FEDERAL REGISTER

VOLUME 17 NUMBER 97

Washington, Friday, May 16, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10350

ESTABLISHING A SEAL FOR THE FEDERAL CIVIL DEFENSE ADMINISTRATION

WHEREAS the Federal Civil Defense Administrator has caused to be made, and has recommended that I approve, a seal of office for the Federal Civil Defense Administration, the design of which accompanies and is hereby made a part of this order, and which is of the following description:

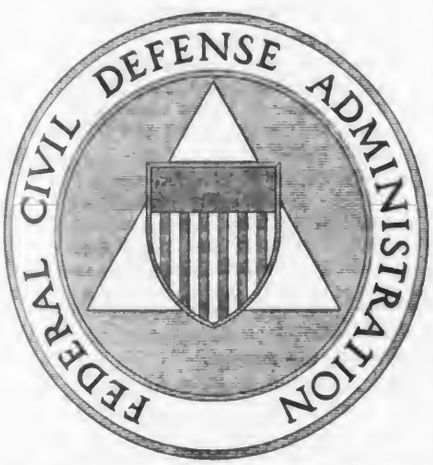
On a disk of defenders blue a white triangle superimposed by a shield of the coat of arms of the United States proper, all encircled by a white band edged in defenders blue containing the inscription "FEDERAL CIVIL DEFENSE ADMINISTRATION" in scarlet letters;

AND WHEREAS it appears that such seal is of suitable design and appropriate for establishment as the official seal of the Federal Civil Defense Administration:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the Federal Civil Defense Administration.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 14, 1952.



[F. R. Doc. 52-5487; Filed, May 14, 1952; 12:13 p. m.]

TITLE 7—AGRICULTURE

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

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR PEACHES

On April 3, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (F. R. Doc. 52-3765; 17 F. R. 2891) regarding proposed United States Standards for Peaches. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Peaches are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951).

§ 51.312 *Standards for peaches*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of peaches of one variety which are mature but not soft or overripe, well formed and which are free from decay, bacterial spot, cuts which are not healed, growth cracks, hail injury, scab, scale, split pits, worms, worm holes, leaf or limb rub injury; and free from damage caused by bruises, dirt or other foreign material, other disease, insects or mechanical or other means.

(i) In addition to the above requirements, each peach shall have not less than one-third of its surface showing blushed, pink or red color.

(ii) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of this grade other than for color, but not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious

(Continued on p. 4475)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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

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

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

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

damage, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2 percent shall be allowed for soft, overripe, or decayed peaches en route or at destination. In addition, not more than 10 percent, by count, of the peaches in any lot may be below the specified color requirement.

(2) *U. S. Extra No. 1.* Any lot of peaches may be designated "U. S. Extra No. 1" when the peaches meet the requirements of U. S. No. 1 grade: *Provided,* That in addition to these requirements, 50 percent, by count, of the peaches in any lot shall have not less than one-fourth of the surface showing blushed, pink or red color.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of U. S. No. 1 grade, but not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2 percent shall be allowed for soft, overripe or decayed peaches en route or at destination. No part of any tolerance shall be used to reduce for the lot as a whole the 50 percent of peaches required to have not less than one-fourth of the surface showing blushed, pink or red color, but individual packages may contain not less than 40 percent of peaches having this amount of color: *Provided,* That the entire lot averages not less than 50 percent.

(3) *U. S. No. 1.* U. S. No. 1 consists of peaches of one variety which are mature but not soft or overripe, well formed, and which are free from decay, growth cracks, cuts which are not healed, worms, worm holes, and free from damage caused by bruises, dirt, or other foreign material, bacterial spot, scab, scale, hail injury, leaf or limb rubs, split pits, other disease, insects or mechanical or other means.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of this grade, but not

more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent shall be allowed for soft, overripe, or decayed peaches en route or at destination.

(4) *U. S. No. 2.* U. S. No. 2 consists of peaches of one variety which are mature but not soft or overripe, not badly misshapen, and which are free from decay, cuts which are not healed, worms, worm holes, and free from serious damage caused by bruises, dirt or other foreign material, bacterial spot, scab, scale, growth cracks, hail injury, leaf or limb rubs, split pits, other disease, insects, or mechanical or other means.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of this grade, but not more than one-tenth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent shall be allowed for soft, overripe, or decayed peaches en route or at destination.

(b) *Unclassified.* Unclassified consists of peaches which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(i) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided (as in the case of oversize, where a tolerance of 15 percent is provided), individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one peach which is seriously damaged by insects or affected by decay may be permitted in any package.

(ii) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one peach which is seriously damaged by insects or affected by decay may be permitted in any package.

(d) *Size requirements.* (1) The numerical count or the minimum diameter of the peaches packed in a closed container shall be indicated on the container.

(2) When the numerical count is not shown the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2 inches minimum, 2¼ inches minimum, 1⅞ inches minimum, in accordance with the facts. The minimum and maximum diameters may both be stated, as 1⅞ to 2 inches, or 2 to 2¼ inches, in accordance with the facts.

(3) "Diameter" means the shortest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

(4) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of peaches in any lot may be below the specified minimum size and not more than 15 percent, may be above any specified maximum size.

(e) *Standard pack.* (1) Each package shall be packed so that the peaches in the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(2) *Baskets.* Peaches packed in U. S. Standard bushel baskets, or half-bushel baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the packages when lidded.

(3) *Boxes.* Peaches packed in standard western boxes shall be reasonably uniform in size and arranged in the packages according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All packages shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of over-filled packages. The number of peaches in the box shall not vary more than 4 from the number indicated on the box.

(4) Peaches packed in other type boxes such as wire-bound boxes and fibre-board boxes may be place packed, or jumble packed faced, and all packs shall be well filled.

(5) Peaches packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(6) Peaches placed in individual paper cups and packed in boxes shall be in cups of the proper size for the peaches.

(7) In order to allow for variations incident to proper packing, not more than 10 percent of the packages in any lot may not meet these requirements.

(f) *Definitions.* (1) "Mature" means that the peach has reached the stage of growth which will insure a proper completion of the ripening process.

(2) "Well formed" means that the shape of the peach may be slightly irregular but not to the extent that its appearance is materially affected.

(3) "Leaf or limb rub injury" means that the scarring is not smooth, not light colored, or aggregates more than ¼ inch in diameter.

(4) "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Bacterial spot when cracked, or when aggregating more than ⅜ inch in diameter;

(ii) Scab spots when cracked, or when aggregating more than ⅜ inch in diameter;

(iii) Scale, when concentrated, or when scattered and aggregating more than ¼ inch in diameter;

(iv) Hail injury which is unhealed, or deep, or when aggregating more than ¼ inch in diameter;

(v) Leaf or limb rubs, when not smooth, or when not light colored, or when aggregating more than ½ inch in diameter.

(vi) Split pit, when causing any unhealed crack, or when causing any crack which is readily apparent, or when affecting shape to the extent that the fruit is not well formed.

(5) "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Bacterial spot, when any cracks are not well healed, or when aggregating more than ¾ inch in diameter.

(ii) Scab spots, when cracked, or when healed and aggregating more than one inch in diameter.

(iii) Scale, when aggregating more than ½ inch in diameter.

(iv) Growth cracks, when unhealed, or more than ½ inch in length.

(v) Hail injury, when unhealed, or shallow hail injury when aggregating more than ¾ inch in diameter, or deep hail injury which seriously deforms the fruit or which aggregates more than ½ inch in diameter.

(vi) Leaf or limb rubs, when smooth and light colored and aggregating more than 1½ inches in diameter, or dark or slightly rough and barklike scars aggregating more than ¾ inch in diameter.

(vii) Split pit, when causing any unhealed crack, or when healed and aggregating more than ½ inch in length including any part of the crack which may be covered by the stem.

(viii) Soft or overripe peaches.

(ix) Wormy fruit or worm holes.

(6) "Badly misshapen" means that the peach is so decidedly deformed that its appearance is seriously affected.

(g) *Effective time.* The United States Standards for Peaches contained in this section and which supersede the United States Standards for Peaches (12 F. R. 3798) effective April 22, 1933 shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(60 Stat. 1087, Pub. Law 135, 82d Cong.; 7 U. S. C. 1621)

Done at Washington, D. C., this 12th day of May 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator,
Production and Marketing Administration.

[F. R. Doc. 52-5462; Filed, May 15, 1952; 9:05 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR GRADES OF PROCESSED RAISINS

In F. R. Doc. 52-4611, appearing at page 3624 of the issue for Thursday, April 24, 1952, the following change has been made:

In § 52.608, in the first nine (9) lines of subparagraphs (1), (2), and (3), of paragraph (f) the words "in Soda Dipped Unseeded (Valencia) raisins" should be transposed to the end of the clause between the semicolons so that the text will read as follows:

(f) *Grades of Muscat Raisins.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a good typical color with not more than 10 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded (Valencia) raisins; that possess a good characteristic flavor; that * * *

* * * * *

(2) "U. S. Grade B" or "U. S. Choice" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a reasonably good typical color with not more than 15 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded (Valencia) raisins; that possess a good characteristic flavor; that show * * *

* * * * *

(3) "U. S. Grade C" or "U. S. Standard" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a fairly good typical color with not more than 20 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded (Valencia) raisins; that possess a fairly good flavor; that show develop- * * *

* * * * *

(60 Stat. 1087, Pub. Law 135, 82d Cong.; 7 U. S. C. 1621)

Issued at Washington, D. C. this 13th day of May 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-5461; Filed, May 15, 1952; 9:05 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 107—MANIFESTS

INSPECTION AT FIRST PORT OF ARRIVAL

APRIL 2, 1952.

Section 107.11 of Chapter I, Title 8 of the Code of Federal Regulations, is hereby amended to read as follows:

§ 107.11 *Forms I-415 and I-416; "landing cards"; affidavits; delivery.* For convenience of identification on arrival, there may be given to each person listed on Form I-415 or I-416 a ticket or "landing card" showing his name, the number of the manifest or list on which his name appears, and his number on said manifest or list. Immediately on the arrival of a vessel at a port in the United States, one legible copy of the manifest on Forms I-415 and of the list on Forms I-416, prepared in accordance with § 107.8, covering all of the passengers on board, shall be delivered to the United States immigrant inspector at such port. The forms shall be assembled so that the Forms I-416 precede the Forms I-415; and of the printed affidavits on the back of the forms delivered to the immigrant inspector only affidavits Nos. 1 and 2 on the last Form I-415 need be executed. (Where all passengers are United States citizens and, therefore, only Forms I-416 are prepared, a Form I-415 with front voided shall be attached after the last Form I-416, and Affidavit No. 1 on the back of Form I-415 executed as to the correctness of the lists on Form I-416.) A second legible copy of the Forms I-415 shall also be delivered simultaneously to such immigrant inspector for use in billing the transportation company for any head tax due, but the affidavits on the back of such second copy need not be executed. If an arriving vessel is to touch at more than one United States port, the inspection of all passengers shall, if practicable, be completed at the first port of arrival. If the inspection of all passengers at the first port of arrival is impracticable, the inspection of passengers destined to subsequent ports of arrival shall be deferred in the discretion of the immigration officer in charge. In such event, the manifests of those passengers not inspected at the first port of arrival shall be returned to the master for presentation at the subsequent ports of arrival. The procedure followed at the first port of arrival, as prescribed by this section, shall also be followed at any subsequent ports of arrival. When any passenger desires regularly to land at any port in the United States other than the one to which he is manifested, his name shall be stricken by the ship's officer from the manifest upon which it was originally recorded and transferred to the manifest intended for the port where he wishes to land. Such change on the manifest shall be made only with the prior knowledge of the immigrant inspector and shall be attested by his signature and title placed opposite each entry. On the manifest to which the name is transferred, he will note: "Transferred from manifest of passengers for _____, dated _____, _____, Immigrant Inspector."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

ARGYLE R. MACKEY,
Commissioner, Immigration and Naturalization.

Approved: May 9, 1952.

PHILIP B. PERLMAN,
Acting Attorney General.

[F. R. Doc. 52-5442; Filed, May 15, 1952; 8:59 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

[5th Gen. Rev. of Export Regs., Amdt. 104 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 373.5 *Special provisions for chemicals and medicinals* is amended by adding thereto a new paragraph (c) to read as follows:

(c) *Radioactive isotopes, radium salts and compounds, and radium emanation (radon).* A validated license is required for the export of all commodities containing any form of (1) radioactive isotopes or preparations thereof, (2) radium salts and compounds, or (3) radium emanation (radon), whether for industrial or medicinal purposes, to any foreign destination except Canada. All license applications must contain a description of the type of compound and radium content, if ascertainable. This information shall be entered in the commodity description column of Form IT-419. Such commodities are to be classified under Schedule B No. 829940; except that paints containing radium are to be classified under Schedule B No. 843800, and ferrous or nonferrous commodities containing radium are to be classified under the appropriate Schedule B number in accordance with the provisions of § 373.11 (b).

This part of the amendment shall become effective as of May 8, 1952.

2. Section 380.2 *Amendments or alterations of licenses,* paragraph (f) *Intermediate consignee amendments* is amended to read as follows:

(f) *Intermediate consignee amendments.* Amendment of the export license is required if the intermediate consignee to be used or designated in the export transaction is not named on the export license, unless such new or different intermediate consignee is located in the country of ultimate destination as shown on the export license.

[1] This amendment was published in Current Export Bulletin No. 666, dated May 8, 1952.

This part of the amendment shall become effective as of May 8, 1952.

3. Section 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following orders are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Corti, Dante Via Orefici, 2/27, Genoa, Italy, and Viale Montegrappa 24, Prato, Italy.	4-14-52	Duration	General and validated licenses, all commodities, any destination.	17 F. R. 3361, 4-15-52.
Industriale Commerciale Cotoni Affini, Societa (S. I. C. C. A.), Viale Montegrappa 24, Prato, Italy.	4-14-52	do	do	17 F. R. 3361, 4-15-52.
Italiana Gestione Immobiliari, Societa (S. I. G. I.), via Montegrappa 24, Prato, Italy.	4-14-52	do	do	17 F. R. 3361, 4-15-52.
Krasnow, Anna, 16-20 Maple St., Chelsea 50, Mass.	4-11-52	7-11-52	General and validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 3423, 4-17-52.
Krasnow, William S., 16-20 Maple St., Chelsea 50, Mass.	4-11-52	7-11-52	do	17 F. R. 3423, 4-17-52.
Krasnow Wool Stock Co., 16-20 Maple St., Chelsea 50, Mass.	4-11-52	7-11-52	do	17 F. R. 3423, 4-17-52.
Stuwadoors, Opslag, Controle en Expeditiebedrijf "Rynhaven" N. V., Veerhaven 14-15, Rotterdam, Netherlands.	9-24-51	Duration	General and validated licenses, all commodities, any destination.	16 F. R. 10088, 10-3-51.

b. The following corrected entries are substituted for the corresponding entries presently shown.

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Kolsch, Leopold L.,[1] Veerhaven 15, Rotterdam, Holland.	9-24-51	Duration	General and validated licenses, all commodities, any destination.	16 F.R. 10088.
Kung Shin Co.,[2] Hong Kong	1-28-52	10-28-52	General and validated licenses, all commodities, any destination; also exports to Canada.	17 F.R. 964, 2-1-52.
Pan Continental Trading Corp.,[3] 1 Wall St., New York, N. Y.	12-8-50	6-12-54	General and validated licenses, Positive List commodities, any destination.	16 F.R. 5845, 6-19-51.
Smith, Kingsley R.,[4] 1 Wall St., New York, N. Y.	6-12-51	6-12-54	do	16 F.R. 5845, 6-19-51.

[1] Shown on table as: Kolsch, Leopold L.
[2] Shown on table as: Kung, Shin Co.
[3] Shown on table as: Pancontinental.
[4] Shown on table as: Smith, R. Kingsley.

This part of the amendment shall become effective as of May 8, 1952.

4. Section 398.3 *DO-MRO priority ratings for maintenance, repair, and operating supplies for export* is amended in the following particulars:

a. In the first sentence of subparagraph (1) of paragraph (b) *Manufacturing exporters* a footnote 1 is added after "1950" to read as follows:

[1] In the case of manufacturers of parts for machine tools under section 2 (a) of Order M-79, use of an alternative base period (the last 6 months of the calendar year 1951) is permitted. (Refer to section 4 (d) of M-79 as amended.)

b. Subparagraph (2) of paragraph (b) *Manufacturing exporters* is amended to read as follows:

(2) On or before September 1, 1951, or within 30 days after this order or any other NPA regulation or order mentioned in section 3 of M-79 is amended so as to first bring him under M-79 or so as to change the MRO items thereafter to be included in computing his MRO export quota, each manufacturer for whom a quarterly MRO export is assigned and established by NPA Order M-79 shall prepare and submit to the Office of International Trade a signed report in duplicate, on Form IT-833. Revised Forms IT-833 must be filed within the specified 30-day period whenever a manufacturer's quota under the order is so altered. If the change is such as to remove a manufacturer entirely from the scope of M-79, he shall within the 30-day period notify the Office of International Trade by letter to this effect. All the terms, conditions, provisions, and instructions, including the certification, contained in or issued in connection with such Form IT-833 are hereby incorporated as a part of this section with the same force and effect as if set forth in full in this section.

Special note should be made that a manufacturer in computing his base-period deliveries for export must not include any items delivered for use abroad for personal or household purposes or, insofar as replacement parts are concerned, any items delivered for use abroad for other than replacement purposes. Where precise knowledge as to foreign end use is lacking, estimates may be made, but in such cases the manufacturer must include in his report a statement showing what estimates he has made, what were his total sales for export of the category in question, and the basis upon which his estimates are made. Each manufacturer should notice also that in computing his base period deliveries for export orders and in making charges currently against his M-79 quota, all export deliveries of the items listed in section 2 (b) of M-79 must be included whether for replacement purposes or not.

c. Paragraph (e) *Scope* is deleted and new paragraphs (e), (f), (g) and (h) are added to read as follows:

(e) *Requests by manufacturers for inclusion under the order.* A manufacturer who is excluded from the provisions of M-79 because his annual MRO export deliveries in the base period were not in excess of $10,000, may submit a request by letter in triplicate to the Office of International Trade, asking for the establishment of a quota under M-79. All pertinent facts justifying the request should be included.

(f) *Manufacturers may not exceed their M-79 quotas.* Attention of manufacturers is specially directed to section 8 of the order, entitled "Manufacturers' quota not to be exceeded," which stipulates that manufacturers subject to Order M-79 quotas may not for a particular quarter make export MRO deliveries in excess of their M-79 quotas. This "ceiling limit" is effective whether or not the manufacturer applies the DO-MRO rating to export orders as permitted by M-79.

(g) *Requests by manufacturers for adjustments or exceptions.* A manufacturer requiring an increase in his M-79 quota, or other adjustment or exception to the order may, as provided in section 15 of the order, file such a request with the Office of International Trade. Each request shall be submitted by letter, in triplicate, and shall set forth all pertinent facts justifying the request in full detail.

(h) *Scope.* Attention of manufacturers and exporters is called to the fact that the definition of MRO supplies contained in NPA Order M-79 is somewhat different from the description of MRO set forth in National Production Authority's CMP Regulation 5 (32A CFR Chapter VI). Sections 2, 3, and 10 of NPA Order M-79 explain specifically which items are included therein and also list items which are specifically excluded. Special attention is called to the fact that the items are included only as far as the end use abroad is for other than personal or household purposes. For the convenience of exporters, a listing of all items specifically excluded from the terms of the order as now written is given below. This list is, of course, subject to change from time to time. The order, among other things, excludes controlled materials; exporters desiring to export controlled materials or CMP Class A products for MRO use abroad should file applications for priority assistance as provided in § 398.5.

Many of the MRO end-items included under M-79 are, of course, CMP Class B products and may be included in a manufacturer's M-79 quota. However, it should be noted that the use of the DO-MRO rating granted to manufacturers is specifically limited under section 10 of the order. A manufacturer may not extend this rating to obtain:

(1) Class A or Class B products (as defined in CMP Regulation 1 of the National Production Authority) to be incorporated into the MRO item he is manufacturing for export; or

(2) Any production material for the manufacture of any MRO Class A or

Class B product he is manufacturing for export under his M–79 quota; or

(3) Any controlled material.

These materials are secured by a manufacturer in accordance with his normal procedures (for domestic as well as export orders, for MRO as well as other end-uses) specified under CMP Regulation Nos. 1 and 3 of the National Production Authority (32A CFR Chapter VI). The DO-MRO rating may, however, be extended by the manufacturer to procure component materials other than those listed above.

EXCLUDED ITEMS (SPECIFICALLY LISTED IN NPA ORDER M–79)

All MRO supplies for personal or household use. Materials listed in List A of NPA Reg. 2 as such list may be amended or supplemented from time to time.

