solingen-Wald	241	5.60	11- 2-39	Modern Industrial Bank, New York	J. Bloom, New York	Hugo Bauer.
Gebr. Grah, Odyssens-Werk K. G., Solingen.	79534	88.13	10-14-39	Chemical Bank & Trust Co., New York.		Deutsche Bank & Diskonto.
Wilhelm Hoppe, Solingen, Auf dem Kamp 47.	399936	50.19	11- 9-39	National City Bank of New York, N. Y.		Guillermo Hoppe.
Heinr. Boker & Co., Bammwerk, Solingen.	3822	634.52	1-19-40	Bank of the Manhattan Co., New York.	H. Boker & Co., Inc., New York	Heinr. Boker & Co.
Robuso, Stahlwarenfabrik, Buntenbach & Sohn, Solingen-Hohscheid.	30128	19.33	10-27-39	National City Bank of New York, N. Y.		Robuso-Stahlwarenfabrik, Buntenbach & Sohn.
	21070	13.28	11-24-39	First National Bank, New York	The Gary State Bank, Gary, Ind.	C. F. Schwartz & Co.
Elisabeth Phillipps, Solingen-Graefrath.	81644	0.63	10- 1-40	Chemical Bank & Trust Co., New York.	The Yale & Towne Manufacturing Co., Stamford, Conn.	Mr. Karl Josef Phillips.
	89168	1.67	12-18-40	do	do	Do.
	75887	0.67	4- 1-40	do	do	Do.
	93662	0.63	1- 2-41	do	do	Do.
Gebr. Bell, Solingen-Graefrath.	26906	76.69	9-13-39	National City Bank, New York	The Mid-City National Bank of Chicago, Chicago, Ill.	Gebr Bell.
Mann & Federlein Solingen-Ohligs.	76362	74.80	2-16-40	do		Mann & Federlein.
Ernst Witte, Solingen-Ohligs	42185	19.42	8-17-39	Mercantile Home Bank & Trust Co., Kansas City, Mo.	The Haver-Glover Laboratories, Kansas City, Mo.	Ernst Witte.
Herlerz & Cie., Solingen-Ohligs, 6 Goldstrasse.	A 866173	392.25	9-20-39	Guaranty Trust Co., New York		Compania Cubana de Propaganda Commercial S. A.
Theresa Droishagen, Warburg.	1851	21.32	12-29-39	State Bank of Morton, Morton, Mich.	State Bank of Morton, Morton, Mich.	Theresa Droishagen.
Kirchner & Wahlefeld, Wuppertal-Barmen.	39367	74.35	9-26-39	National City Bank, New York		Kirchner & Wahlefeld.
Vereinigte Glanzstoff-Fabriken, A. G., Wuppertal-Elberfeld.	J 11972/241	2,216.70	4-10-40	Commercial National Bank & Trust Co., New York.	Commercial National Bank & Trust Co., New York.	Deutsche Bank.
Richard Ern, Wuppertal-Elberfeld.	89626	49.40	10-14-39	Central Hanover Bank & Trust Co., New York.		Barmer Creditbank E. G. M. B. H.
Schaeffer-Homberg G. m. b. H., Wuppertal-Barmen.	C 30674	93.04	10-24-39	First of Boston International Corp., New York.		Deutsche Bank.
Emil Krenzler, Wuppertal-Barmen, Margaretenstr.	52	19.30	3- 6-40	Chase National Bank, New York		Emil Krenzler.
Adolf Heiderhoff, Wuppertal-Elberfeld.	31511	15.00	6- 5-39	Irving Trust Co., New York	National Bank of Wareham, Mass.	
	363497	10.00	5-19-39	Chase National Bank, New York	Bank of America, Dixon, Calif.	Felipe Gomes Timas.
	10758 E	80.00	5- 4-39	First National Bank, Boston, Mass.	Antonio Cardozo	Augusto Andrade
	10763 E	10.00	5- 4-39	do	do	Catarina A. Miranda.
	10769 E	5.00	5- 4-39	do	do	Marcelino J. Montero.
	10791 E	2.00	5- 9-39	do	do	Manuel S. Nedio.
	4257	5.00	5-19-39	Central Hanover Bank & Trust Co., New York.	Plymouth National Bank, Massachusetts.	Fanna Dias de Pina.
	4275	10.00	5-29-39	do	do	Laura Teixeira Amado.
	12735	5.00	5-10-39	Rockland Trust Co., Rockland, Mass.	Rockland Trust Co., Scituate, Mass.	Christiano J. Montiro.
	385615	5.00	5- 8-39	Chase National Bank, New York	Security-First National Bank of Los Angeles, Calif.	Mrs. Maria Monteiro Beta.
	3162	5.00	5-15-39	do	The Buzzards Bay National Bank, Buzzards Bay, Mass.	Maria H. Gonsaloes.