Excluded items. List A, NPA Reg. 2, as amended September 13, 1951:

Communications services.
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Certain transportation services, as defined in List A.
Waste paper.
Water.
Wood pulp.
Solid fuels: All forms of anthracite, bituminous, sub-bituminous, and lignitic coals, and coke and its by-products.
Gas and gas pipelines: Natural gas, manufactured gas, and pipelines for the movement thereof.
Petroleum and petroleum pipelines: Crude oil, synthetic liquid fuel, their products and associated hydrocarbons, including pipelines for the movement thereof.
Electric power: All forms of electric power and energy.
Radioisotopes, stable isotopes, source and fissionable materials.
Farm equipment.
Fertilizer, commercial: In form for distribution to users.
Food, except in certain cases where used industrially (refer to List A itself for further definition).
Transportation services (domestic) storage and port facilities.

Products (production and distribution) used in the petroleum industry and listed in NPA Delegation 9 (February 26, 1951) as follows:

(1) Tetraethyl lead fluid.
(2) Petroleum cracking catalysts.
(3) Special inhibitors used in gasoline.
(4) Lubricating oil additives.
(5) Fluids and additives made especially for oil and gas drilling, and demulsifiers.

Ores, minerals, concentrates, residues, and other products (until processing is completed) listed in NPA Delegation 5 (January 29, 1952).

Excluded items. (Direction 3 to NPA Reg. 2, as amended January 8, 1952):

Chemicals.
Primary paper or paperboard.

Excluded items. Schedule I of CMP Regulation 5 as amended December 20, 1951:

All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.

Products appearing in List A of NPA Order M–47A, as that order may be amended from time to time (except in item 28 of Section VIII of List A), or in List B of said order (except painters' and industrial brushes, as defined in NPA Order M–18, as that order may be amended from time to time).

NOTE: This very lengthy list encompasses mainly "consumers' goods" incorporating metals, and includes such items as metal and wood household furniture, store fixtures, office furniture, partitions, shelving, lockers and fixtures, household appliances, machines and equipment, utensils and cutlery, radios, television, and phonographs, transportation equipment, etc.

Nylon fibers and yarns.
Packaging materials and containers, except steel nails, steel wire and steel strapping used for packaging purposes.
Paint, lacquer, and varnish.
Paper and paper products.
Paperboard and paperboard products.
Printed matter.
Photographic film.
Pneumatic tires and tubes.
Waterfowl feathers.

Controlled materials as defined in section 2 (c) of CMP Reg. 1 as such regulation may be amended or supplemented from time to time. (For specific listing, refer to items coded "C" in the column of the Positive List headed "Commodity Lists.")

Farm equipment.

Parts and accessories for aircraft or for ground equipment for servicing aircraft, and any components of either.

Parts, assemblies of parts, and accessories, for automotive vehicles, including all passenger carriers, trucks (on or off-the-highway), truck trailers, and motorized fire equipment.

Repair and replacement parts for construction machinery given in List A of NPA Order M–43, as such list may be amended or supplemented from time to time.

Items made wholly of rubber, leather, textiles, or any combination of such materials.

Excluded items. List A of M–43 as amended March 2, 1951:

Bituminous equipment:
  Asphalt plants.
  Bituminous mixing plants.
  Dryers.
  Patching plants.
  Pavers.
  Distributors.
  Spreaders and finishers.
Compressors: Portable air compressors.
Crushing equipment:
  Crushers.
  Conveyors.
  Screens.
Concrete equipment:
  Batching plants.
  Mixers.
  Truck mixers.
  Pavers.
  Spreading and finishing machines.
Cranes, shovels, and excavators (commercial sizes, from ⅜ cubic yard to 2½ cubic yards):
  Large shovels.
  Dredges.
  Hoists and derricks.
  Buckets.
  Trenchers.
Drills:
  Air.
  Portable well.
  Earth-boring machines.
  Deep well drills.
Loaders:
  Bucket.
  Front end.
Motor graders: Any and all.
Pumps: Pumps, contractors.
Rollers and compactors: Any and all.
Scrapers: Scrapers, hauling.
Tractors: All tractors for construction.
Tractor allied equipment:
  Dozers.
  Front-end attachments.
  Power control units.
  Snow plows.
Trucks and trailers: Trucks and trailers, off-highway hauling equipment.

NOTE: 1. Attention of manufacturers is especially called to section 8 of NPA Order M–79, which establishes the rules for making charges against their quarterly MRO export quotas. Section 9 explains the manner in which a manufacturer may apply the DO–MRO rating authorized by the order.

2. Copies of all forms of the Office of International Trade may be obtained from the Department of Commerce Field Offices and from the Office of International Trade, Washington 25, D. C.

3. The procedure described in § 398.4 may be employed to apply for supply or priorities assistance with regard to certain maintenance, repair, and operating supplies that are excluded from NPA Order M–79, until such time as specific programs may be established to meet export needs for certain of the excluded items. Special provisions are contained in § 398.2 for MRO supplies for foreign serialized mines, and in § 398.1 for foreign civil commercial aircraft.

d. Questions and answers on MRO under Order M–79 following § 398.3 are amended to read as follows:

QUESTIONS AND ANSWERS ON MRO UNDER ORDER M–79

1. Q. How do manufacturers proceed to handle their foreign orders when their aggregate export sales for 1950 were $10,000 or less?

A. A manufacturer whose exports of products of his own manufacture in 1950 amounted to $10,000 or less may ship freely—subject only to OIT's export licensing restrictions—without using a rating and without establishing a quota; or, if he desires to establish a quota under M–79 (presumably in order to qualify for a DO–MRO rating), he may file IT–833 with the Office of International Trade, accompanied by a letter in triplicate giving full explanation and justification for his request.

2. Q. May a non-manufacturing exporter establish a quarterly quota with OIT in order to avoid repeated filings of IT–834 to cover many different orders?

A. No. It should be noted that the entire approach of M–79 is quite different from the Direction 2 formerly in effect. It contemplates that manufacturers, being obliged under the order to "make available" for export 120 percent of their 1950 shipments, will accept orders filed by non-manufacturing exporters; and under section 9 of the order, the manufacturer may apply the DO–MRO rating to such orders, himself, and must charge them to his quota. Only on rare occasions need an IT–834 be filed by a non-manufacturing exporter because he could not locate a supplier who had not yet filled his current M–79 quota; or because, perhaps, he needed material of particular specification made only by one manufacturer, who did not have a quota under M–79, and who had so many domestically-rated orders that he could not accept the export order proffered without a rating.

The Office of International Trade may be of assistance to a non-manufacturing exporter in locating suppliers who may not have their current quotas filled, as the quarterly quotas of manufacturers are on file with the Office of International Trade.

3. Q. Are replacement parts delivered with new equipment counted by the manufacturer as part of his base period shipments and also chargeable to his current quotas?

A. No.

4. Q. Under section 3 (d), (e), (f) and (g), which exclude parts for automotive vehicles, construction machinery, etc., is it the intention to exclude general-purpose parts which may be used equally well in the excluded types of machines and in various other machines still included under M–79?

A. No. It was intended to exclude from the order only specially-fabricated replacement parts manufactured especially to go

into automotive vehicles, construction machinery and the other excluded items listed. It would not be practical to require manufacturers of general-purpose parts to distinguish among foreign end uses in this way.

5. Q. May a manufacturer ship additional MRO supplies above and beyond his M-79 quota in the event his production is not fully taken up by rated orders?

A. No; the quota established by Sec. 4 and as specifically explained in section 8 (fourth sentence) is both a minimum and a maximum. A manufacturer falling under the jurisdiction of the order may not accept export orders in excess of his quota.

6. Q. How may a manufacturer who finds his quota as established by M-79 to be inadequate to take care of his current MRO orders file a request for increase?

A. He may file his IT-833 with OIT, accompanied by letter in triplicate, as specified in section 15, giving full explanation of why the increase is needed. It may be helpful if he will state how much of his total business is rated, what his position in regard to production materials is, describe the nature of his export business, the end-use of his product, principal markets by country, and also, he may wish to state his total annual MRO export shipments (as defined by M-79) for each of the years 1946-1949. A five year base period may be more representative in his case than the calendar year 1950. NPA is consulted on these requests for increases, and action taken as expeditiously as possible.

NPA is consulted on these requests for increases, and action taken as expeditiously as possible.

7. Q. May a manufacturer apply the DO-MRO rating, within his quarterly quota, to items not included in the Positive List?

A. Yes; the question whether or not a product is on the Positive List is irrelevant, under M-79.

8. Q. How does a manufacturer compute his quota under section 4 if he himself makes some of the MRO items which he exports, but he also purchases some of his MRO exports from outside manufacturers?

A. In figuring his M-79 quota, he includes only the items which he himself manufactures. However, if he purchases on the outside MRO items (as defined in M-79) or any other components but incorporates them (in his plant) into a fabricated MRO item (as defined in M-79), then the manufacturer does include the assembled MRO product in calculating his M-79 quota.

For example, hand pump replacement parts for a hand pump which a manufacturer purchases on the outside are not counted, to the extent that he merely purchases them and ships them as parts for the pumps. (In this case the "outside" parts manufacturer includes this indirect export sale in figuring his quota.)

But if the manufacturer assembles the hand pump himself, he does include all exports of the pumps in arriving at his quota; the outside parts manufacturer should figure his deliveries of the parts as a domestic sale, in this case.

9. Q. If a manufacturer does not receive sufficient rated orders to fill his quota during a particular quarter, must he add the unfilled amount to his quota for the subsequent quarter and thus fill a larger export quota during the second quarter?

A. No, he need not "carry over" the unfilled portion; and in fact may not do so.

10. Q. Can a manufacturer charge to his quota rated export orders which he receives which have been rated under NPA Orders M-46A, M-70, and M-78?

A. To the extent those items fall under his M-79 quota, he must charge such deliveries to his quota.

However, if a manufacturer receives orders rated under M-46A, M-70, and M-78 after his quota is exhausted and for items chargeable to his M-79 quota, he must accept those rated orders in accordance with the rules applicable generally to rated orders.

11. Q. Are pipe fittings included under M-79?

A. Yes, to the extent used for commercial maintenance and repair purposes. (Items are never MRO when used as production material, as a component in manufacturing a product.)

12. Q. Should an exporter file an IT-834 to secure a DO-MRO rating when his supplier states he cannot fill the exporter's order unless it is a DO-MRO rated order to enable him to secure additional amounts of steel?

A. No. If the manufacturer makes B products, he secures all his controlled material for both domestic and export orders via his quarterly filing with NPA of his CMP Form 4-B. He should include on his 4-B his materials requirements for both export and domestic orders. The production schedule approved by NPA for him is his total authorized production schedule, and there is no provision for him to secure additional controlled material in any other way. He may, however, self rate his export orders whether they come from abroad or from an exporter in this country, and may show this as rated business on his CMP 4-B forms.

13. Q. May the DO-MRO ratings assigned under M-79 be extended by the manufacturer to secure component materials other than controlled materials to be incorporated into his MRO product?

A. Yes; except that they may not be extended to secure an A or B product for incorporation into the MRO item. They may be extended to secure materials and items not containing steel, copper, or aluminum.

14. Q. Are export orders placed by operators of non-serialized mines (not covered by M-78) chargeable to a manufacturer's M-79 quota?

A. Yes, to the extent provided by the order. (Refer to Question 11.)

15. Q. How many IT-834's have been approved to date?

A. Only a few. Under the basic concept of the order, it is anticipated that, with self-rating of export orders by a manufacturer within his quota, non-manufacturing exporters should in most cases be able to place their MRO orders without difficulty.

16. Q. If a non-manufacturing exporter must place his order with a particular manufacturer (say, for a specially-made part available from only one firm) and that manufacturer has no M-79 quota, should the exporter file an IT-834?

A. Yes; unless the manufacturer intends to request establishment of a quota under M-79 in a manner similar to that described in the answer to question 1.

17. Q. May a company file two separate IT-833's if it has two different departments which operate more or less independently?

A. Yes. OIT would for certain cases agree to separate submissions although it would point out that a single submission would allow much greater flexibility and "freedom of movement" to the company.

18. Q. Might a manufacturer with a quota established under M-79 ever file an IT-834 to secure a rating on MRO supplies which it purchases on the outside?

A. Yes, if the MRO supplies are shipped as such, and under the exceptional conditions alluded to under (11) and (15) above.

19. Q. May a manufacturer charge shipments of "minor capital equipment" of value up to $750 to his quota and may he include such shipments in calculating his quota?

A. Section 2 states what the order covers. These items are included regardless of whether they are carried as MRO or as a capital item for accounting purposes.

20. Q. Are repair parts for ships included under M-79?

A. Where the MRO supplies as defined in M-79 are exported as such for foreign-flag or U. S. vessels for installation abroad, yes.

Ratings to secure MRO items for foreign-flag or U. S. vessels to be repaired in a U. S. port are not covered by M-79 but by M-70.

21. Q. Are Class B products which are defined as MRO under M-79 excluded from the order (see Sec. 9)?

A. No. Section 10 does not make the DO-MRO inapplicable to export orders for Class B products, but merely prevents the manufacturer from extending a rating to obtain Class A or Class B products or steel, copper and aluminum to be incorporated therein.

22. Q. Must a manufacturer wait until receiving an approved IT-833 from OIT before he may use the DO-MRO rating under his M-79 quota?

A. No. Immediately upon filing the IT-833 with OIT, the manufacturer may apply the DO-MRO rating to export orders within his quota. OIT will not return or take any action on the IT-833 unless it is found necessary to revise the quota reported therein, in which case OIT will notify the manufacturer.

23. Q. If a manufacturer does not require a rating on his export orders, is he bound to adhere to the M-79 quota?

A. Yes. Regardless of whether the manufacturer qualifying under section 4 needs or applies a DO-MRO rating as permitted by the order, he is required to establish his quota, file IT-833 with OIT and make the required quantities available to fill export orders each quarter. The quota also is binding upon him as a ceiling on his exports of the items covered by the order.

24. Q. If a manufacturer of replacement parts for machine tools had filed his IT-833 with OIT under M-79 as originally issued last August—and he does not elect to use the alternative base period permitted such manufacturers by M-79 as amended March 6th—must he now file a new IT-833?

A. M-79 as amended March 6th (section 5) stipulates that whenever M-79 or other NPA order as mentioned in section 3 is amended so as to affect a manufacturer's M-79 quota in any way, he must file a new IT-833 with OIT within 30 days after issuance of the amended order. However, in this case if the manufacturer's original quota still stands, OIT would be willing to accept a letter from the manufacturer which reinstates his original M-79 quota on machine tool parts.

25. Q. May a manufacturer of chucks, die heads, grinding wheels and cutting tools (as defined in section 2 (b) of M-79) avail himself of the alternate base period permitted by section 4 (d)?

A. No. This section applies only to manufacturers of replacement parts for machine tools as covered in section 2 (a). The items listed above are considered to be accessories, and fall into a different category.

26. Q. Is wire rope still included under section 2 (b) of M-79?

A. No. It was automatically excluded from M-79 on the day CMP Reg. 1 (see section 3 (c) of M-79) was amended to include wire rope as a controlled material. This of course applies to all similar changes, and it should be noted that no specific amendment to M-79 is required.

It should also be noted that when a manufacturer's M-79 quota is altered—not only by reason of amendment to M-79 itself but also by amendment of any of the orders referred to in section 3—he is required to file a revised IT-833 within 30 days, with OIT.

If CMP Reg. 1 should be amended to delete a certain item from the list of controlled materials, it might then become a Class B Product; and to the extent it is exported for MRO use as defined in M-79, would then have to be included in the manufacturer's M-79 quota—again requiring recomputing of his quota and re-filing of a new IT-833 with OIT.

This part of the amendment shall become effective as of May 8, 1952.

(Sec. 3, 63 Stat. 7; Pub. Law 33, 82d Cong., 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

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

[F. R. Doc. 52-5438; Filed, May 15, 1952; 8:59 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 201—RULES OF PRACTICE

FEES FOR COPIES OF DOCUMENTS AND CERTIFICATIONS THEREOF (AND REPEAL OF CERTAIN RELATED RULES)

Statement of purpose. The Securities and Exchange Commission has amended § 201.13 (j) (Rule XIII (j)) of its rules of practice and repealed § 230.121 (Rule 121) under the Securities Act of 1933 and § 260.7a–38 (Rule T-7A–38) under the Trust Indenture Act of 1939 to effect an increase in the charges for copies of material filed with the Commission to a minimum of 15 cents a page and to impose a charge of $1.00 for each certification by the Commission.

Previously the charges for photocopies were substantially less and there was no charge for certification. The increased charges for copies of material filed together with the charge for certifications contained in Rule XIII (j) will make these activities more nearly self-sustaining than in the past.

Notice of the repeal of Rule 121 under the Securities Act of 1933 and Rule T-7A–38 under the Trust Indenture Act of 1939, which set forth the fees previously charged, and of the proposed amendment to Rule XIII (j) of the rules of practice was published on January 31, 1952. At the same time, to implement Title V of the Independent Offices Appropriation Act, 1952, there were published numerous other proposed fees in connection with functions of the Commission, which are still under consideration. No objections have been made to the proposals to increase the fee for copies of documents and to charge certification fees.

Statutory basis. The amendment to Rule XIII (j) of the Commission's rules of practice is pursuant to sections 6 (d) and 19 (a) of the Securities Act of 1933, sections 23 (a) and 24 (b) of the Securities Exchange Act of 1934, sections 20 (a) and 22 (a) of the Public Utility Holding Company Act of 1935, sections 307 (a) and 319 (a) of the Trust Indenture Act of 1939, sections 38 (a) and 45 (b) of the Investment Company Act of 1940, sections 210 (a) and 211 (a) of the Investment Advisers Act of 1940, and Title V of the Independent Offices Appropriation Act, 1952.

Text of amendatory action. Rule XIII (j) of the Commission's Rules of Practice is amended to read as follows:

§ 201.13 *Filing papers; docket; computation of time; public information; confidential treatment.* * * *

(j) Matters of public record may be inspected in the Public Reference Room at the principal office of the Commission, and such material on file at regional offices of the Commission may be inspected at those offices during regular business hours. Copies of matters of public record will be sold to any person upon payment of 15 cents for each reproduction of an original page not exceeding 8½ x 13 inches, and 15 cents for each additional 8½ x 13 inches or fraction thereof. In the absence of special circumstances documents will be photocopied at a 25 percent reduction in size. A charge of $1.00 in addition to the copying charge will be made for each certificate attesting to the authenticity of copies of Commission records.

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U. S. C. 77s, 77sss, 78u, 79t, 80a–37, 80b–11)

The foregoing action shall become effective June 15, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 12, 1952.

[F. R. Doc. 52-5408; Filed, May 15, 1952; 8:51 a. m.]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

FEES FOR COPIES OF DOCUMENTS AND CERTIFICATIONS THEREOF (AND REPEAL OF CERTAIN RELATED RULES)

Statement of purpose. The Securities and Exchange Commission has amended § 201.13 (j) (Rule XIII (j)) of its rules of practice and repealed § 230.121 (Rule 121) under the Securities Act of 1933 and § 260.7a–38 (Rule T-7A–38) under the Trust Indenture Act of 1939 to effect an increase in the charges for copies of material filed with the Commission to a minimum of 15 cents a page and to impose a charge of $1.00 for each certification by the Commission.

Previously the charges for photocopies were substantially less and there was no charge for certification. The increased charges for copies of material filed together with the charge for certifications contained in Rule XIII (j) will make these activities more nearly self-sustaining than in the past.

Notice of the repeal of Rule 121 under the Securities Act of 1933 and Rule T-7A–38 under the Trust Indenture Act of 1939, which set forth the fees previously charged, and of the proposed amendment to Rule XIII (j) of the rules of practice was published on January 31, 1952. At the same time, to implement Title V of the Independent Offices Appropriation Act, 1952, there were published numerous other proposed fees in connection with functions of the Commission, which are still under consideration. No objections have been made to the proposals to increase the fee for copies of documents and to charge certification fees.

Statutory basis. The repeal of Rule 121 under the Securities Act of 1933 is pursuant to sections 6 (d) and 19 (a) of that act.

Text of amendatory action. Section 230.121 (Rule 121) under the Securities Act of 1933 is hereby repealed.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s)

The foregoing action shall become effective June 15, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 12, 1952.

[F. R. Doc. 52-5410; Filed, May 15, 1952; 8:52 a. m.]

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

FEES FOR COPIES OF DOCUMENTS AND CERTIFICATIONS THEREOF (AND REPEAL OF CERTAIN RELATED RULES)

Statement of purpose. The Securities and Exchange Commission has amended § 201.13 (j) (Rule XIII (j)) of its Rules of Practice and repealed § 230.121 (Rule 121) under the Securities Act of 1933 and § 260.7a–38 (Rule T-7A–38) under the Trust Indenture Act of 1939 to effect an increase in the charges for copies of material filed with the Commission to a minimum of 15 cents a page and to impose a charge of $1.00 for each certification by the Commission.