	497004	15.00	5-29-39	National City Bank, New York	Bank of America N. T. & S. A., Sacramento, Calif.	Manoel J. Baptista.
Richard Ern, Wuppertal-Elberfeld.	89457	203.80	9-21-39	Central Hanover Bank & Trust Co., New York.		Barmer Creditbank E. G. M. B. H.
Vereinigte Glanzstoff-Fabrien A. G., Wuppertal-E.	414	$2,098.35	4-10-40	Commercial National Bank & Trust Co., New York.	Commercial National Bank & Trust Co., New York.	Deutsche Bank.
	403	8,395.40	12-20-39	do	do	Do.
	238	8,866.80	12-20-39	do	do	Do.
W. Schueller & Sohn, Wuppertal-Wichlinghausen.	65723	40.25	10-30-39		Chase National Bank, New York	Leo Baruch.
Hedwig Peters Wuppertal-Elberfeld, Viktoriastr. 40.	1053	4.50	12-21-39	Chase National Bank, New York	do	Miss Hedwig Nicol.
	1067	2.25	3- 7-40	do	do	Do.
	1061	2.09	12-23-40	do	do	Do.
	71180	.67	1- 2-40	Chemical Bank & Trust Co., New York.	The Yale & Towne Manufacturing Co., Stamford, Conn.	Do.
	84642	.63	10- 1-40	do	do	Do.
	89166	1.67	12-18-40	do	do	Do.
	93660	.63	1- 2-41	do	do	Do.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Breffka & Helnke, Duesseldorf.	3850	5.59	10-27-39	Continental Bank & Trust Co., New York.	M. A. Irmischer, Inc.	Fa Breffka & Helnke.
Internationales Fl. Verk., Kontor, Duesseldorf.	90327	233.74	2-26-40	Central Hanover Bank & Trust Co., New York.		Deutsche Bank.
	90379	135.35	5-16-40	do		Do.
Verlag Stahleisen m. b. H., Duesseldorf.	295389	6.72	1-16-41	Chase National Bank, New York	G. E. Stechert & Co., New York	Verlag Stahleisen.
	295386	11.24	1-16-41	do	do	Do.
	294322	3.28	3-21-40	do	do	Verlag Stahleisen M. B. H.
	774333	6.50	4- 4-41	National City Bank, New York	National City Bank, New York	Do.
	310	16.08	12-22-39	do	American Cast Iron Pipe Co., Birmingham, Ala.	Do.
	8818	16.04	1-10-40	Chase National Bank, New York	Crucible Steel Co. of America, New York.	Do.
	6856	16.10	5-21-40	Guaranty Trust Co., New York	E. J. Lavino & Co., Philadelphia, Pa.	Do.
	16262	16.20	1- 6-41	Farmers Deposit National Bank, Pittsburgh, Pa.	Allegheny Ludlum Steel Corp., Brackenridge, Pa.	Do.
Schmolz & Bickenbach, Rundereth I. Rh.	15472	157.11	10-39	Chemical Bank & Trust Co., New York.		Commerz- und Privat Bank A. G.
	15652	299.79	11-39	do		Commerz-und Privat Bank.
	000544 (B.P.)	194.75	10- 4-39	Bank of London & South America, Ltd., New York.		Banco Central de Bolivia.
	000475	738.66	9-21-39	do		Do.
Anton Peters G. m. b. H., Duesseldorf.	212	59.82	11-17-39	Merchants National Bank, Mobile, Ala.	Southern Pine & Hardwood Lumber Co., Inc., Mobile, Ala.	Ant. Peters G. m. b. H.
Giesserei-Verlag G. m. b. H. Duesseldorf.	303	12.06	12-22-39	National City Bank, New York	American Cast Iron Pipe Co., Birmingham, Ala.	Giesserei-Verlag G. m. b. H.
	76743	9.00	4- 9-40	Equitable Trust Co., Baltimore, Md.	Pangborn Corp., Hagerstown, Md.	Do.
Verein Deutscher Eisenhuettenleute, Duesseldorf.	10725	14.76	2-14-40	Chase National Bank, New York	Pacific National Bank, San Francisco, Calif.	Verein Deutscher Eisenhuttenleute.
Wilmar Mertgens, Duesseldorf.	64477	13.36	10-23-40	Continental Illinois National Bank & Trust Co., Chicago, Ill.	International Harvester Co., Chicago, Ill.	Miss Wilma Mertgens.
	63825	7.20	4-15-40	do	do	Do.
Dr. Willi Huber, Essen	D83988	16.00	1-19-40	City National Bank & Trust Co. of Chicago.	Halsey, Stuart & Co. Inc., Chicago, Ill.	Dr. W. Huber.
	D84007	14.40	1-19-40	do	do	Do.

[F. R. Doc. 52-10338; Filed, Sept. 24, 1952; 8:50 a. m.]

[Vesting Order 19018]

NORBERT BLOCH

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Norbert Bloch, deceased. F-28-31982-E-1.

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

1. That the personal representatives, heirs, next of kin, legatees and distributees of Norbert Bloch, deceased, who there is reasonable cause to believe, 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: That certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, arising out of a checking account entitled Norbert Bloch, maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to 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 September 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10419; Filed, Sept. 24, 1952; 8:47 a. m.]

[Vesting Order 19019]

HERMANN AND EMILIE FREYTAG

In re: Coupon owned by Hermann Freytag and Emilie Freytag.

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 Hermann Freytag and Emilie Freytag, each of whose last known address is Westfalen, 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) coupon detached from State of Rio Grande Do Sul Consolidated Municipal 40-year 7 Percent Sinking Fund Bond numbered M663, said coupon numbered 27, due December 1, 1940, and presently in the custody of the Federal Reserve Bank of New York, together with any and all rights thereunder and thereto,

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, Hermann Freytag and Emilie Freytag, 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 September 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10420; Filed, Sept. 24, 1952; 8:47 a. m.]

[Vesting Order 15603, Amdt.]

GEORGE A. SCHLUETER

In re: Stock owned by George A. Schlueter.

Vesting Order 15603, dated November 9, 1950, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2 (b) of Vesting Order 15603 the phrase "evidenced by certificates numbered 010930 for fifteen (15) shares and 06701 for five (5) shares," and substituting therefor the phrase "evidenced by a certificate numbered CM 0183."

All other provisions of said Vesting Order 15603 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 September 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10421; Filed, Sept. 24, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-941]

BREWING CORP. OF AMERICA

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

SEPTEMBER 19, 1952.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Capital Stock, $15 Par Value, of Brewing Corporation of America.

The Commission issued a notice of the filing of the above application and of the opportunity for any interested person to request a hearing in regard to the terms to be imposed upon the delisting of this security. This notice stated that the reason set forth in the above application for striking this security from listing and registration on this exchange is that the amount outstanding in the hands of the public has been reduced to approximately 5,000 shares, which is an amount that is too small for the security to be suitable for trading on the applicant exchange.

Holders of the above security having filed with the Commission a request for a hearing on the above matter; and the Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 11:00 a. m. on Wednesday, October 8, 1952, at the New York Regional Office of the Commission at 42 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Edward C. Johnson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-10399; Filed, Sept. 24, 1952; 8:45 a. m.]

[File Nos. 54-201, 59-6]

UNITED GAS IMPROVEMENT CO. ET AL.

ORDER APPROVING PLAN

SEPTEMBER 18, 1952.

In the matter of the United Gas Improvement Company, File No. 54-201; The United Gas Improvement Company and Subsidiary Companies, respondents, File No. 59-6.