Previously the charges for photocopies were substantially less and there was no charge for certification. The increased charges for copies of material filed together with the charge for certifications contained in Rule XIII (j) will make these activities more nearly self-sustaining than in the past.

Notice of the repeal of Rule 121 under the Securities Act of 1933 and Rule T-7A–38 under the Trust Indenture Act of 1939, which set forth the fees previously charged, and of the proposed amendment to Rule XIII (j) of the rules of practice was published on January 31, 1952. At the same time, to implement Title V of the Independent Offices Appropriation Act, 1952, there were published numerous other proposed fees in connection with functions of the Commission, which are still under consideration. No objections have been made to the proposals to increase the fee for copies of documents and to charge certification fees.

Statutory basis. The repeal of Rule T-7A–38 under the Trust Indenture Act of 1939 is pursuant to sections 307 (a) and 319 (a) of that act.

Text of amendatory action. Sections 260.7a–38 (Rule T-7A–38) under the Trust Indenture Act of 1939 is hereby repealed.

(Sec. 319, 53 Stat. 1173; 15 U. S. C. 77sss. Interprets or applies secs. 305, 307, 314, 53 Stat. 1154, 1156, 1167; 15 U. S. C. 77eee, 77ggg, 77nnn)

The foregoing action shall become effective June 15, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 12, 1952.

[F. R. Doc. 52-5409; Filed, May 15, 1952; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 52—CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED; DEFINITIONS AND STANDARDS OF IDENTITY

Correction

In F. R. Doc. 48-9571, appearing at page 6377 of the issue for Saturday, October 30, 1948, the following change should be made:

In the table under § 52.990 (b) the optional forms of vegetable ingredient "whole; halves or halved; pieces" should appear in column III opposite the items "Red sweet peppers" and "Red-ripe pods of the sweet pepper plant" in column I and II, respectively.

TITLE 26—INTERNAL REVENUE

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

Subchapter A—Income and Excess Profits Taxes

[T. D. 5899; Regs. 111]

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

TAXABILITY OF CERTAIN CORPORATE DISTRIBUTIONS OUT OF INCREASE IN VALUE OF PROPERTY ACCRUED PRIOR TO MARCH 1, 1913

On February 7, 1952, notice of proposed rule making with respect to distributions by a corporation out of increase in value of property accrued before March 1, 1913, was published in the FEDERAL REGISTER (17 F. R. 1189). No objection to the proposed rules having been received, Regulations 111 (26 CFR Part 29) are hereby amended as follows:

PARAGRAPH 1. Section 29.111-1 is amended as follows:

(A) By striking therefrom the first sentence of the second paragraph and inserting in lieu thereof the following: "Even though property is not sold or otherwise disposed of, gain is realized if the sum of all the amounts received which are required by section 113 (b) to be applied against the basis of the property exceeds such basis. Except as otherwise provided in section 115 (b) with respect to distributions out of increase in value of property accrued prior to March 1, 1913, such gain is includible in gross income under section 22 (a) as 'gains or profits and income derived from any source whatever'. See § 29.115-4."

(B) By inserting before the period at the end of the third sentence of the example, the following: "other than a distribution out of increase of value of property accrued prior to March 1, 1913."

PAR. 2. Section 29.115-4 is amended as follows:

(A) By striking from the first sentence thereof the parenthetical expression reading "(see § 29.111-1)".

(B) By inserting immediately after the second sentence thereof the following: "(A distribution out of increase in value of property accrued prior to March 1, 1913, shall be applied against and reduce the adjusted basis of the stock provided in section 113 (b), but the fact that such distribution is in excess of such basis does not render such excess subject to tax.)"

PAR. 3. Section 29.115-6 is amended by striking therefrom "(See § 29.111-1)" and inserting in lieu thereof "(See §§ 29.111-1 and 29.115-4)".

The amendments to §§ 29.111-1, 29.115-4, and 29.115-6 of Regulations 111, covering taxable years beginning after December 31, 1941, set forth in this Treasury decision, are hereby made applicable to taxable years beginning after December 31, 1933, and before January 1, 1942 (such years being covered by Regulations 86, 94, 101, and 103).

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

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

Approved: May 12, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-5455; Filed, May 15, 1952; 9:04 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MILITARY PAYMENT CERTIFICATES

1. Paragraphs (a) and (c) (3) of § 536.79 are amended to read as follows:

§ 536.79 *General*—(a) *Areas.* Military payment certificates will be used for payments to United States authorized personnel and as the official medium of exchange for all transactions within establishments of the Armed Forces of the United States in the following areas:

Austria.	Italy.
Belgium.	Iwo Jima.
France.	Japan and outlying Islands.
Free Territory of Trieste.	Korea.
French Morocco.	Philippine Islands.
Germany.	Ryukyu Islands.
Greece.	Tripoli.
Hungary.	United Kingdom.
Iceland.	Yugoslavia.

* * * * *

(c) *Use of military payment certificates.* * * *

(3) No foreign currency or coin will be accepted in any of the facilities listed above. Acceptance of United States currency and coin in such facilities will be limited exclusively to those areas in which individuals in and under the Department of Defense are paid in United States currency.

* * * * *

2. Paragraph (c) of § 536.80 is amended to read as follows:

§ 536.80 *Limitations.* * * *

(c) Military payment certificates may be acquired, possessed, and used by authorized United States personnel incident to normal legitimate transactions within the Department of Defense, not in violation of Department of the Army directives, major oversea command directives, and the Uniform Code of Military Justice.

* * * * *

[AR 35-510, Nov. 1, 1951] (Sec. 3, 58 Stat. 921; 50 U. S. C. App. 1707. Interpret or apply secs. 1, 2, 58 Stat. 921; 50 U. S. C. App. 1705, 1706)

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

[F. R. Doc. 52-5396; Filed, May 15, 1952; 8:46 a. m.]

Subchapter C—Military Education

PART 542—SCHOOLS AND COLLEGES

MISCELLANEOUS AMENDMENTS

Paragraph (c) of § 542.1, paragraph (b) (1) of § 542.2, and paragraph (b) (4) of § 542.11 are amended as follows:

§ 542.1 *Military authority.* * * *

(c) *Commanding General, Second Army.* The Commanding General, Second Army, is responsible for the military training activities in the institutions of the District of Columbia provided for under §§ 542.1 to 542.15.

§ 542.2 *Educational institutions.* * * *

(b) * * *

(1) To maintain under the prescribed course of military training a minimum of 100 physically fit male students above the age of 14 years in each school, including each separate school within a multiple school unit.

* * * * *

§ 542.11 *Government property.* * * *

(b) *Lost, destroyed, or damaged.* * * *

(4) Report of loss, theft, and recovery of Army ROTC Government property will be initiated and processed as set forth in SR 210-10-10 (Special regulations of the Army covering the reporting of loss, theft, and recovery of Government property).

[C 3, AR 350-3300, Apr. 22, 1952] (41 Stat. 780; 10 U. S. C. 1180, 1181)

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

[F. R. Doc. 52-5398; Filed, May 15, 1952; 8:47 a. m.]

Subchapter D—Military Reservations and National Cemeteries

PART 553—NATIONAL CEMETERIES

NONBURIAL OF PERSONS CONVICTED OF CERTAIN CRIMES

A new subparagraph (11) is added to § 533.5 (a), as follows:

§ 553.5 *Interments and disinterments*—(a) *Who may be interred.* * * *

(11) *Nonburial of persons convicted of certain crimes.* (i) A person otherwise

eligible for burial in a national cemetery who is convicted of a crime which results in loss of United States nationality or who is convicted in a Federal, State, or United States military court of a crime, the maximum penalty for which, in the jurisdiction in which convicted, is death or which equals or exceeds 15 years' imprisonment, will not be buried in a national cemetery, except that any person, who subsequent to such conviction serves in the Armed Forces of the United States, and whose last service therein is terminated honorably by death or otherwise, may be buried in a national cemetery.

(ii) Persons excluded from burial in a national cemetery under the provisions of subdivision (i) of this subparagraph may be buried in such other military burial ground as The Quartermaster General may select, but no military ceremony shall be performed at such burial.

[C 1, AR 290–5, April 16, 1952] (R. S. 161; 5 U. S. C. 22)

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

[F. R. Doc. 52–5395; Filed, May 15, 1952; 8:46 a. m.]

Subchapter F—Personnel

PART 582—DISCHARGE OR SEPARATION FROM SERVICE

SEPARATION BECAUSE OF MINORITY, DEPENDENCY, OR HARDSHIP

Sections 582.1 and 582.2 are rescinded and the following substituted therefor:

§ 582.1 *Discharge because of minority*—(a) *Authority.* (1) Section 6 (1), Universal Military Training and Service Act (62 Stat. 609; 50 U. S. C. App. 456) as amended, and further amended by title I, act June 19, 1951 (Pub. Law 51, 82d Cong.), provides that no male person between the ages of 18 and 21 shall be discharged from service in the armed forces of the United States because such person entered such service without the written consent of his parents or guardian, if any.

(2) The act of June 28, 1947 (61 Stat. 191; 10 U. S. C. 628) provides that no male person under the age of 18 years shall be enlisted in the Regular Army without the written consent of his parents or guardian, if any. In the event such an individual has been enlisted or inducted: *It is further provided,* That the Secretary of the Army shall, upon application of parent or guardian, discharge him from the military service with pay and with the form of discharge certificate to which his service shall entitle him.

(3) Enlisted members of the National Guard, the National Guard of the United States, and the Enlisted Reserve Corps who enlisted at the age of 17 without consent of parents or guardian will be discharged because of minority unless parental consent was obtained prior to entry into the active military service. Those under the age of 17 at date of enlistment will be discharged. However, no such enlisted person will be discharged after reaching his 18th birthday.

(4) Section 106 (a) Women's Armed Services Integration Act of 1948 (62 Stat. 360; 10 U. S. C. 621b) provides that no female person shall be enlisted in the Women's Army Corps of the Regular Army who has not attained the age of 18 years, and that no female person under the age of 21 years shall be enlisted in such corps without the written consent of her parents or guardian, if any. Section 106 (b) of the act provides that, in the event such an individual has been enlisted, she shall be discharged in accordance with regulations prescribed by the Secretary of the Army.

(b) *Application of laws*—(1) *Enlisted men (i. e., all male personnel serving in enlisted grades).* (i) No enlisted man 18 years of age or over shall be discharged from the service because he entered such service without the written consent of his parents or guardian, if any.

(ii) Unless under charges or in confinement for a serious offense as set forth in paragraph (e) of this section, an enlisted man who was under 17 years of age at the time of enlistment or induction, and who has not yet reached the age of 18 years, will be discharged upon receipt of satisfactory evidence as to the date of his birth regardless of whether he enlisted with, or without, the consent of his parents or guardian, if any.

(iii) Subject to the provisions of subdivision (i) of this subparagraph, an enlisted man 17 years of age at the time of enlistment or induction, who enlisted or was inducted without the written consent of his parents or guardian, if any, will be discharged on application of the parents or guardian, and presentation of satisfactory evidence as to the date of birth. An enlisted man who enlisted, or was inducted, when 17 years of age with the written consent of his parents or guardian will not be discharged under this section.

(2) *Enlisted women.* (i) No enlisted woman 21 years of age or over shall be discharged from the service because she entered such service without the written consent of her parents or guardian, if any.

(ii) Unless under charges or in confinement for a serious offense as set forth in paragraph (e) of this section, an enlisted woman who was under 18 years of age at the time of enlistment, who has not yet reached the age of 21 years, will be discharged upon receipt of satisfactory evidence as to the date of her birth regardless of whether she enlisted with, or without, the consent of her parents or guardian, if any.

(iii) Subject to the provisions of subdivision (i) of this subparagraph, an enlisted woman between the ages of 18 years and 21 years at the time of enlistment, who enlisted without the written consent of her parents or guardian, will be discharged upon application of the parents or guardian and presentation of satisfactory evidence concerning date of birth.

(c) *Evidence required.* (1) In support of an application for discharge under this section, the following evidence of age is required:

(i) A duly authenticated copy of a municipal or other official record of birth of the individual, or

(ii) If no official record of birth of the individual can be obtained, an affidavit of the parent or guardian must be furnished stating specifically why an official record cannot be obtained. The affidavit must be accompanied by one of the following:

(*a*) A baptismal certificate, a certified copy or photostat of school records, preferably the first term of school, the affidavit of the physician or midwife in attendance at the birth of the individual, or a notarized transcript from the records of the hospital in which the individual was born, or

(*b*) Affidavits of at least two persons not related to the enlisted person, testifying from their own personal knowledge as to the date of his birth.

(2) In case of an enlistment under an assumed name, the identification of the individual with the person mentioned in the record of birth or the affidavits must be shown by the affidavit of the parent or guardian, if any.

(3) Birth or baptismal certificates will be scrutinized carefully for alterations other than those made officially. Care will be taken to note the "date of filing." A delayed birth certificate with a date of filing subsequent to the individual's enlistment, or one with no filing date, is not acceptable unless supported by substantial evidence to establish the date and place of filing.

(4) If the parents are divorced or otherwise legally separated, the application for discharge must be accompanied by a copy of the court order or other evidence showing that the parent submitting the application has custody of the enlisted person. If either parent has lost control of the enlisted person by judgment of a court, appointment of a guardian, desertion of family, or waiver, an application from such parent for the discharge of the individual will not be considered.

(5) Although a guardian usually is not recognized as such unless legally appointed, a person who has assumed support of a minor and performed the duties of guardian for some years after the death of parents, even though not formally appointed will, for the purposes of this section, be recognized as a guardian. An affidavit supporting "guardianship" under these conditions will be submitted with the birth certificate.

(d) *Allowances.* An individual discharged on account of minority is entitled to pay and allowances, including travel allowance upon separation.

(e) *When under charges or in confinement, and certain other cases.* When a minor who is otherwise eligible for minority discharge is under charges, serving sentence, or in confinement for a serious offense, he will not be discharged for minority until proper disposition has been made in his case. Although the facts indicate that, under other circumstances, he should be discharged for a reason other than minority (i. e., misconduct, unfitness, inaptitude, or unsuitability), it is ordinarily desirable to avoid action by boards of officers, or trial and confinement of an individual who otherwise is eligible for minority discharge. It is quite proper to go to considerable lengths to determine that no

board or trial should be had, and to remit any sentence imposed. Immediate action will be taken, however, to discharge such personnel.

(f) *Indebtedness, or confinement by civil authorities.* Indebtedness to the Government or to an individual, or confinement by civil authorities, will not prevent discharge for minority when an individual is eligible therefor.

(g) *Form of discharge certificate.* Notwithstanding the fact that enlistment may have been obtained by misrepresentation as to age or consent of parents or guardian, an Honorable Discharge Certificate (DD Form 256A) or General Discharge Certificate (DD Form 257A) will be given to reflect the character of service performed since entry on active duty.

§ 582.2 *Discharge because of dependency or hardship*—(a) *Authority.* An individual may, in the discretion of the Secretary of the Army, be separated (i. e., discharged or released from active military service) for:

(1) Dependency, when by reason of death or disability of a member of his family occurring after his enlistment or induction, members of the enlisted person's family become principally dependent upon him for care or support. See sec. 29, act June 3, 1916 (39 Stat. 187) as amended by act June 4, 1920 (41 Stat. 775; 10 U. S. C. 652); or

(2) Hardship, when under circumstances not involving death or disability of a member of his family, his separation from the service will materially affect the care or support of his family by alleviating undue hardship. See sec. 4, act August 18, 1941 (55 Stat. 627; 50 U. S. C. App. 354).

(b) *Application of laws.* Separation from the service of enlisted personnel by reason of dependency or hardship will be granted under the following circumstances:

(1) *Dependency.* (i) Undue and genuine dependency exists as a result of the death or disability of a member of the enlisted person's family occurring after his entry into the service.

(ii) Dependency is not of a temporary nature.

(iii) Conditions resulting from the death or disability of a member of the enlisted person's family occurring prior to his entry into the service have been aggravated to such an extent as to necessitate his care or support of a member of his family. Pregnancy of an enlisted man's wife is not a disability for which his separation may be authorized: however, this does not preclude separation on account of a disability of the enlisted man's wife occurring as the result of her pregnancy.

(iv) Every reasonable effort made by the enlisted person to alleviate the dependency conditions has been without success.

(v) Discharge or release from active military service of the enlisted person is the only readily available means of eliminating or materially alleviating the dependency conditions.

(2) *Hardship.* (i) Extreme and unforeseeable hardship conditions affecting members of the enlisted person's family have arisen after or as the result of his entry into active military service. Extreme hardship does not necessarily exist solely because of altered present or expected income, or because the enlisted person is separated from his family or must suffer the inconveniences normally incident to military service.

(ii) Hardship conditions are not of a temporary nature.

(iii) Conditions other than those set forth in subparagraph (1) of this paragraph existing in the enlisted person's family prior to his entry into active military service have been aggravated to such an extent as to constitute real and unwarranted hardship.

(iv) The enlisted person has made every reasonable effort to alleviate hardship conditions, including application for benefits under the Dependent's Assistance Act of 1950 (64 Stat. 794), without success.

(v) Discharge or release from active military service of the enlisted person is the only readily available means of eliminating or materially alleviating the hardship conditions.

(3) *Conditions affecting determination regarding separation for dependency or hardship.* (i) When an enlisted person is eligible for separation under this section, separation will not be disapproved because of the individual's indebtedness to the Government or to an individual.

(ii) When an individual is eligible for separation under this section, separation will not be disapproved because his services are needed by his organization.

(iii) When an individual is under charges, in confinement, under investigation because of homosexuality or disloyal or subversive activities, or is being processed for discharge or retirement for physical disability, he will not be separated on account of dependency or hardship until such case has been properly disposed of.

(iv) A sentence to confinement not including dishonorable or bad conduct discharge will be fully served unless sooner terminated by proper authority before a discharge for dependency or hardship may be given under this section.

(c) *Application for separation.* (1) Any enlisted person may submit a written application for separation on account of dependency or hardship. Requests for separation will be submitted as follows:

(i) A person serving in the United States will submit his application to his immediate commanding officer. In each instance, the application will be supported by the evidence required in paragraph (d) of this section. A person assigned to an oversea unit who is temporarily in the United States will submit his application direct to The Adjutant General, Department of the Army, Washington 25, D. C., ATTN: AGPO-XD.

(ii) A person stationed overseas will submit his application, together with such supporting evidence as he may have readily available, to his immediate commanding officer.

(iii) A person assigned to a unit or installation within the United States but temporarily in an oversea command will submit his application, together with such supporting evidence as he may have readily available, to the commander of the oversea command in which he is located.

(iv) Families of enlisted personnel serving outside the United States may submit requests for dependency or hardship separation to The Adjutant General, Department of the Army, Washington 25, D. C. Such requests must be supported by the evidence required in paragraph (d) of this section to receive consideration.

(d) *Evidence required.* (1) The evidence required for dependency or hardship separation normally will be in affidavit form. The evidence must substantiate dependency or hardship conditions upon which the application for separation is based.

(2) The evidence required will include affidavits or statements submitted by or in behalf of the individual's dependents, and by at least two disinterested individuals or agencies having first hand knowledge of the circumstances. If dependency or hardship is the result of disability of a member of the individual's family, a physician's certificate should be furnished showing specifically when such disability occurred and the nature thereof. There should also be furnished the names, ages, occupations, home addresses, and monthly incomes of other members of the applicant's family, and reasons why these members cannot provide the necessary care or support of the dependent concerned.

[AR 615-362, Apr. 7, 1952] (R. S. 161; 5 U. S. C. 22. Interprets or applies 39 Stat. 187, 41 Stat. 775, 55 Stat. 627, 61 Stat. 191, 62 Stat. 360, 609; 10 U. S. C. 621b, 628, 652, 50 U. S. C. App. 354, 456)

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

[F. R. Doc. 52-5397; Filed, May 15, 1952; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order No. 15]

DMO 15—ESTABLISHING AN ADVISORY COMMITTEE ON PRODUCTION EQUIPMENT

By virtue of the authority vested in me by Executive Order No. 10193, and in order to implement and coordinate the actions of the mobilization agencies with respect to machine tool and production equipment programs, it is hereby ordered:

1. There is established in the Office of Defense Mobilization an Advisory Committee on Production Equipment which shall consist of a Chairman and other members designated by the Director.

2. The Committee shall review Federal policies and programs with respect to machine tools and production equip-

ment and shall make recommendations to the Director concerning the establishment of such additional policies and programs as may be required in order to assure (a) the availability of machine tools and production equipment to meet defense production requirements; (b) the maintenance of adequate capacity to produce machine tools and production equipment as part of the mobilization base; and (c) the maintenance of standby machine tools and production equipment, including methods of modernization, rotation or disposition of obsolete tools and equipment, to meet full mobilization requirements.