The United Gas Improvement Company ("UGI"), a registered holding company, having filed a plan, together with an amendment thereto (the "Plan"), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the "act"), providing, among other things, for the merger of UGI and its various subsidiary companies, and for other transactions and steps as more fully set forth in said Plan;

The Commission having given public notice with respect to the filing of said Plan and with respect to holding of a hearing thereon, which notice was given by notice and order dated January 22, 1952 (Holding Company Act Release No. 11015), and public hearings having been held after such notice, at which hearings all interested persons were afforded an opportunity to be heard;

UGI having requested the Commission to enter an order finding that the Plan is necessary to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby;

UGI having further requested the Commission, pursuant to section 11 (e) of the act, to apply to an appropriate court, in accordance with the provisions of section 18 (f) of the act, to enforce and carry out the terms and provisions of Part 2 of the Plan;

The Commission having previously, by order entered June 15, 1951 (Holding Company Act Release No. 10624) directed that UGI dispose of its direct and indirect ownership, control and holdings of certain securities therein named, including securities of Delaware Coach Company, and UGI having requested that the time for compliance with such order be extended for one year from June 15, 1952, and that such order be modified by eliminating therefrom the requirement for disposition by UGI of its securities of Delaware Coach Company (being a note in the amount of $916,666.67), so as to permit the retention of such note and the liquidation therof in accordance with its terms;

UGI having requested that the Commission, upon approving the Plan, find that UGI shall have ceased to be a holding company, and that an order be entered under section 5 (d) of the act so declaring, and finding that UGI's registration under the act shall cease to be in effect; and

UGI having proposed, in connection with such Plan, to acquire 1,459 shares of the capital stock of Consumers Gas Company from Drexel & Co., financial advisers to UGI, at the price of $20.25 per share, being the cost of such shares to Drexel & Co., and such acquisition appearing to meet the standards of the act.

The Commission being duly advised and having this day issued its findings and opinion, and on the basis of such findings and opinion and pursuant to the applicable provisions of the act and the rules and regulations thereunder:

It is ordered, That the Plan of UGI be, and it is hereby approved, subject to the terms and conditions in Rule U-24 of the general rules and regulations promulgated under the act, and subject to the following additional terms and conditions:

1. The order entered herein shall not be operative to authorize the consummation of the transactions proposed in Part 2 of the Plan until a court of competent jurisdiction shall, upon application thereto, enter an order enforcing Part 2 of the Plan;

2. Jurisdiction be and it is hereby specifically reserved as to the following matters:

(a) To approve, determine, award, allow or allocate any fees, expenses and remunerations in connection with the Plan, and to pass upon the reasonableness thereof;

(b) To take such further action as the Commission may deem appropriate to effectuate the provisions of the Plan concerning efforts of the company to locate persons entitled to securities or cash by reason of their holdings of the securities of UGI and its subsidiaries;

(c) To entertain such further proceedings, to make such supplemental findings, to enter such further orders, and to take such further action as the Commission may deem appropriate in connection with the Plan, as amended, the transactions incident thereto, and the consummation thereof; and

(d) To consider whether, after all of the transactions provided in Parts 1, 2 and 3 of the Plan shall have been consummated, and UGI shall have renewed its request, an order should be entered under section 5 (d) of the act, and whether such order should be subject to any terms and conditions as necessary for the protection of investors.

It is further ordered, That the Commission's order entered June 15, 1951, be, and hereby is, amended to eliminate the requirement that UGI dispose of its holdings of securities of Delaware Coach Company, and that an extension of time be and is hereby granted until June 15, 1953, for compliance with the remaining provisions of such order.

It is further ordered and recited, That all transactions proposed in the aforesaid Plan to be effected by UGI, Allentown-Bethlehem Gas Company ("Allentown"), Consumers Gas Company ("Consumers"), The Harrisburg Gas Company ("Harrisburg"), Lancaster County Gas Company ("Lancaster"), Lebanon Valley Gas Company ("Lebanon"), Luzerne County Gas and Electric Corporation ("Luzerne"), and The Philadelphia Gas Works Company ("PGW"), or any of them, or by the holders of securities heretofore or hereafter issued or assumed by any of them, including particularly the exchanges, redemptions, issuances, transfers, acquisitions, expenditures, distributions, conveyances, dispositions and sales hereinafter itemized, specified, described, and recited are authorized, approved, and required; that said transactions are necessary or appropriate to the integration or simplification of the holding company system of which said corporations are members and are necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935; that said transactions or any of them may be effected through and deliveries may be made to or through trustees, exchange agents, or otherwise, and or the stocks, securities and cash, and other property may be delivered direct to those ultimately entitled thereto, all in any manner consistent with the court order enforcing the Plan and within the time limits specified in the Plan or in said court order; and that this order is issued under the authority of subsection (e) of section 11 of the Public Utility Holding Company Act of 1935 to effectuate the provisions of subsection (b) of section 11 of said act:

1. The resumption by UGI, as agent of Northern Liberties Gas Company, of the conduct of the latter's business and the operation of its gas properties under the July 2, 1900, agreement between UGI and Northern Liberties Gas Company; such resumption to be accomplished by UGI and PGW terminating the existing agreement between them dated May 14, 1937, pursuant to which PGW was substituted for UGI as agent to operate such properties and to supply and distribute gas in that portion of the City of Philadelphia, formerly known as District of Northern Liberties.

2. The merger into UGI of Allentown, Consumers, Harrisburg, Lancaster, Lebanon, Luzerne, and PGW, with UGI remaining as the surviving and continuing corporation, all as more particularly provided and set forth in the proposed Agreement of Merger (which is Exhibit A to the Plan), which Agreement of Merger is incorporated herein by reference, and, in connection therewith, the transfer to and vesting in UGI, as such surviving and continuing corporation, of all the rights, privileges and franchises theretofore vested in each of said constituent subsidiary corporations and all the estate and property, real and personal, and rights of action of each of said corporations, including the transfer to and acquisition by UGI of the securities owned by said corporations, which at present are as follows:

Owned by	Name of Security	Shares or principal amount
Consumers Gas Co	Reading Gas Co. capital stock	3,000 shares.
Do	U. S. Treasury 2¼ percent bonds due June 15, 1959-62	$10,000.
Do	Berks County Trust Co. capital stock	1,[illegible] shares.
The Philadelphia Gas Works Co	U. S. Treasury certificates of indebtedness, 1⅞ percent Series "A" due Feb. 15, 1953.	$[illegible],000.

3. The execution, delivery and recording by UGI and Fidelity-Philadelphia Trust Company, Trustee, of a UGI First Mortgage and Deed of Trust dated as of the effective date of the merger substantially in the form set forth as Exhibit B to said Plan, which Mortgage and Deed of Trust is incorporated herein by reference.

4. The surrender by the holders of all First Mortgage Bonds issued respectively by Allentown, Harrisburg and Luzerne and presently outstanding in the aggregate amount of $15,648,000 in the following respective amounts and series:

Company	Principal amount	Series
Allentown-Bethlehem Gas Co	$2,172,000	3¼ percent (now 3 percent) series due 1965.
Do	1,455,000	3¼ percent series due 1968.
Do	1,500,000	3.348 percent series due 1976.
The Harrisburg Gas Co	2,002,000	2⅝ percent series due 1971.
Do	970,000	2⅝ percent series due 1971.
Do	1,000,000	3.15 percent series due 1976.
Luzerne County Gas & Electric Corp	6,549,000	3¼ percent series due 1966.

to UGI in exchange for a like principal amount of First Mortgage Bonds issued by UGI of a series corresponding to the series surrendered, together with accrued interest, if any, on their Bonds up to the effective date of the merger, the acquisition and cancellation by UGI of the said First Mortgage Bonds issued respectively by Allentown, Harrisburg and Luzerne, the issuance and delivery of its First Mortgage Bonds and cash for accrued interest by UGI to such holders and the acquisition thereof by such holders in such exchange.

5. The satisfaction, cancellation, release and discharge by the respective trustees thereof of the various indentures of mortgage and the supplements thereto of Allentown, Harrisburg and Luzerne securing, respectively, the aforesaid outstanding bonds issued by said companies; the surrender by such trustees of the securities and/or cash, if any, held by them under the provisions of such indentures and supplements; the acquisition of such securities and/or cash by UGI, and the cancellation of such securities by UGI.