3. The Committee shall periodically submit reports to the Director setting forth its recommendations concerning the matters contained in paragraph 2 hereof and such related subjects with respect to machine tools and production equipment as in the judgment of the Committee are appropriate.

4. Federal agencies concerned with the subject matter of this order shall cooperate with the Chairman of the Committee to the fullest extent in order to assist in carrying out the work of the Committee.

5. This order shall take effect on May 16, 1952.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52-5527; Filed, May 15, 1952; 11:12 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 23]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR NO. 23—MILK PRODUCTS FOR FLUID CONSUMPTION IN THE NEW BEDFORD MILK MARKETING AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), Delegation of Authority No. 41 (16 F. R. 12679) and Region I Redelegation of Authority No. 22 (17 F. R. 260), this Area Milk Price Regulation 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 authorizing adjustments of ceiling prices for milk products for fluid consumption for individual marketing areas by the issuance of area milk price regulations.

Pursuant to this authority, as delegated and redelegated, this area milk price regulation establishes ceiling prices for certain sales by processors and distributors of milk and cream items in the New Bedford Milk Marketing Area. This area includes portions of the counties of Bristol and Plymouth.

In general, sales are covered by this regulation if the purchaser is located in the area. However, in the case of sales by a processor to a distributor, the sale is covered if the plant from which delivery is made is located in the area regardless of the location of the distributor. The only milk products for fluid consumption covered by this regulation are "milk" and "cream" items as these terms are defined in section 3 of the regulation. In general these terms include most milk products for fluid consumption except cheese. Sales by receiving plants and by retail stores are not covered by this regulation because they present different problems. Milk products and sales not covered by this regulation remain under the General Ceiling Price Regulation.

The important factors determining the boundaries of the area are:

(1) The area is a homogeneous and agricultural area all within a radius of 10 miles.

(2) Labor and container cost increases since the pre-Korean period have been similar for processors and distributors within the area.

(3) A uniform producer price is specified for the area by the Massachusetts Milk Control Board. This specified producer price varies less frequently than in other areas in Eastern Massachusetts, because there are no seasonal variations due to the fact that the so-called "Louisville Plan" is in effect, and this is the only area in the State which has this plan.

(4) Most of the raw milk is purchased from producers in the area and is processed and marketed in a similar manner by all sellers.

(5) Sellers covered by this regulation proposed this area to the Boston District Office.

The uniform adjustment method is used in this regulation instead of the method of establishing uniform dollar-and-cent ceiling prices because selling prices in the area historically have not been completely uniform. It was thought best to maintain these individual price differences in establishing ceilings.

In general, a seller determines his ceiling price to a class of purchaser under this regulation by applying a uniform adjustment to the highest price he charged that class of purchaser for a milk or cream item in the period December 19, 1950, through January 25, 1951. For certain items a uniform adjustment is specifically listed. For certain other items a uniform adjustment is determined by using the uniform adjustment listed for the basic container size of the most similar listed product.

The uniform adjustments were based on an examination of the differences between the pre-Korean period and a current period of the following costs: direct labor, container, and raw materials. There was also an examination of any price increases between the pre-Korean period and the GCPR base period that may have compensated for any such cost increases.

The producer price specified for Class I milk, is that announced by the Massachusetts Milk Control Board for the month of March 1952. The weighted average price of cream is that announced by the Federal Milk Market Administrator for March 1952. These specified prices will be used as the basis for computing future parity adjustments in ceiling prices upwards and downwards. If the prices incurred in a current customary purchase of milk or cream exceed the specified prices, upward adjustments of ceiling prices are permitted; if they are less than these specified prices, downward adjustments must be made.

Petitions submitted by processors and distributors operating in the area and accounting for a substantial majority of the total volume of milk sold in that area were received from a representative sample of large, medium and small sellers. Of a total volume of about 10,100,000 sales points of milk products sold in the area in the base period January 1–June 30, 1950, these petitioners handled about 6,700,000 or better than 66 percent of that volume.

Calculations were based on information presented by the petitioners; and accounting audits and spot checks were carefully made to determine the accuracy of costs, sales and volume figures contained in the petitions.

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 Director of the Boston District Office of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the Director of the Boston District Office 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 purposes of Title IV of the Defense Production Act of 1950, as amended.

The Director of the Boston District Office of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

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

REGULATORY PROVISIONS

Sec.

Sec.
8. Ceiling prices for new products, for new sellers, and for sellers who cannot price under other sections.
9. Reporting of prices established by sections 6 and 7.
10. Parity adjustments for processors.
11. Parity adjustments for distributors.
12. Rounding of fractions.
13. Reports of parity adjustments.
14. Transfers of business or stock in trade.
15. Records.
16. Evasion.
17. Charges lower than ceiling prices.
18. Sales slips and receipts.
19. Powers of Director.
20. Prohibitions.
21. Violations.
22. Definitions.

AUTHORITY: Sections 1 to 22 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation establishes ceiling prices for certain sales of certain milk products for fluid consumption in the New Bedford milk marketing area by establishing uniform adjustments to be applied by each seller to the highest prices he charged a particular class of purchaser during the period December 19, 1950, through January 25, 1951.

SEC. 2. *Description of the New Bedford Milk Marketing Area.* When used in this regulation, the word "area" means the New Bedford Milk marketing area. This area consists of the following localities in the Commonwealth of Massachusetts, namely: the towns of Rochester and Mattapoisett in the county of Plymouth; and that portion of the county of Bristol which includes the city of New Bedford, the towns of Acushnet, Dartmouth, Fairhaven, Freetown, and the portion of the town of Westport lying east of the line running midway between Drift and Pine Hill Roads.

SEC. 3. *Products covered by this regulation.* This regulation covers only "milk" and "cream". The term "milk" means standard milk; homogenized milk; vitamin and mineral fortified milk; high fat milks; milks of special curd tensions and other milks with special dietry qualities and properties; buttermilk; chocolate milk; skim milk; plain; skim milk, vitamin or mineral fortified; skim milk drinks such as chocolate milk; and any other milk or skim milk variation; regardless of whether such products are sold in glass, paper, or other type of containers or in bulk. The term "cream" means cream of various percentages of butterfat, including soured cream; butter cream; filled cream, cream mixed with other ingredients or gases used as whipping cream; other specialized fluid cream products and any other cream variation; regardless of whether such products are sold in glass, paper, or other types of containers or in bulk. Cottage, pot and bakers cheese remain under the General Ceiling Price Regulation.

SEC. 4. *Sellers and sales covered by this regulation.* The provisions of this area milk price regulation cover only certain sales by processors and distributors. It does not cover the sale of raw milk and raw cream by one processor to another processor. Sales by retail stores remain under the General Ceiling Price Regulation. Whether the regulation covers a particular sale by a processor or distributor shall be determined as follows:

(a) *Sales by processors to distributors.* This regulation covers a sale by a processor to a distributor if the processor's plant from which delivery is made is located in the area without regard to the location of the distributor.

(b) *Sales by a processor and by a distributor to other purchasers.* This regulation covers a sale by a processor, and by a distributor, to a purchaser other than a processor or distributor, if the place to which delivery is made is located in the area. Examples of such purchasers are homes, stores, restaurants and hospitals. Sales to chain stores are covered by this regulation if the milk product will be resold by the chain's outlets in the area.

SEC. 5. *How you determine your ceiling prices.* Your ceiling prices for all milk and cream items shall be those computed in accordance with the provisions of sections 6 and 7 of this regulation, as adjusted from time to time due to fluctuations in the cost to you of raw milk and other agricultural commodities used in the item, in accordance with the provisions of sections 10 and 11 of this regulation. The term "item" means a milk or cream product in a particular container size. For example, the following are different items: (a) ½ pint of heavy cream; (b) a pint of heavy cream.

SEC. 6. *Adjustments for listed items.* (a) In a retail or wholesale sale to a particular class of purchaser you may add to the highest price you charged that class of purchaser during the period December 19, 1950, through January 25, 1951, for each of the below listed items the uniform adjustment listed for that item in the table below.

Product	Container size		
	½ pint	Pint	Quart
Milk (all types and grades)	$0.0025	$0.005	$0.01
Heavy cream (above 34 percent butterfat)	.02	.04	.08
Light cream (16–34 percent butterfat)	.015	.03	.06

(b) In a sale of processed milk or cream to a particular class of distributor you may add to the highest price you charged that class of distributor during the period December 19, 1950, through January 25, 1951, for each of the below listed items the uniform adjustment listed for that item in the table below.

Product	Container size		
	½ pint	Pint	Quart
Milk (all types and grades)	$0.00188	$0.00375	$0.0075
Heavy cream (above 34 percent butterfat)	.015	.03	.06
Light cream (16–34 percent butterfat)	.01	.02	.04

SEC. 7. *Adjustments for unlisted items.* In a sale to a particular class of purchaser you may add to the highest price you charged that class of purchaser during the period December 19, 1950 through January 25, 1951, for milk or cream item not listed in section 6, an adjustment that equals the adjustment listed in section 6 (a) or (b) (the applicability of one or the other depending upon the class of purchaser) for the basic container size of the most similar listed product, increased or decreased in the same ratio that the quantity of the unlisted item bears to the quantity of the basic container size of such similar listed product. For the purposes of this section the basic container size for all milk items is one quart; for all cream items, a half pint.

Example 1: You wish to determine your ceiling price for an 8-quart can of standard milk in a sale to a store. Assume that during the period December 19, 1950, through January 25, 1951, the highest price you charged that class of purchaser for an 8-quart can of milk was $1.68. The basic container size of milk is 1 quart, and the adjustment listed for that basic container size is 1 cent. The adjustment for the 8-quart can of milk is 8 cents which, added to $1.68, establishes a ceiling price of $1.76.

Example 2: You wish to determine your ceiling price for a pint of soured cream below 34 percent butterfat in a sale to a store. Assume that during the period December 19, 1950, through January 25, 1951, your highest price to that class of purchaser for a pint of soured cream below 34 percent butterfat was 40 cents. The basic container size of the most similar product (light cream) is one-half pint, and the uniform adjustment for that basic container size listed in section 6 (a) is 1½ cents. Therefore, the adjustment for 1 pint of soured cream is 3 cents which, added to your highest price during the period December 19, 1950, through January 25, 1951, for that item to that class of purchaser, establishes a ceiling price of 43 cents.

SEC. 8. *Ceiling Prices for new products, for new sellers, and for sellers who cannot price under other sections.* If you are unable to establish a ceiling price for the sale of an item covered by this regulation either because you did not sell that item during the period December 19, 1950, through January 25, 1951, or for any other reason, you may, in writing, apply to this District Office of the Office of Price Stabilization for a determination of a ceiling price for the sale of that item or of the method you shall use for computing a ceiling price for the item. The application shall contain an explanation of why you are unable to determine the ceiling price, and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation, including the producer price upon which it is based. You may not sell that item until the Director of the Boston District Office of the Office of Price Stabilization, in writing, notifies you of your ceiling price or method of computing your ceiling price. After such determination of your ceiling price you shall compute your parity adjustments from the producer price specified in the Letter Order of the Director of the Boston District Office of the Office of Price Stabilization.

SEC. 9. *Reporting of prices established by sections 6 and 7.* Within five days after the effective date of this regulation you shall report your ceiling prices of all "milk" and "cream" items to the Director of the Boston District Office of the Office of Price Stabilization, Boston 9, Massachusetts, by registered mail, return receipt requested. This report shall be on OPS Public Form 124, which may be obtained from that office. In column (f) of that form enter the highest price you charged in the period December 19, 1950, through January 25, 1951.

SEC. 10. *Parity adjustments for processors.* (a) This section applies to you if you are a processor of a milk or cream item and the producer price you have incurred for a current customary purchase of milk, or the price you have incurred for a current customary purchase of cream, differs from the price specified in paragraph (c) of this section.

(b) You may increase and you must decrease your ceiling prices established by sections 6 and 7 of this regulation in accordance with the method prescribed in section 8 of Supplementary Regulation 63 to the General Ceiling Price Regulation.

(c) The ceiling prices determined pursuant to sections 6 and 7 are based on the following specified prices for March 1952:

Class I milk, 3.7 percent butterfat, as announced by the Massachusetts Milk Control Board, for Area No. 18: $6.75 per hundredweight.

40 percent bottling quality cream, f. o. b. Boston, as announced by the Federal Milk Market Administrator: $33.399 per 40-quart can.

(d) How you should compute your parity adjustments:

Example: You are a processor of fluid milk in quart containers. The specified producer price in the area price regulation is $6.75 per hundredweight, and the producer price is later decreased to $6.31 per hundredweight. On the basis of 46½ quarts of milk bottled from 100 pounds of milk, you must decrease your ceiling price as determined by this regulation by 0.946 cent per quart. However, this price adjustment is also subject to "rounding of fractions" pursuant to the provisions of section 8 (b) of Supplementary Regulation 63 to the General Ceiling Price Regulation.

For other examples of decreases and of increases see the provisions of section 8 (b) (2) of Supplementary Regulation 63 to the General Ceiling Price Regulation.

SEC. 11. *Parity adjustments for distributors.* This section applies to you if (a) you are a distributor of a milk or cream item, and (b) the cost to you of a current customary purchase from a customary source of supply of the milk or cream item differs from the ceiling price established by sections 6 or 7 of this regulation, and (c) the change in cost to you is due to the operation of the provisions of section 10 of this regulation. In such case, on the first day following the effective change in your cost, you may increase, and you must decrease, your ceiling prices established by this regulation by the dollars-and-cents difference in cost per item.

SEC. 12. *Rounding of fractions.* (a) In computing a parity adjustment under sections 10 or 11 of this regulation, you shall apply the rounding provisions of section 8 (b) of Supplementary Regulation 63 to the General Ceiling Price Regulation.

(b) In computing your ceiling prices under sections 6 or 7 of this regulation or under a Letter Order issued to you pursuant to section 8, or in computing a final ceiling price after having rounded your parity adjustment under paragraph (a) of this section or under such Letter Order, you shall apply the following rounding provisions to determine your ceiling price for a particular sale of an item:

(1) If you are selling a single unit of an item and your computation for that item results in an amount per unit that includes a fraction less than half a cent, your ceiling price for that single unit shall be the amount of the computation less the fraction; if the amount includes a fraction of a half cent or more, your ceiling price for that single unit may be increased to the next higher cent.

(2) If you are selling a quantity of units of an item rather than one unit of that item or if you customarily bill a purchaser or any class of purchasers for milk and/or cream items purchased during a month or other selling period, and your computation results in an amount per unit that includes a fraction, multiply the amount per unit times the quantity of units. If the result includes a fraction less than half a cent, your ceiling price shall be that result less the fraction. If the result includes a fraction of half a cent or more, your ceiling price may be increased to the next higher cent.

SEC. 13. *Reports of parity adjustments.* (a) Within 5 days after the date on which a producer price incurred for your most current customary purchase of Class I milk or cream, is less than the producer price for the same material specified in section 10 (c) of this regulation, you shall deposit in the mail a registered letter to the Director of the Boston District Office of the Office of Price Stabilization, Boston 9, Massachusetts, return receipt requested, giving the following information:

(1) Your ceiling price, as determined under sections 6, 7, or 8 of this regulation for each milk or cream item affected thereby.

(2) Your adjusted ceiling price for each milk and cream item determined under section 10 of this regulation.

(b) Upward adjustments in your ceiling prices, pursuant to section 10 of this regulation, may not be made before you deposit in the mail a registered letter to the Director of the Boston District Office of the Office of Price Stabilization, Boston 9, Massachusetts, return receipt requested, giving the information listed in paragraph (a) of this section.

SEC. 14. *Transfers of business or stock in trade.* If the business, assets or stock in trade of a processor or distributor is sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in milk products for fluid consumption, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject under this regulation if no sale or transfer had taken place, and the transferee's 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 sale or transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 15. *Records.* (a) With respect to items covered by this regulation, the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect, insofar as they apply to the preparation and preservation of "base period records" and such "current records" as were required to be made with reference to sales between January 26, 1951, and the effective date of this regulation.

(b) You shall prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, and keep available for examination by the Office of Price Stabilization, all records showing, with respect to items covered by this regulation, prices and material and labor costs in the period January 1 to June 30, 1950, inclusive; records showing cost, prices, and sales for the other applicable periods and dates referred to in Supplementary Regulation 63 to the General Ceiling Price Regulation; and records necessary to determine whether you have computed your ceiling prices correctly. The records to be preserved under this paragraph must include appropriate work sheets. The work sheets may be in any convenient form so long as they include all data and calculations required to determine your ceiling prices.

(c) You must prepare and keep available for examination by the Office of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for items covered by this regulation.

SEC. 16. *Evasion.* Any practice which results in obtaining directly or indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, and trade understandings.

SEC. 17. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 18. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, you shall continue to do so. Upon request from a purchaser, regardless of previous custom, you shall give the purchaser a receipt showing the date,

your name and address, the name of each item sold, and the price received for it.

SEC. 19. *Powers of Director.* The Director of the Boston District Office of the Office of Price Stabilization may at any time disapprove and revise downward ceiling prices established under this regulation, so as to bring prices so established into line with the level of ceiling prices for such items otherwise prevailing in the area. He may also revoke, or suspend for any specified period of time and reinstate or postpone the effective date of, this regulation.

SEC. 20. *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. 21. *Violations*—(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, as amended.

(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 Director of the Boston District Office of 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 establishing ceiling prices for the milk products such person sells. Any ceiling price established in this manner will be in line with ceiling prices established by this regulation. The order establishing 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.

SEC. 22. *Definitions.* (a) The definitions of the following terms used in this regulation are the same as the definition for these terms in Supplementary Regulation 63 to the General Ceiling Price Regulation: Distributor, milk products for fluid consumption, person, processor, sales outlet, you.

(b) Retail and wholesale sales: This term means sales by a processor or distributor to a purchaser other than a distributor. Examples are: Sales to homes; restaurants, hospitals and stores.

Effective date. This area milk price regulation, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, is effective May 14, 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.

CHARLES A. BIRMINGHAM,
Director of the
Boston District Office.

MAY 14, 1952.

[F. R. Doc. 52-5490; Filed, May 14, 1952; 4:33 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 26]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 26—ADJUSTED CEILING PRICES FOR CERTAIN MANUFACTURERS OF PLUMBING FIXTURES

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 26 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation provides adjusted ceiling prices for manufacturers of three classifications or groups of Plumbing Fixtures. The method is to apply uniform price adjustment factors to the General Ceiling Price Regulation (GCPR) ceiling prices of each of the three groups of manufacturers. The groups and the applicable adjustment factors are shown in the following tables:

Group	*Factor Applicable to GCPR Ceilings (percent)*
Vitreous China Plumbing Fixtures	95.0
Enameled Cast Iron Plumbing Fixtures	95.0
Cast Brass Plumbing Fixture Trim	101.7

While most of the products in these groups are branded, they are customarily purchased by plumbers, builders, and building contractors or on the advice of architects, and purchases are made on the basis of pre-determined specification. Both in the pre-Korean base period and the GCPR base period, manufacturers' prices for commodities of the same specification were uniform. When CPR 22 was issued in April 1951, manufacturers covered by this order requested that they be provided with an industry-wide ceiling price action rather than individual ceilings based on individual company cost changes.

The Office of Price Stabilization undertook a study of the problem in January of 1952. The data furnished in response to a questionnaire, which indicated the CPR 22 price adjustment factors over GCPR ceiling prices of individual manufacturers in each of the groups, were used to compute the three uniform adjustment factors provided by this supplementary regulation.

At the time the discussions with this industry began the agency's development of the industry earning standard was still in the process, and the early discussions with the manufacturers were on the basis of an industry-wide factor under CPR 22. In general, at this time, if ceiling price levels are represented to be no longer generally fair and equitable, OPS stands ready to give necessary price relief where a study of the industry indicates that such relief is required under the industry earning standard, or under a product standard applied on an industry-wide basis.

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.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Coverage.
3. Ceiling prices.
4. Relation to CPR 22.
5. Definitions.

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 CPR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales by manufactures of (1) enameled cast iron plumbing fixtures, (2) vitreous china and vitreous glazed earthenware plumbing fixtures and (3) cast brass plumbing fixtures trim. These manufacturers are now subject to the provisions of Ceiling Price Regulation 22 (CPR 22). The method employed by this supplementary regulation is to apply a group-wide adjustment ratio to the General Ceiling Price Regulation (GCPR) ceiling prices of each of these three manufacturing groups.

SEC. 2. *Coverage*—(a) *Persons covered.* This supplementary regulation applies to you if you are a manufacturer of any of the commodities listed in Appendixes A, B and C hereto and establishes your ceiling prices for your sales of such commodities. Except to the extent that they are modified by or are inconsistent with the provisions of this supplementary regulation, all provisions of CPR 22 shall continue to be applicable to you.