6. The surrender by the holders thereof to Harrisburg for the redemption price thereof ($110 per share plus an amount equal to accrued and unpaid dividends thereon to the redemption date) and the redemption, acquisition and cancellation by Harrisburg of 4,838 shares of the 4½ percent Preferred Stock of Harrisburg.

7. The surrender by the holders thereof to UGI of 25,000 shares of the 4¼ percent Preferred Stock of Luzerne in exchange for one share of the 4¼ percent Preferred Stock of UIGI, plus accrued and unpaid dividends on their Luzerne 4¼ percent Preferred Stock up to the effective date of the merger, for each share of the Luzerne 4¼ percent Preferred Stock so surrendered, the acquisition and cancellation by UGI of said Luzerne's 4¼ percent Preferred Stock, the issuance and delivery by UGI of its 4¼ percent Preferred Stock and cash for such dividends to such holders and the acquisition thereof by such holders in such exchange.

8. The surrender by the holders thereof to UGI of their certificates of UGI Capital Stock in exchange for certificates representing a like number of shares of UGI Common Stock, the acquisition and cancellation by UGI of such certificates of UGI's Capital Stock, the issuance and delivery by UGI of certificates for such UGI Common Stock to such holders and the acquisition thereof by such holders in such exchange.

9. The cancellation by UGI of the following securities now owned by it:

Name of issuing company	Security	Shares
Allentown-Bethlehem Gas Co.	Common capital stock	132,375
Consumers Gas Co.	Capital stock	140,085
The Harrisburg Gas Co.	Common stock	29,225
Lancaster County Gas Co.	Capital stock	50,000
Lebanon Valley Gas Co.	Common stock	19,800
Luzerne County Gas & Electric Corp.	do	176,694
The Philadelphia Gas Works Co.	Capital stock	50

10. The surrender by the holders thereof to UGI of the 80,787 shares of Consumers Capital Stock, not owned by UGI, in exchange for 8/10ths of a share of UGI Common Stock (and/or cash for fractional interests of less than one share) for each share of Consumers Capital Stock so surrendered, the acquisition and cancellation by UGI of such Consumers Capital Stock, the issuance and delivery of such UGI Common Stock and/or cash to such holders and the acquisition thereof by such holders in such exchange.

11. The surrender by the holders thereof to UGI of the 12,208 shares of Harrisburg Common Stock, not owned by UGI, in exchange for four shares of UGI Common Stock for each share of Harrisburg Common Stock so surrendered, the acquisition and cancellation by UGI of such Harrisburg Common Stock, the issuance and delivery of such UGI Common Stock to such holders and the acquisition thereof by such holders in such exchange.

12. The cancellation by UGI and its utility subsidiaries of all intercompany indebtedness owing by such subsidiaries to UGI; presently as follows:

Name of debtor subsidiary	Debt represented by—	Amount of debt
Allentown-Bethlehem Gas Co.	Open book account	
Consumers Gas Co.	4 percent promissory note	$875,000
Do.	Open book account	1,455,000
The Harrisburg Gas Co.	do	1,270,000
Lancaster County Gas Co.	do	1,050,000
The Philadelphia Gas Works Co.	do	3,000,000

13. The cancellation by UGI of all its First Mortgage Bonds and of all shares of its 4¼ percent Preferred Stock and Common Stock reserved, respectively, for issuance on surrender by the holders thereof of the First Mortgage Bonds (referred to in 4 above), the 4¼ percent Preferred Stock of Luzerne (referred to in 7 above), the Capital Stock of Consumers and the Common Stock of Harrisburg (referred to in 10 and 11 above, respectively), which shall not have been surrendered in exchange therefor within the time limits specified in the Plan or in the court order enforcing the Plan; and the retention by UGI of the cash remaining in its hands reserved for payment on surrender by the holders of First Mortgage Bonds of subsidiary companies, of Luzerne's 4¼ precent Preferred Stock, and of Consumers Capital Stock and the Harrisburg Common Stock which shall not have been surrendered in exchange therefor within the time limits specified in the Plan or in the court order enforcing the Plan.