(b) *Commodities covered.* This supplementary regulation covers plumbing fixtures and trim as listed in Appendixes A, B and C hereto. These appendixes have been arranged in recognition of three basic manufacturing groups within the plumbing industry. They are referred to as: (1) the enameled cast iron plumbing fixtures group; (2) vitreous china and vitreous glazed earthenware plumbing fixtures group; and, (3) cast brass plumbing fixtures trim group. "Cast brass plumbing fixtures trim" is defined in section 5 of this regulation.

SEC. 3. *Ceiling prices*—(a) *Enameled cast iron plumbing fixtures.* If you are a manufacturer of any of the commodities listed in Appendix A of this supplementary regulation, your ceiling price for the sale of any of these commodities is your ceiling price under the GCPR

reduced by 5 percent (i. e., 95 percent of your GCPR ceiling price).

(b) *Vitreous china and vitreous glazed earthenware plumbing fixtures.* If you are a manufacturer of any of the commodities listed in Appendix B of this supplementary regulation, your ceiling price for the sale of any of these commodities is your ceiling price under the GCPR reduced by 5 percent (i. e., 95 percent of your GCPR ceiling price).

(c) *Cast brass plumbing fixtures trim.* If you are a manufacturer of any of the commodities listed in Appendix C of this supplementary regulation, your ceiling price for the sale of any of these commodities is your ceiling price under the GCPR increased by 1.7 percent (i. e., 101.7 percent of your GCPR ceiling price).

(d) *Rounding ceiling prices.* You may round your ceiling prices determined under this supplementary regulation so that they will be expressed to the nearest five (5) cents if this has been your normal practice. If you elect to do so you must similarly round the ceiling prices for all your commodities normally priced by you on the same basis, to reflect decreases as well as increases. For example, if your ceiling price for commodity X is $27.33, you may round that ceiling price to $27.35. However, if your ceiling price for commodity Z is $39.32 you must round its ceiling price to $39.30. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding.

(e) *Terms and conditions of sale.* Your ceiling price for the sale of any item listed in Appendixes A, B or C, as established under this supplementary regulation, must be consistent in every respect with your GCPR price; that is, it must carry all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees and other terms and conditions of sale.

SEC. 4. *Relation to CPR 22—(a) Mandatory effect of this supplementary regulation.* Notwithstanding any provisions of CPR 22 or of any other regulation to the contrary, the provisions of this supplementary regulation are mandatory subject to the limitation found in paragraph (b) of this section. You must apply this supplementary regulation to all commodities listed in Appendixes A, B, and C which you manufacture. To this extent the provisions of section 1 of CPR 22 are superseded. The establishment of ceiling prices for those commodities listed in Appendixes A, B, and C does not affect the applicability of CPR 22 or any other regulation which may be appropriate to any other commodities which you manufacture.

(b) *Relation to SR 17, SR 18.* Notwithstanding any provision of this supplementary regulation you may elect to use Supplementary Regulation 17 (SR 17) or Supplementary Regulation 18 (SR 18) to CPR 22 to establish your ceiling prices. If you do so elect you must use the provisions of CPR 22 to establish your ceiling prices, and you may use the provisions of SR 2 to CPR 22 to the extent provided by SR 17 or SR 18. You may not, in the event you use SR 17 or SR 18, use the provisions of this supplementary regulation.

SEC. 5. *Definitions.* The following definitions shall be controlling in the application of this supplementary regulation:

Cast brass plumbing fixtures trim. This term shall include any brass commodity listed in Appendix C of this regulation, whether such commodity be cast, forged or extruded. This term shall further include any cast, forged or extruded brass commodity listed in Appendix C irrespective of whether components or parts of such a commodity be made of brass or any other metal or alloy. However, notwithstanding the foregoing, tubular brass commodities are specifically excluded from this definition, and no tubular brass commodity shall be subject to this supplementary regulation.

Effective date. This supplementary regulation shall become effective May 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 15, 1952.

APPENDIX A

ENAMELED CAST IRON PLUMBING FIXTURES

1. Bath tubs (all types).
2. Lavatories (all types).
3. Sinks, kitchen (all types).
4. Sinks, service (all types).
5. Trap standards.
6. Wash troughs.
7. Urinal troughs.
8. Urinals, wall.
9. Laundry trays (all types).
10. Sink and laundry tray combinations (all types).
11. Drinking fountains (all types).
12. Sitz baths.
13. Foot baths.
14. Shower receptors.
15. Hoppers.
16. Hopper traps.
17. Hospital fixtures.

APPENDIX B

VITREOUS CHINA AND VITREOUS GLAZED EARTHENWARE PLUMBING FIXTURES

1. Bath tubs (all types).
2. Sitz baths.
3. Foot baths.
4. Lavatories (all types).
5. Shower receptors.
6. Wash sinks.
7. Urinals, wall, pedestal, and stall.
8. Urinal troughs.
9. Water closet bowls, all types.
10. Water closet tanks, high and low.
11. Bidets.
12. Water closet and tank combinations (all types).
13. Sinks, kitchen (all types).
14. Sinks, hospital (all types).
15. Sinks, service (all types).
16. Sinks, trough.
17. Laundry trays (all types).
18. Sink and laundry tray combinations.
19. Drinking fountains (all types).
20. Hoppers.
21. Grease traps.
22. Hospital fixtures.

APPENDIX C

CAST BRASS PLUMBING FIXTURES TRIM

1. Bath tub fillers, built in.
2. Bath tub fillers, free standing.
3. Bath tub fillers and shower combinations.
4. Faucets, bath tub.
5. Showers (all types).
6. Mixing valves, hot and cold.
7. Mixing valves, water and steam.
8. Shower heads (all types).
9. Faucets, lavatory, single (all types).
10. Faucets, combination lavatory (all types).
11. Pop-up bath tub waste and overflow.
12. Pop-up waste, lavatory.
13. Laundry faucets, single and combination.
14. Sink faucets, single and combination.
15. Faucet hole covers, cast.
16. Chain stays, cast.
17. Outlet plugs, cast (with and without tail pieces).
18. Strainers, cast (with and without tail pieces).
19. Shower fittings.
20. Connected waste and overflow (bath tub).
21. Drinking fountain fittings (all types).
22. Bubblers, drinking fountain (all types).
23. Faucets, drinking fountain (all types).
24. Special hospital fixtures.
25. Flush valves, closet tank.
26. Ball cocks, closet tank.
27. Levers, closet tank.
28. Flushometers, closet and urinal (all types).
29. Urinal fittings.
30. Flanges, cast, water closet and urinal.
31. Traps, cast.
32. Lavatory legs and towel bars.
33. Rim guards (cast).
34. Nozzles, lavatory and sink.
35. Ice water faucets (all types).
36. Stream regulators, drinking fountain.
37. Vacuum breakers, flushometer.

[F. R. Doc. 52-5523; Filed, May 15, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 8]

GSSR 8—HEALTH AND WELFARE PLANS

STATEMENT OF CONSIDERATIONS

Health and welfare plans providing for prepayment on a group basis of the cost of hospitalization, surgical and medical care, accident, sickness and disability insurance, and life insurance have grown greatly during the last decade.

On January 30, 1952, the Salary Stabilization Board issued General Salary Order No. 11 to permit the establishment of health and welfare plans in certain instances, pending the development of a broader policy. The Board has given further consideration to stabilization problems involved in such health and welfare plans and accordingly promugates this regulation.

In the formulation of the provisions of this regulation, due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended; there has been consultation with industry representatives and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.

1. Health and welfare plans which may be put into effect or continued without the approval of the Office of Salary Stabilization.

Sec.
2. Approval of other health and welfare plans.
3. Charge-off of employer contributions to, and benefits paid under, health and welfare plans authorized by this regulation.
4. Cost of health and welfare plans shall not justify price increases.
5. Record-keeping required.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Health and welfare plans which may be put into effect or continued without approval of the Office of Salary Stabilization.* A plan providing for disability, hospital expense, surgical expense or in-hospital medical expense, group life insurance, including permanent and total disability benefits, or accidental death and dismemberment benefits may be put into effect or continued without approval of the Office of Salary Stabilization under any one of the following conditions:

(a) If it covers employees subject to the jurisdiction of both the Wage Stabilization Board and the Salary Stabilization Board upon the same or similar terms and (1) meets the requirements of General Wage Regulation No. 19 and Wage Stabilization Board Resolution No. 78, or (2) is approved by the Wage Stabilization Board for employees under its jurisdiction; or

(b) If it covers only employees subject to the jurisdiction of the Salary Stabilization Board and meets the requirements of General Wage Regulation No. 19 and Wage Stabilization Board Resolution No. 78; or

(c) If the employees covered by the plan and subject to the jurisdiction of the Salary Stabilization Board pay at least 40 percent of the premium payment for their benefits under the plan, and, if the plan includes benefits for their dependents, such employees pay at least 50 percent of the premium payment for such benefits; or

(d) If it is an extension of an existing plan to additional employees within the same plant or establishment, or from a group of employees in one geographical unit of a multiplant employer to a similar group of employees in another geographical unit of the same employer; or

(e) If it is an extension, renewal or continuation of a plan in effect on January 25, 1951, or approved by the Wage Stabilization Board prior to May 10, 1951, or by the Office of Salary Stabilization thereafter; or

(f) If it is a new or amended plan required by law.

SEC. 2. *Approval of other health and welfare plans.* The Office of Salary Stabilization is authorized, upon application, to approve health and welfare plans which may not be put into effect without prior approval under section 1 of this regulation. Such approval shall not be given to a plan which is discriminatory, or the terms of which are excessive as compared with the terms of plans which may be put into effect without approval.

SEC. 3. *Charge-off of employer contributions to, and benefits paid under, health and welfare plans authorized by this regulation.* (a) An employer is not required to charge, against any increases in salary or other compensation authorized under any salary stabilization regulations or orders, any contribution which is made to, or any benefit paid under, a health and welfare plan which is put into effect under the provisions of this regulation.

(b) An employer who since January 25, 1951 has established or modified a health and welfare plan under the provisions of any General Wage or General Salary Stabilization Regulation or General Salary Order, may eliminate the cost of such benefit from the amount chargeable against any increases in salary or other compensation authorized by General Wage Regulation 6, Section 8 of General Salary Stabilization Regulation 1 or General Salary Order 6 to the extent that the cost of such benefit was so charged.

SEC. 4. *Cost of health and welfare plans shall not justify price increases.* The cost of a health and welfare plan put into effect under the provisions of this regulation shall not, except as otherwise provided by the Defense Production Act of 1950, as amended, furnish a basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings.

SEC. 5. *Record-keeping required.* (a) No report is required to be filed with the Office of Salary Stabilization in respect of any health and welfare plan put into effect under section 1 of this regulation.

(b) An employer putting into effect a health and welfare plan authorized by this regulation shall keep available for inspection by appropriate authority a copy of such plan and a record of the contributions to the plan, whether in the form of premium payments or otherwise, and whether made by the employer or by an employee.

General Salary Order 11 is hereby superseded.

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

Adopted by the Salary Stabilization Board this 1st day of May 1952.

JUSTIN MILLER,
Chairman.

[F. R. Doc. 52–5525; Filed, May 15, 1952; 11:04 a. m.]

[General Salary Order No. 13]

GSO 13—DEATH BENEFITS

STATEMENT OF CONSIDERATIONS

This order makes provision for the payment of death benefits to the survivors of employees in a manner and to the limited extent recognized by Congress in section 302 of the Revenue Act of 1951.

Contracts for, and the payment of, death benefits which are excludable from gross income under section 22 (b) (1) (B) of the Internal Revenue Code are authorized without prior approval by the Office of Salary Stabilization.

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

By order of the Salary Stabilization Board.

JUSTIN MILLER,
Chairman.

MAY 2, 1952.

[F. R. Doc. 52–5524; Filed, May 15, 1952; 11:04 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 3, Amdt. 3]

DFO 3—AGRICULTURE IMPORTS

AMENDMENT

Pursuant to the authority conferred by section 704 of the Defense Production Act of 1950, as amended (50 U. S. C. App. Sup. 2154) and having determined that the following Amendment of Defense Food Order 3, as amended (16 F. R. 7934, 8272) is necessary or appropriate to carry out the provisions of said act and the determination made by the Secretary of Agriculture on August 9, 1951 (16 F. R. 7937) under section 104 of the act, said Defense Food Order 3 is hereby amended as set forth below. The amendment in part relieves certain restrictions presently imposed by the Order and to this extent must be made effective promptly if it is to be of maximum benefit to importers. The amendment also makes a change in the provisions of the Order relating to the filing of certain report forms, which is necessary to the effective enforcement of the Order and in the public interest should be made effective as soon as possible. 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 2 of Defense Food Order 3, as amended, prohibits any person from importing, purchasing for import, receiving or offering to receive on consignment for import, or making any contract or other arrangement for the importing of any commodity specified in Appendix A of the Order, except as provided in the Order. The Defense Production Act of 1950, as amended, will expire at the close of June 30, 1952, unless the termination date is extended by the Congress prior to that date. The present provisions of the act therefore do not authorize import controls with respect to commodities to be imported after June 30, 1952. The provisions relating to purchases for import, receiving in a foreign country or offering to receive on consignment for import, and the making of arrangements for the importing of commodities, presently contained in section 2 of the Order, now have the effect of restricting imports after June 30, 1952. It is a purpose of this

amendment to except from such restrictions of section 2 the specified transactions with respect to commodities which are not to be imported prior to July 1, 1952. Section 5 of the Order relating to "Exceptions" therefore is being amended to except these transactions with respect to such commodities from the provisions of section 2. The amendment also changes the provisions of section 9 of the Order relating to the form to be used in reporting entries through the United States Bureau of Customs of commodities under the Order.

Defense Food Order 3, as amended, is hereby further amended as follows:

1. Section 5 is amended by redesignating section 5 (b) as section 5 (c) and inserting a new section 5 (b) to read:

(b) The provisions of section 2 shall not apply to any purchase for import, receiving in a foreign country or offering to receive on consignment for import, or making of any contract or other arrangement for the importing, of any commodity listed in Appendix A, or type thereof, which is not to be imported prior to July 1, 1952. However, any such purchase, receiving, offering to receive, contract or other arrangement, including the obtaining of any letter of credit, or the shipment of any commodity or type thereof pursuant to any such transaction, shall not be construed as constituting a basis for the issuance of an import authorization, for the assignment of an import quota if import quotas are established for any commodity or type thereof, or for relief from hardship under any import control order in effect after June 30, 1952.

2. Section 9 is amended by deleting the first sentence therein and substituting therefor the following: "No commodity which is imported after the governing date, including any commodity imported under the provisions of section 5, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file in duplicate with the entry DFO Form 7, or such other form as may be required for this purpose by the Director."

This order shall become effective as to the amendment of section 5 of the Order upon issuance hereof and as to the amendment of section 9 of the Order on May 19, 1952. With respect to violations, rights accrued, liabilities incurred, or appeals taken concerning Defense Food Order 3, as amended, prior to the effective date of the respective amendments made hereby, all the provisions of the Order 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, as amended, 65 Stat. 139; 50 U. S. C. App. Sup. 2154)

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

Done at Washington, D. C., this 12th day of May 1952.

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

[F. R. Doc. 52-5526; Filed, May 15, 1952; 11:09 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 9 to Schedule B]

RR 1—HOUSING

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

COLORADO AND SOUTH DAKOTA

Effective May 16, 1952, Rent Regulation 1 is amended as set forth below:

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

Issued this 13th day of May 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

The following new items are added to Schedule B of Rent Regulation 1—Housing:

52. *Provisions relating to the Colorado Springs, Colorado, Defense-Rental Area (Item 42 of Schedule A):*

(a) The provisions of section 101 and all references to said section where they appear in this regulation are inapplicable.

(b) For any housing accommodation which had a maximum rent established under section 101, the maximum rent shall be established under the other applicable provision or provisions of this regulation.

(c) All provisions of this regulation insofar as they are applicable to the Colorado Springs, Colorado, Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this item 52 of Schedule B.

53. *Provisions relating to the Rapid City-Sturgis, South Dakota Defense-Rental Area (Item 284 of Schedule A):*

(a) The provisions of section 101 and all references to said section where they appear in this regulation are inapplicable.

(b) For any housing accommodation which had a maximum rent established under section 101, the maximum rent shall be established under the other applicable provision or provisions of this regulation.

(c) All provisions of this regulation insofar as they are applicable to the Rapid City-Sturgis, South Dakota Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this item 53 of Schedule B.

[F. R. Doc. 52-5445; Filed, May 15, 1952; 9:00 a. m.]

[Rent Regulation 2, Amdt. 8 to Schedule B]

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

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

TEXAS, COLORADO, AND SOUTH DAKOTA

Effective May 16, 1952, Rent Regulation 2 is amended as set forth below:

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

Issued this 13th day of May 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

The following new items are added to Schedule B of Rent Regulation 2—Rooms in Rooming Houses and Other Establishments:

56. *Provisions relating to the Borger, Texas Defense-Rental Area (Item 305 of Schedule A):*

The application of this regulation is terminated with respect to housing accommodations in any motor court which on September 20, 1951, (a) had no more than 20 percent of its rental units rented on the basis of a weekly or longer term of occupancy, and (b) provided to persons occupying its rental units customary hotel services including room service, telephone and switchboard service, maid service, use and upkeep of furniture, and the furnishing and laundering of linens.

57. *Provisions relating to the Colorado Springs, Colorado Defense-Rental Area (Item 42 of Schedule A):*

(a) The provisions of section 99 and all references to said section where they appear in this regulation are inapplicable.

(b) For any housing accommodation which had a maximum rent established under section 99, the maximum rent shall be established under the other applicable provision or provisions of this regulation.

(c) With respect only to housing accommodations in motor courts, wherever the words "June 1 to September 30" appear in section 42 the words "April 15 to November 1" are substituted.

(d) All provisions of this regulation insofar as they are applicable to the Colorado Springs, Colorado Defense-Rental Area are hereby amended to the extent necessary to carry into effect the provisions of this item 57 of Schedule B.

58. *Provisions relating to the Rapid City-Sturgis, South Dakota Defense-Rental Area (Item 284 of Schedule A):*

(a) The provisions of section 99 and all references to said section where they appear in this regulation are inapplicable.

(b) For any housing accommodation which had a maximum rent established under section 99, the maximum rent shall be established under the other applicable provision or provisions of this regulation.

(c) All provisions of this regulation insofar as they are applicable to the Rapid City-Sturgis, South Dakota Defense-Rental Area are hereby amended to the extent necessary to carry into effect the provisions of this item 58 of Schedule B.

[F. R. Doc. 52-5444; Filed, May 15 1952; 9:00 a. m.]

[Rent Regulation 3, Amdt. 7 to Schedule B]

RR 3—HOTELS

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

TEXAS AND SOUTH DAKOTA

Effective May 16, 1952, Rent Regulation 3 is amended as set forth below:

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

Issued this 13th day of May 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

The following new items are added to Schedule B of Rent Regulation 3—Hotels:

8. *Provisions relating to the Borger, Texas, Defense-Rental Area (Item 305 of Schedule A):*

The application of this regulation is terminated with respect to rooms in any hotel which on September 20, 1951, (a) had no more than 20 percent of its rooms rented on the basis of a weekly or longer term of occupancy, and (b) provided to persons occupying its rooms customary hotel services including room service, telephone and switchboard service, maid service, use and upkeep of furniture, and the furnishing and laundering of linens.

9. *Provisions relating to Palo Pinto County, Texas, a portion of the Mineral Wells, Texas Defense-Rental Area (Item 323a of Schedule A):*

The application of this regulation is terminated with respect to rooms in any hotel which on November 1, 1951, was providing to persons occupying its rooms facilities for the giving and taking of mineral health baths, the furnishing of mineral water at certain hours of the day and customary hotel services, including elevator service, bellboy service, telephone and switchboard service, use and upkeep of furniture, and the furnishing and laundering of linens.

10. *Provisions relating to the Rapid City-Sturgis, South Dakota Defense-Rental Area (Item 284 of Schedule A):*

(a) The provisions of section 53 and all references to said section where they appear in this regulation are inapplicable.

(b) For any housing accommodation which had a maximum rent established under section 53, the maximum rent shall be established under the other applicable provision or provisions of this regulation.

(c) All provisions of this regulation insofar as they are applicable to the Rapid City-Sturgis, South Dakota Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this item 10 of Schedule B.

[F. R. Doc. 52-5443; Filed, May 15, 1952; 9:00 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter A—General

[CGFR 52-26]

PART 1—GENERAL PROVISIONS

SUBPART 1.20—DISCLOSURE OF RECORDS

TESTIMONY BY COAST GUARD PERSONNEL

The purpose of the following new regulation is to state the general policy regarding testimony concerning official duties which may be desired or given in civil or criminal court cases by persons in the service of the Coast Guard. Since present practices and procedures have resulted in inequities to the public as well as the Government in the handling of various judicial proceedings, it is hereby found that compliance with the notice of proposed rule making, the public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), as well as the statutes cited with the regulations below, the following regulation is prescribed which shall become effective on the date of publication of this document in the FEDERAL REGISTER.

Part 1 is amended by adding a new subpart and by adding a new § 1.20–1, reading as follows:

SUBPART 1.20—DISCLOSURE OF RECORDS

§ 1.20–1 *Testimony by Coast Guard personnel.* (a) No person in the service of the Coast Guard shall, without prior approval of the Commandant, give any testimony with respect to any official duties, any investigations, or any other official proceedings in any suit or action in the courts. This applies equally to cases in state or Federal courts and to civil as well as criminal cases.

(b) In cases involving (1) civil litigation between private parties, or (2) criminal matters before state courts, or, (3) civil litigation for or against the United States where Coast Guard personnel are called by parties opposing the United States; an affidavit by the litigant or his attorney setting forth the interest of the litigant and the information with respect to which the testimony of such Coast Guard officer or employee is desired must be submitted before permission to testify will be granted. Permission to give testimony will, in all cases, be limited to the information set forth in the affidavit, or to such portions thereof as may be deemed proper. In addition to the permission required by this section, the Commandant may insist that the appearance of the Coast Guard officer or employee as a witness be conditioned on the issuance of a subpena or a subpena duces tecum (as appropriate) from a court of competent jurisdiction.

(c) In cases where the appearance of Coast Guard personnel is desired by counsel representing the United States to support the affirmative claims or defenses of the United States in civil matters or on behalf of the United States in criminal matters, no affidavit as described in paragraph (b) of this section shall be required, but the Commandant's prior approval must nevertheless be obtained, except in those cases where the Coast Guard officer or employee desired as a witness files the original complaint or has made original inquiry into the subject matter which resulted in the filing of the original complaint.

(R. S. 4405, as amended, 4462, as amended, and sec. 1, 63 Stat. 504; 46 U. S. C. 375, 416, 14 U. S. C. 93. Interprets or applies R. S. 4403, as amended, 4450, as amended, sec. 2, 23 Stat. 118, as amended; 46 U. S. C. 372, 239, 2, and E. O. 10173, as amended by E. O. 10277, 15 F. R. 7005, 3 CFR 1950 Supp., 16 F. R. 7537)

Dated: May 12, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 52-5453; Filed, May 15, 1952; 9:03 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.237, the title and the introduction of paragraph (b) are amended to read as follows:

§ 3.237 *Additional allowance or increased compensation or pension for nurse and attendant and adjustment of awards during institutionalization.*

(b) *Reductions during hospitalization.* Where a veteran in receipt of additional or increased compensation or pension based upon the need for a nurse or attendant, or regular aid or attendance, other than on account of transverse myelitis or paraplegia involving paralysis of both lower extremities together with loss of anal and bladder sphincter control, or on account of Hansen's disease, is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and is being furnished with nursing or attendant's service, the award of compensation or pension will be the amount authorized by the rating decision exclusive of any additional or increased amount on account of the need for a nurse or attendant, or regular aid and attendance. In the excepted cases a uniform rate of $360 ($288 or $120) per month will be maintained, without deduction on account of being furnished aid and attendance in kind. Due to the different additional amounts to which veterans may be entitled under Public Law 182, 79th Congress, as amended, on account of helplessness requiring regular aid and attendance, and consequent different amounts of reductions when being furnished regular aid and attendance in kind, when institutionalized by the Veterans Administration, it is necessary to give careful attention to the exact basis of entitlement:

* * * * *

2. Section 3.238 is canceled.

§ 3.238 *Additional allowance not payable if condition requiring it is not service-connected.* [Canceled.]

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective May 16, 1952.

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

[F. R. Doc. 52-5390; Filed, May 15, 1952; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter K—Seamen

[CGFR 52-27]

PART 136—MARINE INVESTIGATION REGULATIONS

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

COAST GUARD PERSONNEL AS WITNESSES IN JUDICIAL PROCEEDINGS

The purpose of the following amendments to 46 CFR 136.15–1 (c) and 137.17–25 (c) is to grant approval by the Commandant when Coast Guard personnel is desired by counsel representing the United States to support the affirmative claims or defenses in civil matters or on behalf of the United States in criminal matters in cases where Coast Guard personnel has made original inquiry into the subject matter which resulted in the filing of an original complaint. Because no additional requirements are added to the regulations, it is hereby found that compliance with the notice of proposed rule making, the public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), as well as the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective on the date of publication of this document in the FEDERAL REGISTER:

1. Section 136.15–1 (c) is amended to read as follows:

§ 136.15–1 *Persons in service of Coast Guard.* * * *

(c) In cases where the appearance of Coast Guard personnel is desired by counsel representing the United States to support the affirmative claims or defenses of the United States in civil matters or on behalf of the United States in criminal matters no affidavit as described in paragraph (b) of this section shall be required, but the Commandant's prior approval must nevertheless be obtained, except in those cases where the Coast Guard personnel desired as witnesses file the original complaint or have made original inquiry into the subject matter which resulted in the filing of an original complaint.

(R. S. 4405, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 367, 50 U. S. C. 1275. Interprets or applies R. S. 4450, as amended; 46 U. S. C. 239)

2. Section 137.17–25 (c) is amended to read as follows:

§ 137.17–25 *Testimony by Coast Guard personnel.* * * *

(c) In cases where the appearance of Coast Guard personnel is desired by counsel representing the United States to support the affirmative claims or defenses of the United States in civil matters or on behalf of the United States in criminal matters, no affidavit as described in paragraph (b) of this section shall be required, but the Commandant's prior approval must nevertheless be obtained, except in those cases where the Coast Guard personnel desired as witnesses file the original complaint or have made original inquiry into the subject matter which resulted in the filing of an original complaint.

(R. S. 4405, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 367, 50 U. S. C. 1275. Interprets or applies R. S. 4450, as amended; 46 U. S. C. 239)

Dated: May 12, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 52-5454; Filed, May 15, 1952; 9:04 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[3d Rev. S. O. 95, Corr. Amdt. 1]

PART 95—CAR SERVICE

APPOINTMENT OF REFRIGERATOR CAR AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of April A. D. 1952.

Upon further consideration of the provisions of Third Revised Service Order No. 95 (16 F. R. 3619), and good cause appearing therefor: It is ordered, that:

Section 95.95 *Appointment of refrigerator car agent,* of Third Revised Service Order No. 95, be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date: This section, as amended, shall expire at 11:59 p. m., April 30, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., April 30, 1952; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-5422; Filed, May 15, 1952; 8:54 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—NINEPIPE AND PABLO NATIONAL WILDLIFE REFUGES, MONTANA

FISHING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that additional public fishing can be permitted in certain waters of the Ninepipe and Pablo National Wildlife Refuges, Montana, without interfering with the primary purposes of the refuges.

Inasmuch as the following regulations are relaxations of existing regulations regarding fishing on the refuges, publication prior to the effective date is not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, § 31.251 and § 31.253 are revised to read as follows:

§ 31.251 *Fishing permitted.* Other than during the open season for the hunting of migratory birds, noncommercial fishing in accordance with the laws of the State of Montana is permitted during the daylight hours on the waters of the Ninepipe and Pablo National Wildlife Refuges, subject to (1) such regulations as may be prescribed by the Bureau of Indian Affairs, (2) all applicable regulations in Parts 18 and 21 of this chapter, and (3) the conditions and restrictions in §§ 31.252 to 31.256, as follows:

(a) From the main dikes within areas designated by suitable posting by the refuge manager in charge, during the full period of the State fishing season.

(b) All portions of the refuge areas except as provided in paragraph (a) of this section from January 1 to the last day of February, and from July 15 to December 31, inclusive.

§ 31.253 *Routes of travel.* Persons entering the refuge for the purpose of fishing, as permitted by § 31.251, shall use only such routes of travel as shall be designated by suitable posting by the officer in charge.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: May 8, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-5239; Filed, May 15, 1952; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

[26 CFR Part 29]

Bureau of Internal Revenue

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

SALES OF LIVESTOCK

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

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

In order to conform Regulations 111 (26 CFR Part 29) to section 324 (relating to sales of livestock) of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.117–1 the following:

SEC. 324. SALES OF LIVESTOCK (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 117 (j) (1) is hereby amended by adding at the end thereof the following new sentences: "Such term also includes livestock, regardless of age, held by the taxpayer for draft, breeding, or dairy purposes, and held by him for 12 months or more from the date of acquisition. Such term does not include poultry." The first sentence added to section 117 (j) (1) by the amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1941, except that the extension of the holding period from 6 to 12 months shall be applicable only with respect to taxable years beginning after December 31, 1950. The second sentence added to section 117 (j) (1) by the amendment made by this section shall be applicable only with respect to taxable years beginning after December 31, 1950.

PAR. 2. Section 29.117–7, as amended by Treasury Decision T. D. 5881, approved Feb. 11, 1952, is further amended as follows:

(A) By changing paragraph (a) thereof to read as follows:

(a) *In general.* (1) Section 117 (j) provides that the recognized gains and losses described below shall be treated as gains and losses from the sale or exchange of capital assets held for more than six months if the aggregate of such gains exceeds the aggregate of such losses. If the aggregate of such gains does not exceed the aggregate of such losses, such gains and losses shall not be treated as gains and losses from the sale or exchange of capital assets. The gains and losses referred to above are the following:

(i) Gains and losses from the sale, exchange, or involuntary conversion of "section 117 (j) property", as defined in subparagraph (3) of this paragraph, held for more than six months.

(ii) Gains and losses from the involuntary conversion of capital assets held for more than six months.

(iii) Gains and losses upon cutting or disposal of timber to the extent provided in § 29.117–8.

(iv) Gains and losses from the sale, exchange, or involuntary conversion of livestock, regardless of age, held by the taxpayer for draft, breeding, or dairy purposes, and held by him for more than six months from the date of acquisition (twelve months or more from the date of acquisition in the case of a taxable year beginning after December 31, 1950).

(2) For the purpose of this section, the "involuntary conversion" of property is the conversion of such property into money or other property as a result of destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof. Losses upon the destruction in whole or in part, theft or seizure, requisition or condemnation of property are treated as losses upon an involuntary conversion whether or not there was a conversion of the property into money or other property. For example, if a capital asset held for more than six months, with an adjusted basis of $400, is stolen, and the loss from this theft is not compensated for by insurance or otherwise, the $400 loss is included in the computations under section 117 (j).

(3) For the purpose of this section, the term "section 117 (j) property" means property used in the trade or business of the taxpayer at the time of its sale, exchange, or involuntary conversion, which is of a character subject to the allowance for depreciation provided in section 23 (l) or which is real property, except any such property which is within one of the following categories:

(i) Property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year, or which is held by the taxpayer primarily for sale to customers in the ordinary course of trade or business.

(ii) In the case of taxable years beginning after September 23, 1950, a copyright, a literary, musical, or artistic composition, or similar property, held by a taxpayer described in section 117 (a) (1) (C).

(iii) Livestock held for draft, breeding, or dairy purposes. (See, however, subparagraph (1) (iv) of this paragraph.)

(iv) In the case of a taxable year beginning after December 31, 1950, poultry.

(B) By striking the first two sentences of paragraph (b) thereof and by changing the third sentence of the second paragraph thereof to read as follows:

(b) *Application of section.* (1) In determining whether the gains described in paragraph (a) (1) of this section exceed the losses described therein, such gains and losses are taken into account in full, that is, 100 percent of such gains and losses is taken into account. * * *

(C) By striking out paragraph (d) thereof.

(D) By adding at the end thereof the following new paragraph (d):

(d) *Livestock held for draft, breeding, or dairy purposes.* (1) For the purpose of this section, the term "livestock" shall be given a broad, rather than a narrow, interpretation and includes cattle, hogs, horses, mules, donkeys, sheep, goats, fur-bearing animals, and other mammals. It does not include chickens, turkeys, pigeons, geese, other birds, fish, frogs, reptiles, etc.

(2) The determination whether or not livestock is held by the taxpayer for a draft, breeding, or dairy purpose depends upon all of the facts and circumstances in each particular case. The purpose for which the animal is held is ordinarily shown by the taxpayer's actual use of the animal. However, a draft, breeding, or dairy purpose may be present in a case where the animal is disposed of within a reasonable time after its intended use for such purpose is prevented by accident, disease, or other circumstance. An animal held for ultimate sale to customers in the ordinary course of the taxpayer's trade or business may, depending upon the circumstances, be considered held for a draft, breeding, or dairy purpose. An animal is not held by the taxpayer for a draft, breeding, or dairy purpose merely because it is suitable for such purpose or because it is held by the taxpayer for sale to other persons for use by them for such purpose. Furthermore, an animal held by the taxpayer for other purposes is not considered to be held for a draft, breeding, or dairy purpose merely because of a negligible use of the animal for such purpose or because of the use of the animal for such purpose as an ordinary or necessary incident to the purpose for which the animal is held.

(3) These principles may be illustrated by the following examples:

Example 1. An animal intended by the taxpayer for use by him for breeding purposes is discovered to be sterile, and is disposed of within a reasonable time thereafter. This animal was held for breeding purposes.

Example 2. The taxpayer retires from the breeding or dairy business and sells his entire herd, including young animals which would have been used by him for breeding or dairy purposes if he had remained in business. These young animals were held for breeding or dairy purposes.

Example 3. A taxpayer in the business of raising hogs for slaughter customarily breeds sows to obtain a single litter to be raised by him for sale, and sells these brood sows within a reasonabe time after obtaining the litter. Even though these brood sows are held for ultimate sale to customers in the ordinary course of the taxpayer's trade or business, they are considered to be held for breeding purposes.

Example 4. A taxpayer in the business of raising horses for sale to others for use by them as draft horses uses such horses for draft purposes on his own farm in order to train them. This use is an ordinary or necessary incident to the purpose of selling such animals, and accordingly, these horses are not held for draft purposes.

Example 5. The taxpayer is in the business of raising registered cattle for sale to others for use by them as breeding cattle. It is the business practice for the cattle to be bred, prior to sale, in order to establish their fitness for sale as registered breeding cattle. In such case, those cattle used by the taxpayer to produce calves which are added to the taxpayer's herd are considered to be held for breeding purposes; the taxpayer's use of the other cattle for breeding purposes is an ordinary or necessary incident to his holding such other cattle for the purpose of selling them as registered breeding cattle, and such use does not demonstrate that the taxpayer is holding the cattle for breeding purposes.

Example 6. A taxpayer, engaged in the business of buying cattle and fattening them for slaughter, purchased cows with calf. The calves were born while the cows were held by the taxpayer. These cows were not held for breeding purposes.

[F. R. Doc. 52-5457; Filed, May 15, 1952; 9:04 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 927]

[Docket No. AO-71-A-21]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was conducted at New York, New York, on January 18 and 19, 1952 and at Syracuse, New York, during the period January 21-23, 1952, pursuant to notice thereof issued on December 28, 1952 (17 F. R. 124) upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area.

A decision on some of the issues presented on the record of the hearing was issued on February 18, 1952 (17 F. R. 1623) and an amendment effectuating the findings and conclusions in that decision was issued on February 25, 1952 (17 F. R. 1743). The remaining issues presented on the record of the hearing, and on which findings and conclusions are herein set forth, are concerned with:

1. Further amendment of the order on the basis of information and data not available prior to the decision of February 18, 1952 so as to provide for proper use of a revised wholesale commodity price index in the Class I-A pricing formula.

2. Revision of the formula for the pricing of Class I-A milk of 3.5 percent butterfat in the 201-210 mile zone so as to increase the level of the price and to reduce the amount of its seasonal variation.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on April 10, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto with respect to these remaining issues, and such recommended decision was published in the FEDERAL REGISTER on April 16, 1952 (17 F. R. 3387).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings and conclusions recommended by the Assistant Administrator. In arriving at the findings and conclusions in this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled. Rulings contained in the recommended decision upon proposed findings and conclusions submitted by interested persons are confirmed except as modified by the findings and conclusions set forth herein. To the extent that findings and conclusions proposed by interested persons and not ruled upon in the recommended decision are inconsistent with the findings and conclusions contained herein, the specific or implied request to make such findings and reach such conclusions are denied on the basis of the facts found and stated in conection with the conclusions herein set forth.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence in the record of the hearing:

1. *Use of revised wholesale price index.* The revised wholesale price index for all commodities as reported on a 1947-49 base (beginning with January 1952) by the Bureau of Labor Statistics, United States Department of Labor, should continue to be used in the computation of the Class I-A price in the manner specified in the February 25, 1952, amendment to the order.

Official notice now has been taken of the new wholesale price index series for months prior to January 1952 as released by the Bureau of Labor Statistics on February 29, 1952. It is apparent that only minor differences in the Class I-A prices during the year 1951 would have resulted from the use of the revised wholesale price indexes rather than those actually used. The revised and old index (after converting both to a 1948 base) were identical for two months in 1951. In no month was there a difference of more than one full index point between the old and new indexes so converted, and for the year 1951 the revised indexes (converted to a 1948 base) averaged six-tenths of a point higher than the indexes used.

Use of the revised index for the last month for which the old index was reported (December 1951) would have resulted in a February 1952 Class I-A price 4 cents higher than the price computed using the old index. Class I-A prices using the revised monthly indexes in 1951 would have resulted in higher Class I-A prices ranging in amount from zero to 6 cents, and would have averaged 3 to 4 cents higher for the year. The Class I-A pricing formula is not considered to operate with sufficient precision to justify its revision to eliminate such a minor difference in the level of the Class I-A price as may be attributed to a shift to the use of the new wholesale price index.

2. *Level of the Class I-A price and seasonal change.* The order should not be amended to increase the level of the Class I-A price or to reduce the amount of its seasonal variation. The continued production of a supply of milk adequate to meet future market requirements appears not to require action at this time to provide Class I-A prices higher than those in prospect resulting from operation of the existing Class I-A pricing formula.

The total volume of milk produced for the marketing area (milk received at pool plants) increased only slightly (0.4 percent) in 1951 following more substantial increases in 1949 and 1950 of approximately 15 and 7 percent respectively. In December 1951 the supply of pool milk was 3.8 percent larger than a year earlier and about 18 percent larger than three years earlier. Except for November, the volume of pool milk in each of the last eight months of 1951 was larger than in the same month a year earlier by amounts ranging from 1.3 to 7.2 percent. The volume in November 1951 was 0.4 percent less than in November 1950. The number of producers in December 1951 was 9 percent larger than 3 years earlier after a decline of 2.3 percent from December 1950. Deliveries per day per dairy have shown average annual increases of 10.1, 0.5 and 1.6 percent for the past three years and were 6.5 percent higher in December 1951 than a year earlier.

Sales of fluid milk have increased moderately during 1950 and 1951 after declining generally over the three year period from 1946 through 1949. Total sales of fluid milk (Classes I-A, I-B, and I-C) for the year 1951 were about 5 percent larger than in 1948 with out-of-area sales accounting for about 85 percent of the increase. Sales of Class I-A milk were about 1 percent larger in 1951 than in 1948. The increase in the volume of pool milk from 1948 to 1951 was about seven times the volume accounted for by the increase in fluid milk sales.

The annual averages of monthly percentages of pool milk used in Class I (A, B, and C) have remained relatively constant during the last three years.

Such percentages (54.8 in 1949, 53.4 in 1950 and 54.1 in 1951) have been smaller however than in any prior year since 1942. During the years 1943 through 1948 the annual average of monthly percentages of pool milk used in Class I ran from 59.1 in 1943 to a high of 69.3 in 1946, and then declined to about 64 percent in 1947 and 1948 and to 54.8 in 1949. These data indicate that on an annual basis the volume of pool milk in relation to Class I sales has not changed materially during the past three years, and has been larger than in any of the preceding six years.

Likewise, the percentages of pool milk used in Class I during the months of June and November increased from 1942 through 1947 and have since declined. The percentage of 37.7 in June 1951 is a decline from 47.2 in 1946 and lower than in June of any year since 1941. The November percentage of pool milk in Class I has increased from a postwar low of 60.8 in 1949 (resulting from exceptionally heavy production in November 1949) to 70.1 in 1951, exactly 20 points lower than in November 1946. Short season supplies appear not only to have been ample during the last three years but to have been relatively large in comparison with short season supplies during each of the years 1943 through 1948. The percentage of pool milk used in Class I and Class II (also required by health authorities to come from approved sources) was about 97 in November of each of the years 1945, 1946, and 1947 and about 90 in 1943 and 1948. Fluid milk and Class II cream accounted for about 80 percent of the November supply of pool milk in 1950 and 1951. Problems of procurement appear to have been experienced during short seasons when more than around 90 percent of the pool supply was used for fluid milk and Class II cream. At no time however, even when reserve supplies were considerably less than 10 percent on a monthly basis, has it been necessary to bring milk from outside the regular supply area into the marketing area for use as fluid milk or cream. A supply of pool milk in November 1951 as much as 55 million pounds (about 12 percent) smaller than the actual volume would have provided a reserve supply at least as large as in November of any of the six years prior to 1949 except 1944.