14. The disposition by sale or otherwise by UGI of the following securities which it owns:

Name of company	Security	Shares
Central Illinois Light Co.	Common stock	35,340
Consumers Power Co.	do	63,612
Delaware Power & Light Co.	do	37,355
Niagara Mohawk Power Corp.	do	159,500
Philadelphia Electric Co.	do	16,543
Public Service Electric & Gas Co.	Preference common	36,801
Do.	Common stock	4,861

It is further ordered, That the proposed acquisition by UGI of 1,459 shares of the capital stock of Consumers Gas Company from Drexel & Co., be, and hereby is, approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10402; Filed, Sept. 24, 1952; 8:46 a. m.]

[File No. 70-2920]

ARKANSAS POWER & LIGHT CO.

ORDER CONCERNING ACQUISITION OF UTILITY ASSETS

SEPTEMBER 18, 1952.

Arkansas Power & Light Company ("Arkansas"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, having filed an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 and 10 thereof with respect to the following proposed transactions:

Arkansas proposes to acquire all of the outstanding stock of Swifton Power & Light Company ("Swifton") for a cash consideration of $65,000. Upon acquiring such stock, Arkansas proposes to surrender the stock of Swifton, liquidate that company and transfer its assets to Arkansas. All of the outstanding 360 shares of the capital stock of Swifton are owned by Graham Brothers Company, a non-affiliated Arkansas corporation.

Swifton operates an electric distribution system in the town of Swifton, Arkansas. It is presently interconnected with Arkansas, which services adjacent territory, and purchases all of its electric power requirements from Arkansas. For the year ended March 1952, Swifton's kilowatt-hour sales were: Residential, 152,464; commercial, 177,694. The net plant of Swifton is stated at $27,131. The total operating revenues of Swifton for the twelve months ended May 31, 1952, were $14,429 and its net profit $2,201.

The proposed transactions have been approved by the Arkansas Public Service Commission, and that Commission has directed Arkansas to eliminate the newly created Electric Plant Acquisition Adjustments (Account 100.5) in the amount of $39,911.86 by a charge to Earned Surplus.

The application states that upon consummation of the transactions, the operations of Swifton's facilities will be fully integrated with those of Arkansas and by reason of application of Arkansas' rate schedule will result in over-all savings of approximately 9 percent to the customers of Swifton.

Said application having been filed on August 21, 1952, an amendment thereto having been filed on September 4, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions have been specifically approved by the Arkansas Public Service Commission, the State Commission of the State in which Arkansas was organized and is doing business, the Commission also finding that the proposed acquisition of properties has the appropriate tendencies under section 10 of the act and that no adverse findings are necessary thereunder:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions contained in Rule U-24, that the said application, as amended, be, and the same hereby is, granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10403; Filed, Sept. 24, 1952; 8:46 a. m.]

[File No. 70-2921]

CENTRAL MAINE POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF SHORT-TERM NOTES

SEPTEMBER 19, 1952.

Central Maine Power Company ("Central Maine"), a public utility subsidiary

of New England Public Service Company, a registered holding company, having filed an application with this Commission, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transactions:

Central Maine proposes to issue and renew from time to time, up to and including March 1, 1953, notes having a maturity of three months or less up to the maximum amount of $11,000,000 at any one time outstanding (including the renewal of notes outstanding at the date of authorization). Each such note, including the renewal notes, will be made payable to the First National Bank of Boston and will bear interest at the rate of 3 percent per annum, subject to change in interest rates for prime paper. It is stated that the interest rate for prime paper is presently 3 percent per annum. In case the interest rate should exceed 3¼ percent per annum on any note, the company will file an amendment to its application stating the rate of interest and other details of the note or notes at least five days prior to the execution and delivery thereof, and asks that such amendment become effective without further order of the Commission at the end of the five day period unless the Commission shall have notified the company to the contrary within said period.

The proceeds from the sales of the notes will be used to finance the company's construction program. The application states that the company intends, soon after March 1, 1953, to issue and sell approximately $6,000,000 of First and General Mortgage Bonds and sufficient Common Stock to yield approximately $5,000,000 to refund the then outstanding short-term notes. However, it is stated that market conditions may require some variation of this financing.

It is represented that no regulatory authority, other than this Commission, has jurisdiction over the proposed transactions, and that legal fees and expenses in connection with the proposed transactions will aggregate approximately $125. The applicant requests that the Commission's order herein become effective upon its issuance.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and it hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10401; Filed, Sept. 24, 1952; 8:46 a. m.]