With the prospect of continuing population expansion and a continuing high purchasing power, and with consumer milk prices favorable in relation to other retail food prices, it appears reasonable to anticipate continuing fluid milk and marketing area cream sales at or perhaps moderately above the 1951 level. Analysis of factors likely to affect the volume of pool milk indicates that the supply will continue, at least for a considerable period of time, to be sufficient to meet such fluid milk and cream requirements of the market.

The number of milk cows in New York State in June 1951 was about one percent larger than a year earlier with no evidence of significant change since that time. The rate of grain feeding and production of milk per cow has increased rather consistently in recent years. Although feed prices during the early part of this year were somewhat higher than in 1951, they are not expected to be sufficiently unfavorable over an extended period in relation to milk prices to significantly reduce rates of feeding.

Class I–A prices under the present formula have been relatively high in relation to the manufacturing value of milk. In 1951, the Class I–A price exceeded the 18 condensary price by a smaller percentage than in the preceding three years but actual margins in 1950 and 1951 of $2.05 and $2.02, respectively were larger than formerly except in 1949. The relationship between the price of milk and prices of other farm products in the region has not changed materially since 1948. Class I–A prices under the present formula have not been unfavorable in relation to fluid milk prices in other markets, although somewhat lower in 1951 than formerly in relation to the Philadelphia Class I price. During the 18 month period August 1950 through January 1952 the Class I–A price for 3.7 milk exceeded the Boston Class I price by an average of 9 cents.

From the middle of 1950 to January 1952 the index of the cost of production, as computed under the order on a 1948 base, moved from 93 to 112, an increase of about 20 percent. During the same period the annual level of the Class I–A price increased 15.6 percent. The uniform price moved from $3.57 in July 1950 to $4.23 in July 1951, an increase of 18.5 percent. Costs and prices have by no means moved together however during the entire period since the middle of 1950. By April 1951, the level of the Class I–A price had increased about 18 percent and the uniform price had increased over 20 percent (above April 1950), whereas, the index of the cost of production had risen only about 8 percent. Since the spring of 1951 the cost index has continued to increase, whereas, the level of the Class I–A price has declined about 2.5 percent. While the cost of production and the price of milk have shown divergent trends since the middle of 1951, it is also apparent that there was a divergence in the opposite direction for a longer period prior to that time and to a much greater extent. These divergent trends merely reflect differences in the timing of fluctuations in the cost of production index and in the wholesale commodity price index. Practically all of the net change which has occurred in the level of the Class I–A price since the present formula has been in effect has been the result of changes in the wholesale commodity price index. The other main mover, the utilization adjustment percentage which measures changes in the annual level of supply in relation to fluid sales, has had only a minor effect on the price. The estimated annual level of utilization in Class I used in computing the Class I–A price for February 1952 was 56 percent, only slightly higher than the 54.7 percent used in computing the Class I–A price for the first month (August 1950) for which a Class I–A price was determined pursuant to the present formula, and well below the utilization percentage of 63.6 for the year 1948.

Numerous references were made at the hearing to the labor situation as a factor likely to have an influence on the future supply of milk, not only because of increasing farm wage rates as such, but also because of declining productivity of the labor available and additional costs and services associated with the procurement and retention of farm labor. This situation doubtless constitutes a serious problem for many farmers and may induce some to accept alternative opportunities, but its importance as a factor tending to reduce the supply of milk at least up to this time is not apparent due in part, evidently, to the offsetting influence of increasing mechanization, higher quality of cows and other factors.

Proposals were considered at the hearing to reduce the amount of the seasonal variation in the Class I–A price. Since the primary purpose of seasonal variation in the Class I–A price is to provide an incentive sufficient to result in a seasonal pattern of production reasonably well related to fluid milk and cream requirements of the market for which the milk is produced, the answer to the question here presented appears to depend upon whether or not the incentive presently provided is more than sufficient.

Simply stated, the present schedule of seasonal variation in the Class I–A price was adopted as a measure designed to bring about a seasonal pattern of production wherein May and June deliveries of pool milk would be no more than 60 percent larger than November deliveries. May and June deliveries during the past four years (1948–51) have exceeded November deliveries (average for November of the same and preceding years) by 73, 65, 64, and 71 percent, respectively. The seasonal variation last year was less than during the years 1945–47 when May and June deliveries exceeded November by 92 percent, and was about the same as for the period 1940–42. Deliveries per day per dairy have shown a similar trend. During the last three years November deliveries per day per dairy have averaged about 60 percent of June compared with around 50 percent in the mid-forties and 60 percent in the early forties.

In order to encourage a shift in the direction of more milk in the shortest production months and less in the longest production months, it appears necessary that the pricing policy employed result in a blend or uniform price no less than 35 percent higher in November than in June or in uniform prices during the months of October–December at least 25 percent higher than during the months of April–June. In 1951, the first full year of operation under the present formula, the uniform price in November was 37 percent higher than in June and the average for October, November and December was 29 percent higher than the average for April, May and June. These seasonal differences in the uniform price are reasonably in line with those expected to result from the present schedule of Class I–A price seasonal factors together with other factors causing seasonal variation in the uniform price. The desired seasonal pattern of production, however, has not been achieved. Perhaps the seasonal variation in the price should be increased or perhaps assurance is needed that similar incentives

will continue to be provided for a longer period of time. At any rate, pending opportunity to observe and appraise results, it is concluded that the present schedule of seasonal factors should not be reduced.

Filed at Washington, D. C., this 13th day of May 1952.

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

[F. R. Doc. 52-5459; Filed, May 15, 1952; 9:05 a. m.]

[7 CFR Part 946]

HANDLING OF MILK IN LOUISVILLE, KENTUCKY, MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Louisville, Kentucky, on March 25, 1952, pursuant to notice thereof which was issued on March 14, 1952 (17 F. R. 2365).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on April 23, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto were published in the FEDERAL REGISTER on April 29, 1952 (17 F. R. 3802).

Within the period reserved therefor, exceptions were filed to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

The material issues, the findings and conclusions, and the general findings of the recommended decision (17 F. R. 3802; F. R. Doc. 52-4753) are hereby approved and adopted as the material issues, the findings and conclusions, and the general findings of this decision as if set forth in full herein, subject to the following modification described with reference to Federal Register Doc. 52-4753, 17 F. R. 3802:

In column 1 on page 3803, add after the first sentence in the fifth paragraph the following: "Milk for fluid use has a lesser value in the country because of transportation cost to the city. The attached decision would price Class I milk at a country station in accordance with its value in relation to the price of milk delivered in Louisville. This price should apply to Class I fluid milk regardless of who purchases it or the eventual destination of such milk."

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

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

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

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

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

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area

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

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

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

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

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

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

1. Delete all of § 946.30 which precedes paragraph (a) thereof and substitute therefor the following:

§ 946.30 *Reports of receipts and utilization.* On or before the 5th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for each of his pool plants in the detail and on the forms prescribed by the market administrator as follows:

2. Delete all of § 946.51 which precedes paragraph (b) thereof and substitute therefor the following:

§ 946.51 *Class prices.* Subject to the provisions of §§ 946.52 and 946.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk.* The price of Class I milk shall be the basic formula price plus $1.25 per hundredweight.

3. Delete § 946.51 (b) (1) and substitute therefor the following:

(1) From the average of the basic or field prices per hundredweight reported to the market administrator to have been paid or to be paid for ungraded

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

milk of 4.0 percent butterfat content received from farmers during the month at plants at the following locations:

Operator and Location

Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Foods Co., Lawrenceburg, Ky.
Kraft Foods Co., Paoli, Ind.
Salem Cheese & Milk Co., Salem, Ind.
Madison Milk Co., Madison, Ind.
Producers Dairy Marketing Association, Orleans, Ind.

Subtract the amount computed by multiplying the Chicago butter price for the month by 0.12, and then by 2.

4. Add a new section to read as follows:

§ 946.53 *Transportation differential.* With respect to milk received from producers at a country plant, which is moved as milk from such plant directly to a plant in the marketing area or which is disposed of as milk for Class I use outside the marketing area, the class prices per hundredweight shall be reduced at the rates set forth in the following schedule based on the shortest distance via hard surfaced highway, as determined by the market administrator, from the plant where the milk is first received from producers to City Hall in Louisville:

Mileage zone:	*Rate (cents per cwt.)*
Not more than 25 miles	0
More than 25 but not more than 35 miles	13
More than 35 but not more than 45 miles	15
More than 45 but not more than 55 miles	17
For each additional 10 miles or fraction thereof an additional	1

5. In §§ 946.60 and 946.61 change the reference from "§§ 946.50 through 946.52" to read "§§ 946.50 through 946.53".

6. In § 946.71 renumber paragraphs (c), (d), (e), and (f) thereof to be paragraphs (d), (e), (f), and (g), respectively; and add a new paragraph (c) to read as follows:

(c) Add an amount computed by multiplying the hundredweight of milk received from producers at each country plant by the appropriate zone differential provided in § 946.53.

7. In § 946.80 delete the word "differential" and substitute therefor: "and location differentials,".

8. In § 946.83 delete the word "differential" and substitute therefor: "and location differentials."

9. In § 946.84 (b) change the reference from "§ 946.71 (c)" to read "§ 946.71 (d)".

10. Renumber §§ 946.82, 946.83, 946.84, 946.85, 946.86, 946.87, and 946.88 and all references to them wherever they appear in the order to read "§§ 946.83, 946.84, 946.85, 946.86, 946.87, 946.88, and 946.89," respectively; and add a new section, "§ 946.82", to read as follows:

§ 946.82 *Location differential.* In making payments to producers pursuant to § 946.80 a handler shall deduct from the uniform price, with respect to all milk received from producers at a country plant, not more than the appropriate zone differential provided in § 946.53.

[F. R. Doc. 52-5458; Filed, May 15, 1952; 9:05 a. m.]

[7 CFR Part 956]

[Docket Nos. AO 235-AO 235 RO1]

HANDLING OF MILK IN SIOUX FALLS-MITCHELL, SOUTH DAKOTA, MARKETING AREA

NOTICE OF REMOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order was formulated, was conducted at Sioux Falls, South Dakota, on August 27-30, 1951, pursuant to notice thereof which was issued on August 8, 1951 (16 F. R. 7941).

A recommended decision was issued by the Assistant Administrator, Production and Marketing Administration, on December 26, 1951 (17 F. R. 34) and exceptions thereto were filed. No final decision was issued. Pursuant to a notice issued on March 4, 1952 (17 F. R. 2020) the hearing was reopened at Sioux Falls, South Dakota, on March 24, 1952 to receive further evidence on all issues previously considered, and more particularly, with respect to the findings and conclusions contained in the recommended decision of the Assistant Administrator, Production and Marketing Administration, issued December 26, 1951 (17 F. R. 34).

The material issues, findings (including general findings) conclusions and rulings of the recommended decision (17 F. R. 34) are hereby approved and adopted as the issues, findings, conclusions and rulings of this recommended decision as if set forth in full herein, subject to the following modifications:

1. Delete the third sentence of the fourth paragraph, column 2, 17 F. R. 35, and substitute the following: "It further appears that although permissive legislation, effective February 11, 1952, provides dairies within the state opportunity to sell Grade A milk if they comply with Department of Agriculture specification, there have not been any applications filed by dairies located in these outlying areas, and that uninspected milk is permitted to be sold there."

2. Delete the fourth and fifth sentences of the third paragraph, column 3, 17 F. R. 35, and substitute the following: "The record evidence shows that all plants supplying the market are of two types: (1) plants operating under regular inspection of the health departments of either Mitchell or Sioux Falls and recipients of permits issued by the inspecting health department, and (2) plants not under local inspection but permitted to distribute milk because of a high United States Public Health Service rating. For these reasons it has been concluded that handlers should be divided into two categories, those with approved plants (plants under regular inspection of local health authorities and recipients of permits issued by the local health authorities) and those with unapproved plants (plants not under local inspection but permitted to distribute milk in the area because of a high United States Public Health Service rating.)"

3. Delete the first sentence of the last paragraph, column 3, 17 F. R. 35, and substitute the following: "A producer should be defined as any person who produces Grade A milk under regular inspection of the local health authorities and is a recipient of a farm permit issued by the inspecting health department, which milk is received at an approved plant."

4. Add at the beginning of the sixth line, fourth paragraph, column 1, 17 F. R. 36, the following word: "on."

Further rulings on proposed findings and conclusions. Briefs were filed on behalf of the producers' association and the majority of handlers. The briefs contained proposed findings of fact, conclusions and arguments with respect to the proposals discussed at the reopened hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order.

DEFINITIONS

§ 956.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of

1937, as amended (7 U. S. C. 601 et seq.).

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

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

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

§ 956.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

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

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 956.6 *Sioux Falls-Mitchell, South Dakota, marketing area.* "Sioux Falls-Mitchell, South Dakota, marketing area," hereinafter called the "marketing area," means all the territory within the corporate limits of the cities of Sioux Falls, South Sioux Falls, and Mitchell, all in the State of South Dakota.

§ 956.7 *Approved plant.* "Approved plant" means a milk plant or other facilities which operate under a permit issued by the health authorities of Mitchell, or Sioux Falls, South Dakota, and which are under regular inspection by these local health authorities, and which are used in the preparation or processing of producer milk any part of which is sold or disposed of in the marketing area as Class I milk.

§ 956.8 *Unapproved plant.* "Unapproved plant" means any milk manufacturing, processing or bottling plant other than an approved plant.

§ 956.9 *Handler.* "Handler" means:

(a) Any person, other than a producer handler, in his capacity as the operator of an approved plant(s).

(b) Any other person in his capacity as the operator of an unapproved plant where milk is processed and packaged and from which milk is disposed of on wholesale or retail routes within the marketing area unless such milk is received at and disposed of from an approved plant, or

(c) Any cooperative association with respect to milk of producers diverted by it from an approved plant to an unapproved plant for the account of such cooperative association.

§ 956.10 *Producer.* "Producer" means any person who produces Grade A milk under a farm permit or rating issued by local health authorities, which milk is (a) received at an approved plant, or (b) diverted from an approved plant to an unapproved plant for the account of a handler. Milk so diverted shall be deemed to have been received by the handler who caused it to be so diverted.

§ 956.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer, other than a producer handler, which is received by a handler either directly from producers or from other handlers.

§ 956.12 *Other source milk.* "Other source milk" means all skim milk and butterfat which is received by a handler other than that contained in producer milk.

§ 956.13 *Producer-handler.* "Producer-handler" means any person who produces milk which he distributes on wholesale or retail routes within the marketing area and who receives no milk from other producers: *Provided,* That the market administrator has determined that the maintenance, care and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging and distribution of the milk are the personal enterprise and personal risk of such person.

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

MARKET ADMINISTRATOR

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

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

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

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

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

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

(d) Pay out of the funds provided by § 956.72 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to § 956.30, or (2) payments pursuant to §§ 956.65, 956.69, and 956.71;

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

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows: (1) On or before the 3d day of each delivery period, the minimum prices for skim milk and butterfat (i) in Class I milk computed pursuant to § 956.50 (a) for the current delivery period, and (ii) in Class II milk computed pursuant to § 956.50 (b) for the preceding delivery period; and (2) on or before the 8th day of each delivery period, the uniform price computed pursuant to § 956.61 and the butterfat differential computed pursuant to § 956.66, both for the preceding delivery period.

REPORTS, RECORDS AND FACILITIES

§ 956.30 *Delivery period reports of receipts and utilization.* (a) On or before the 6th day after the end of each delivery period, each handler who operates an approved plant shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, and all other source milk (except nonfluid milk products disposed of in the form in which received without further processing or packaging by the handler) received at his approved plants:

(1) The quantities of skim milk and butterfat contained in such receipts and their sources;

(2) The utilization of such receipts; and

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

(b) On or before the 6th day after the end of each delivery period, each handler who operates an unapproved plant shall report to the market administrator, in the detail and on forms prescribed by the market administrator, his

total disposition within the marketing area of Class I milk from such plant.

§ 956.31 *Producer payroll reports.* On or before the 20th day after the end of each delivery period each handler who operates an approved plant shall submit to the market administrator his producer payroll for such delivery period, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amount and date of payment to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments made to producers or cooperative associations.

§ 956.32 *Other reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

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

(a) The receipts and utilization of all producer milk and other source milk;

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

(c) Payments to producers and cooperative associations; and

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

§ 956.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such 3 year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 956.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream, and milk products received during the delivery period by a handler and required to be reported pursuant to § 956.30 (a) shall be classified by the market administrator pursuant to §§ 956.41 to 956.45, inclusive.

§ 956.41 *Classes of utilization.* Subject to the conditions set forth in §§ 956.43 and 956.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat except mixes for ice cream and frozen desserts) (2) disposed of as or used to produce any other milk product required by the health authorities in the marketing area to be produced from Grade A milk and (3) all skim milk and butterfat not specifically accounted for as Class II milk.

(b) *Class II milk.* Except as provided in paragraph (c) of this section Class II shall be (1) all skim milk which is dumped or disposed of as livestock feed: *Provided,* That in the case of skim milk which is dumped the handler shall notify the market administrator in advance of his intention to dump such skim milk, and (2) all skim milk and butterfat (i) used to produce any milk product not specified in paragraph (a) of this section, (ii) in actual plant shrinkage supported by adequate plant records up to but not in excess of two percent of the total receipts of skim milk and butterfat in producer milk, other than that received from other handlers, (iii) in actual shrinkage of other source milk, and (iv) in inventory variations.

(c) *Class IIA.* Class IIA shall be all skim milk and butterfat which, during the months of February through July, both inclusive, is used to produce butter, American cheddar cheese, casein, animal feed or nonfat dry milk solids, and skim milk which is dumped: *Provided,* That the handler shall notify the market administrator in advance of his intention to dump such skim milk.

§ 956.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

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

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 956.43 *Transfers.* (a) Skim milk and butterfat, when transferred or diverted from an approved plant to another approved plant where milk is received from producers, shall be Class I if transferred or diverted in the form of milk, skim milk or cream: *Provided,* That, if the transferring handler, on or before the 6th day after the end of the delivery period during which the transfer or diversion is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in Class II, or Class IIA such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the receiver after the subtraction of other source milk pursuant to § 956.46: *Provided further,* That, if other source milk has been received at either or both plants, such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(b) Skim milk or butterfat, when transferred or diverted from an approved plant to an unapproved plant located more than 100 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream.

(c) Skim milk and butterfat when transferred or diverted from an approved plant to an unapproved plant located less than 100 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream unless the transferring handler reports that such skim milk or butterfat was used in Class II or Class IIA: *Provided,* That if the buyer refuses to permit the market administrator to audit his books and records, such milk, skim milk or cream shall be reclassified as Class I: *Provided further,* That if upon audit of the buyer's records, it is found that the use of skim milk and butterfat in the buyer's plant in Classes II and IIA is less than the amount stated to have been used, any amount in excess of such Class II use or Class IIA shall be classified as Class I.

(d) Skim milk or butterfat when transferred or diverted from an approved plant to a producer-handler in the form of milk, skim milk, or cream shall be classified as Class I.

§ 956.44 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in § 956.41 the burden rests upon the handler who receives such skim milk or butterfat from producers to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 956.45 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler pursuant to § 956.30 (a) and shall compute the respective amounts of skim milk and butterfat in each class for such handler.

§ 956.46 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to § 956.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II, the pounds of skim milk determined pursuant to § 956.41 (b) (2) (ii);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk contained in other source milk: *Provided,* That if the receipts of skim milk in other source milk

are greater than the pounds of skim milk remaining in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I. If any skim milk has been classified as Class II A, skim milk in other source milk shall be allocated to such Class II A use prior to allocation to other Class II use.

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 956.43(a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(5) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk contained in such handler's own production;

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk reported as having been received from producers; an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II: *Provided*, That any amount in excess of the pounds remaining in Class II shall be subtracted from Class I. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 956.50 *Class prices.* Each handler shall pay at the time and in the manner set forth in § 956.65 not less than the prices set forth in this section for skim milk and butterfat in milk received from producers during the delivery period at such handler's plant.

(a) *Class I milk.* (1) The price per hundredweight for Class I milk containing 3.5 percent butterfat shall be the Class II price computed pursuant to paragraph (b)(1) of this section for the previous delivery period plus $1.25.

(2) The price per hundredweight for butterfat in Class I milk shall be computed by adding $25.00 to the price computed pursuant to paragraph (b)(2) of this section for the preceding delivery period.

(3) The price per hundredweight for skim milk in Class I shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

(b) *Class II milk.* (1) The price per hundredweight for Class II milk containing 3.5 percent butterfat shall be computed by the market administrator as follows: (i) Multiply by 1.25 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period and subtract 5 cents, (ii) multiply by 3.5, (iii) add 21 cents, and (iv) add 3 cents for each full one-half cent that the price of nonfat dry milk solids is above 7 cents per pound. The price of nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture during the delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. manufacturing plants in the Chicago area as published by the Department of Agriculture for the period from the 26th day of the preceding delivery period through the 25th day of the current delivery period, shall be used and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(2) The price per hundredweight for butterfat in Class II shall be computed by adjusting to the nearest full cent the price computed pursuant to subparagraph (1) (i) of this paragraph and multiplying by 100.