[File No. 70-2923]

LOWELL ELECTRIC LIGHT CORP.

ORDER AUTHORIZING PROPOSED NOTE ISSUES

SEPTEMBER 19, 1952.

The Lowell Electric Light Corporation ("Lowell"), a public-utility subsidiary company of New England Electric System, a registered holding company, having filed with this Commission a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-42 (b) (2) thereunder with respect to the following proposed transactions:

The declaration states that Lowell presently has outstanding $2,700,000 principal amount of promissory notes, due October 1, 1952, issued pursuant to a bank loan agreement with five banks, namely, The First National Bank of Boston ($1,485,000), The Chase National Bank of the City of New York $351,000), The Hanover Bank ($351,000), Irving Trust Company ($351,000) and The New York Trust Company ($162,000). Lowell proposes to issue to these banks, from time to time but not later than December 31, 1952, additional unsecured six months promissory notes in an aggregate principal amount not in excess of $3,100,000. Lowell further proposes that the principal amount of all of its unsecured promissory notes outstanding at any one time prior to December 31, 1952, will not exceed $3,100,000.

Each of the proposed notes will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that said interest rate for such notes at the present time is 3 percent per annum. In the event that such interest rate is in excess of 3¼ percent per annum at the time any of said additional promissory notes are to be issued, Lowell will file an amendment to its declaration setting forth therein the name of the bank or banks, the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. Lowell requests that such amendment become effective at the end of such period unless the Commission notifies it to the contrary within said period.

Lowell will use $2,700,000 of the proceeds derived from the proposed issuance of additional promissory notes to pay the outstanding promissory notes maturing October 1, 1952, and will use the remainder of such proceeds to pay for construction cost incurred or to be incurred. Lowell estimates that its construction expenditures for the period July 1, 1952, to December 31, 1952, will aggregate $620,500. Lowell proposes that if any permanent financing is done, the proceeds therefrom will be applied in reduction of, or in total payment of, promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $900. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Lowell requests that the Commission's order herein become effective forthwith upon issuance.

Notice of the filing of the 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 declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, 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. 52-10400; Filed, Sept. 24, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27410]

ASPHALT FILLER FROM CHATSWORTH, GA., TO NEVILLE ISLAND, PA.

APPLICATION FOR RELIEF

SEPTEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariffs I. C. C. Nos. 1193 and 1324.

Commodities involved: Asphalt filler, consisting of pulverized soapstone or pulverized talc tailings, carloads.

From: Chatsworth, Ga.

To: Neville Island, Pa.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1193, Supp. 71; C. A. Spaninger, Agent, I. C. C. No. 1324, Supp. 1.

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. 52-10356; Filed, Sept. 23, 1952; 8:46 a. m.]

[4th Sec. Application 27411]

ASPHALT FROM ARKANSAS, LOUISIANA, AND TEXAS TO LOUISVILLE, KY., AND NEW ALBANY, IND.

APPLICATION FOR RELIEF

SEPTEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3725.

Commodities involved: Asphalt (asphaltum) and petroleum road oil, carloads.

From: Points in Arkansas, Louisiana, and Texas.

To: Louisville, Ky., and New Albany, Ind.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3725, Supp. 61.

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. 52-10357; Filed, Sept. 23, 1952; 8:46 a. m.]

[4th Sec. Application 27412]

ANHYDROUS AMMONIA FROM HOUSTON, TEX., TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

SEPTEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Houston, Tex.

To: Cincinnati, Ohio.

Grounds for relief: Rail competition, circuitous routes, market competition, and operation through higher-rated territory.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 95.

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. 52-10358; Filed, Sept. 23, 1952; 8:46 a. m.]

[4th Sec. Application 27413]

LIQUID CAUSTIC SODA FROM HUNTSVILLE AND REDSTONE ARSENAL, ALA., TO POINTS IN MIDWEST

APPLICATION FOR RELIEF

SEPTEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: Huntsville and Redstone Arsenal, Ala.

To: Points in Illinois, Indiana, Iowa, and Wisconsin, and Hannibal, Mo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1172, Supp. 121.

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. 52-10359; Filed, Sept. 23, 1952; 8:46 a. m.]