(3) The price per hundredweight for skim milk in Class II shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

(c) *Class II A milk.* (1) The price per hundredweight for Class II A milk containing 3.5 percent butterfat shall be the Class II price computed pursuant to paragraph (b) (1) of this section minus 25 cents.

(2) The price per hundredweight for butterfat in Class II A milk shall be computed by: (i) Determining the percentage that the price computed pursuant to § 956.50 (b) (1) (i) is of the price computed pursuant to § 956.50 (b) (1), (ii) multiplying such percentage by 25 cents, (iii) subtracting the resulting figure from the price computed pursuant to § 956.50 (b) (1) (i), and (iv) multiplying by 100.

(3) The price per hundredweight for skim milk in Class II A shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965 and (iv) adjusting to the nearest cent.

§ 956.51 *Emergency price provisions.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, and the specified price is not reported or published the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

DETERMINATION OF UNIFORM PRICE

§ 956.60 *Computation of the value of milk.* (a) The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat allocated to each class pursuant to § 956.46 by the applicable class prices, adding together the resulting amounts and adding any amounts owed by the handler pursuant to subparagraphs (1) and (2) of this paragraph.

(1) If a handler has overage of either skim milk or butterfat, the market administrator shall add an amount computed by multiplying the pounds of overage by the applicable class prices.

(2) If any skim milk or butterfat in other source milk has been allocated to Class I pursuant to § 956.46, during the months of February through July, both inclusive, the market administrator shall add an amount equal to the difference between the value of such skim milk or butterfat at the Class I price and the Class II price unless the handler can prove to the satisfaction of the market administrator that such other source skim milk or butterfat was used only to the extent that producer milk was not available.

(b) If any handler who operates an unapproved plant has disposed of Class I milk in the marketing area, the market administrator shall determine a value for such handler by multiplying the pounds of such Class I milk by an amount equal to the difference between the Class I price and the Class II price.

§ 956.61 *Computation of uniform price.* For each delivery period the market administrator shall compute a uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 956.60 for all handlers who filed reports pursuant to § 956.30 and who made the payments required pursuant to §§ 956.65 and 956.69 for the previous delivery period;

(b) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 956.66, and multiplying the resulting amount by the total hundredweight of milk included in these computations;

(c) Subtract during each of the delivery periods of May, June and July an amount equal to 8 percent of the resulting sum;

(d) Add during each of the delivery periods of September, October and November one-third of the total amount subtracted pursuant to paragraph (c) of this section;

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

§ 956.62 *Notification of handlers.* On or before the 9th day after the end of each delivery period the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 956.46 and 956.60 respectively, and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 956.61;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 956.65 and 956.71; and

(e) The amount to be paid by such handler pursuant to § 956.72.

PAYMENTS

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

(a) On or before the 15th day after the end of the delivery period during which the milk was received, to each producer for milk received from him and for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed pursuant to § 956.61, subject to the butterfat differential computed pursuant to § 956.66.

(b) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payments for its member producers and wishes to exercise such authority, an amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to paragraph (a) of this section.

§ 956.66 *Butterfat differential.* If, during the delivery period, any handler has received from any producer milk having an average butterfat content other than 3.5 percent, such handler in making the payments prescribed in § 956.65, shall add to the uniform price for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent not less than, or shall deduct from the uniform price for each one-tenth of one percent that such average butterfat content is below 3.5 percent not more than, an amount computed by the market administrator as follows: To the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period in which the milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest cent.

§ 956.67 *Adjustment of errors in payment to producers.* Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 956.65 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 956.68 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 956.69 and 956.71 and out of which he shall make all payments to handlers pursuant to §§ 956.70 and 956.71: *Provided,* That the market administrator shall offset any payment due any handler against payments due from such handler.

§ 956.69 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period (a) each handler who operates an approved plant shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to § 956.60 (a) for such delivery period is greater than the sum required to be paid by such handler pursuant to § 956.65, and (b) each handler who operates an unapproved plant shall make payment to the market administrator of an amount equal to the value computed for him pursuant to § 956.60 (b).

§ 956.70 *Payments out of the producer-settlement fund.* On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 956.65 is greater than the total value computed for him pursuant to § 956.60.

§ 956.71 *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund made pursuant to §§ 956.69 and 956.70, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 956.70 the market administrator shall, within 5 days, make such payment to such handler.

§ 956.72 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler who operates an approved plant shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the delivery period of (a) milk from producers including such handler's own production, and (b) other source milk which is classified as Class I milk, and each handler who operates an unapproved plant shall make such payment only with respect to Class I milk disposed of within the marketing area.

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

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

(1) The amount of the obligation;

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

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

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

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (in-

cluding deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 956.80 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 956.81.

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

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

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

MISCELLANEOUS PROVISIONS

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

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

Filed at Washington, D. C., this 12th day of May 1952.

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

[F. R. Doc. 52-5460; Filed, May 15, 1952; 9:05 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

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

PUERTO RICO; SPECIAL INDUSTRY COMMITTEE No. 12

NOTICE OF PUBLIC HEARING ON MINIMUM WAGE RECOMMENDATIONS FOR CERTAIN INDUSTRIES

In conformity with sections 5 and 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060 as amended; 29 U. S. C., and Sup. 201 et seq.), and in accordance with § 511.11 of the regulations issued pursuant thereto (29 CFR Part 511), notice is hereby given to all interested persons that a public hearing will be held beginning on June 10, 1952 at 10:00 a. m., in Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico, for the purpose of receiving evidence to be considered by Special Industry Committee No. 12 for Puerto Rico in recommending minimum wage rates for employees in the industries in Puerto Rico hereinafter enumerated.

Special Industry Committee No. 12 for Puerto Rico was created by Administrative Order No. 421, published in the FEDERAL RECISTER on May 13, 1952. It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended, and regulations promulgated thereunder, with the duty of investigating conditions in the following industries in Puerto Rico, as defined in said Administrative Order: the beer division of the alcoholic beverage and industrial alcohol industry; button, buckle, and jewelry industry; railroad, railway express, and property motor transport industry; stone, glass, and related products industry; and sugar manufacturing industry.

The Committee is further charged with the duty of recommending to the Administrator the highest minimum wage rates (not in excess of 75 cents per hour), for all employees in Puerto Rico in the industries cited above who within the meaning of said act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by the provisions of section 13 (a) and employees coming under the provisions of section 14, which, having due regard to economic and competitive conditions, will not substantially curtail employment in such industries and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Before any minimum wage rates recommended by the Committee are made effective, a public hearing will be held pursuant to section 8 of the act, at a time and place to be announced by the Administrator and at which all interested persons will have an opportunity to be heard.

Any person who, in the opinion of the Committee or its duly authorized subcommittee, has a substantial interest in the proceeding and is prepared to present material pertinent to the question under consideration, may appear on his own behalf or on behalf of any other person. Persons wishing to appear are requested to file with James G. Johnson, Territorial Director of the Wage and Hour Division, Post Office Box 9061, Santurce 29, Puerto Rico, not later than June 3, 1952, a notice of intention to appear. A copy of such notice must also be filed by such persons with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., on or before the same date. The notice of intention to appear should contain the following information:

1. The name and address of the person appearing.
2. If he is appearing in a representative capacity, the name and address of the person or persons whom, or the organization which, he is representing.
3. The proximate length of time which his presentation will consume.

All testimony will be taken under oath and subject to reasonable cross-examination by any interested person present. Testimony so received will be offered as evidence at the public hearing to be held on such minimum wage recommendations as Special Industry Committee No. 12 for Puerto Rico may make.

Written statements of persons who cannot appear personally will be considered by the Committee provided that such statements are sworn and that at least 12 copies thereof are received not later than June 10, 1952 at the Wage and Hour Division of the United States Department of Labor, Room 412, New York Department Store Building, Stop 16½ Ponce de Leon Avenue, Santurce 29, Puerto Rico. Any person appearing at the hearing who offers written material must submit at least 12 copies thereof.

Signed at San Juan, Puerto Rico, this 13th day of May 1952.

A. CECIL SNYDER,
Chairman, Special Industry Committee No. 12 for Puerto Rico.

[F. R. Doc. 52-5437; Filed, May 15, 1952; 8:58 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42, 45, 61]

EMERGENCY EVACUATION PROVISIONS FOR CERTAIN TRANSPORT AIRPLANES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a proposed Special Civil Air Regulation in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their

consideration by the Board before taking further action on the proposed rule, communications must be received by June 2, 1952. Copies of such communications will be available after June 4, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

On November 15, 1951, the Board adopted Amendment 4b–4 which provided new emergency evacuation provisions for transport category airplanes, and which became effective on December 20, 1951. Subsequently, the Board caused a notice of proposed rule making to be published in the FEDERAL REGISTER (16 F. R. 13151) and also circulated Draft Release No. 51–16 indicating its intent to amend the emergency evacuation provisions applicable to airplanes presently certificated. The time for comment has expired and all material submitted has been considered.

Certain substantial changes and additions have been made in the proposed rule. The number of occupants allowed for airplanes presently in service has been increased with respect to certain models in the table in the proposed regulation. These increases are considered to bring the authorized numbers more in line with the capabilities of comparable airplanes. Additional provisions have been added which establish evacuation requirements for transport category airplanes not yet in service but for which a type certificate application was filed prior to December 20, 1951. A change has also been made in the requirements for emergency descent equipment which the Board considers to be more realistic. Accordingly, descent equipment will be required for an evacuation demonstration in instances where it would be required by the provisions of Amendment 4b–4 to the Civil Air Regulations. Such equipment must thereafter be carried on the airplane when any increase in the number of occupants has been based on such a demonstration.

Because substantial changes and additions have been made in the rule as originally proposed, the Board considers that in this instance it is appropriate to allow time for public comment and therefore will allow an additional 15 days for comment before considering the proposal for final adoption.

It is proposed to promulgate a Special Civil Air Regulation to read as follows:

1. *Applicability.* Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (12,500 pounds or more maximum certificated take-off weight) shall be operated by any person when carrying occupants in excess of the number authorized by the Administrator.

2. *Maximum number of occupants.* The maximum number of occupants which may be carried shall be determined by the Administrator in accordance with the provisions of this regulation:

(a) For airplanes listed in the table contained in this paragraph, the maximum number of occupants (crew and passengers) shall be as set forth therein: *Provided*, That a greater number may be authorized [1] in accordance with one of the following:

(1) The number determined by compliance with the provisions of Amendment 4b–4 to the Civil Air Regulations, effective December 20, 1951, or

(2) The number determined by an evacuation demonstration test conducted in accordance with section 3 of this regulation.

Airplane type:	*Maximum number of occupants including the crew*
CV–240	51
DC–3	34
DC–3 (Super)	35
DC–4	86
DC–6	87
DC–6B	92
L–18	17
L–049	[1] 87
L–649	[1] 71
L–749	[1] 71
L–1049	95
M–202	53
M–404	53
B–307	61
B–377	96
C–46	67

[1] L–049, L–649, L–749: 87 occupants authorized in airplanes with 6 exits and 1 passenger door in the passenger area; 71 occupants authorized in airplanes with 4 exits and 1 passenger door in the passenger area.

(b) For transport category airplanes not listed in the table contained in paragraph (a) of this section, but for which an application for a type certificate was made prior to December 20, 1951, the total number of occupants (passengers and crew) shall not exceed the following:

(1) The number determined by compliance with the provisions of § 4b.362 (b) of the Civil Air Regulations, in effect immediately prior to December 20, 1951: *Provided*, That for airplanes with a seating capacity of more than 50 occupants, there shall be, in addition to the exits required by § 4b.362 (b), one additional exit for each 14 occupants, or fraction thereof, in excess of 50, or

(2) The number determined by compliance with the provisions of Amendment 4b–4 to the Civil Air Regulations effective December 20, 1951,

(3) The number determined by an evacuation demonstration test conducted in accordance with section 3 of this regulation.

3. *Test procedure.* (a) All participants shall be on the ground within 30 seconds after the starting signal or in a time equal to one second per person, whichever is greater, but in no case shall the total time exceed 90 seconds.

(b) The airplane shall be either in the wheels-retracted attitude or in the normal passenger loading attitude, i. e., with wheels extended, whichever is considered by the Administrator to be the more critical condition.

(c) All exits shall be closed and latched before starting the test.

(d) For all landplane emergency exits, other than those over the wing, which are more than 6 feet from the ground with the airplane on the ground and the landing gear extended, means shall be provided to assist the occupants in descending to the ground. In such case, any authorization to carry the number of occupants determined by the test shall be contingent upon the carriage of such means of descending from the airplane.

(e) All occupants shall be seated with safety belts fastened at the start of the test: *Provided*, That in case all seats are not installed, a representative of the Administrator shall designate stations for the standees approximating the condition of normal seating and shall indicate when they are permitted to begin evacuation.

(f) Adjustable seat backs near emergency exits shall, at the start of the test, be positioned to provide maximum interference with the use of the exit. Seat backs may be moved during the test.

(g) All exists may be used in the test.

(h) The participants, acting as passengers, shall not be briefed with respect to any of the phases of evacuation but shall only be informed of the purpose of the test.

(i) As nearly as possible, the participants shall be representative of passengers in normal flights, i. e., 20 percent between the ages of 15 and 26; 60 percent between the ages of 27 and 45; and 20 percent between the ages of 46 and 65. Women shall comprise 20 percent of each age group.

(j) All participants shall wear clothing and shoes normally worn in traveling.

(k) After the starting signal all crew members may assist in the test consistent with the operator's emergency evacuation procedure. No help by other than crew members shall be given the participants during the test.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated: May 12, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52–5449; Filed, May 15, 1952; 9:02 a. m.]

[1] The number of occupants is prescribed by the Administrator normally in the Operations Specifications or Letter of Authorization for the particular operator of the airplane.

[14 CFR Parts 202, 203, 207, 291, 292, 295, 296, 297, 298]

[Economic Regulations Draft Release No. 53]

BUSINESS NAMES OF AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Board has under consideration a proposed amendment of its Economic Regulations to require that all persons having economic authority under the provisions of the Civil Aeronautics Act, or the Board's orders, rules and regulations thereunder,

operate in air transportation only under a single name of record with the Board. Until recently, the Board has felt that, since most air carriers were in fact doing business in this manner without being compelled to do so, there was no urgent reason for adopting such a rule.

However, there has been an increasing tendency to depart from this policy, particularly among the Large Irregular Air Carriers. The results have been confusion to the public, an increase in the administrative burden of the Board and greater difficulty in achieving adequate enforcement of the act and the regulations. The Board has received an increasingly large number of complaints from the public indicating that the complainant did not know the true identity of the carrier against which the complaint was being made. There have been several instances in which considerable correspondence and even field investigations have been necessary to identify the carrier responsible. Aircraft accidents have been reported in the press on several occasions as having involved air carriers bearing assumed names not registered with or even known to the Board. In at least one instance, the trade name of a carrier whose operating authority had been revoked for willful violations of the act has been assumed by another carrier operated by the same management as that of the revoked carrier.

Most important, these practices, combined with equally unstable identities among ticket agencies, have made it difficult in many instances for members of the traveling public to know with whom they are doing business. This has had serious consequences, both with respect to the business relationships involved and with respect to matters of liability in the event of injury or death of the passenger or other members of the public, or loss of or damage to property.

Accordingly, despite the fact that all but a few air carriers have conducted their business in responsible fashion under a single name known to the public and of record with the Board, it is now proposed that the appropriate parts of the Economic Regulations be amended in such a way as to make the generally accepted business practice a formal requirement of the regulations.

It should be noted that the form of the proposed rule is designed to upset as little as possible the business names presently being used, but at the same time to provide flexibility permitting a change of name. For the sake of convenience, it has been drafted in such a way as to reflect assumptions that holders of certificates or letters of registration will wish to do business under the name in which the certificate or letter is issued and outstanding and that other air carriers, such as air taxi operators, will generally wish to continue to use the name they are currently using.

However, provision has been made in the proposed rule to insure that it will not have any disruptive effect upon the business of those carriers wishing to engage in air transportation in a name other than that in which their certificate or letter of registration is issued and outstanding. A 60-day period is provided after the effective date of the proposed rule during which the new restriction on use of a business name will not be operative, and this would afford ample opportunity to obtain permission of the Board for use of a particular name before the effective date of the restriction. Of course, even after the restriction becomes operative, a change of name will be possible after waiting for the length of time necessary to obtain Board permission.

The purpose of the proviso clauses appearing in each of the new sections is to provide both a procedure and a standard under which the Board will handle requests for permission to use a name other than that currently authorized. Care has been taken to insure that neither the new provisions nor the grant of permission thereunder to use a particular name will in any way prejudice the applicability of other safeguards contained in the act, such as the Board's powers under section 411 to order an air carrier to cease and desist from unfair or deceptive practices or unfair methods of competition.

It should be further noted that the restriction of the proposed rule with respect to use of a business name applies not only to actual operations in air transportation but also to a holding out by the carrier, directly or through an agent, that it operates in air transportation.

The proposed amendments are set forth below.

The amendments are proposed under the authority of sections 205 (a), 401, and 416 of the Civil Aeronautics Act, as amended (52 Stat. 984, 987, 1004; 49 U. S. C. 425, 481, 496).

Interested persons may participate in the proposed rule-making through the submission of written data, views or arguments pertaining thereto, in duplicate, addressed to the Secretary, Civil Aeronautics Board, Washington, D. C. All relevant matter in communications received on or before June 13, 1952, will be given due consideration by the Board before taking final action on the proposed rule. The proposed rule may be changed in the light of comments received in response to this notice of proposed rule making.

Dated: May 9, 1952 at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

It is proposed to amend Parts 202, 203, 207, 291, 292, 295, 296, 297 and 298 of the Economic Regulations as follows:

1. By adding to Part 202 a new § 202.8, reading as follows:

§ 202.8 *Business name of air carrier.* On or after (date 60 days after effective date of regulation) it shall be an express condition upon the operating authority granted by each certificate authorizing an air carrier to engage in interstate or overseas air transportation issued pursuant to section 401 of the act that the air carrier may not engage in air transportation or hold out to the public, directly or through an agent, that it does so, in any name other than the name in which such certificate is then issued and outstanding: *Provided,* That application may be made to the Board at any time for permission to do business under a different name, and, if the Board grants such permission, the air carrier shall then, from the effective date of such permission or (date 60 days after effective date of regulation), whichever shall be later, do business under such name and no other: *Provided further,* That the Board shall grant such permission if it finds such grant not to be adverse to the public interest, but neither the provisions of this section nor the grant of permission hereunder shall be deemed to constitute such a finding for any other purpose or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act or any orders, rules or regulations issued thereunder.

2. By adding to Part 203 a new § 203.9, reading as follows:

§ 203.9 *Business name of air carrier.* On or after (date 60 days after effective date of regulation), it shall be an express condition upon the operating authority granted by each certificate authorizing an air carrier to engage in foreign air transportation issued pursuant to section 401 of the act that the air carrier may not engage in air transportation or hold out to the public, directly or through an agent, that it does so, in any name other than the name in which such certificate is then issued and outstanding: *Provided,* That application may be made to the Board at any time for permission to do business under a different name and, if the Board grants such permission, the air carrier shall then, from the effective date of such permission or (date 60 days after effective date of regulation), whichever shall be later, do business under such name and no other: *Provided further,* That the Board shall grant such permission if it finds such grant not to be adverse to the public interest, but neither the provisions of this section nor the grant of permission hereunder shall be deemed to constitute such a finding for any other purpose or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act or any orders, rules or regulations issued thereunder.

3. By adding a footnote to Part 207 at the end of the first sentence of § 207.3, reading as follows:

[1] See provisions of § 202.8 and § 203.9 of this chapter imposing certain conditions upon exercise of the privileges of the certificate.

4. By adding to Part 291, a new § 291.28 reading as follows:

§ 291.28 *Large irregular carriers; conditions on operating authority; business name.* On or after (date 60 days after effective date of regulation), it shall be an express condition on the operating authority granted by this part and the letters of registration issued hereunder that the air carrier may not engage in air transportation or hold out to the public, directly or through an agent, that it does so, in any name other than the name in which its letter of registration is then issued and outstanding: *Provided,* That application may be made to the Board at any time for permission to do business under a different name

and, if the Board grants such permission, the air carrier shall then, from the effective date of such permission or (date 60 days after effective date of regulation), whichever shall be later, do business under such name and no other: *Provided further*, That the Board shall grant such permission if it finds such grant not to be adverse to the public interest, but neither the provisions of this section nor the grant of permission hereunder shall be deemed to constitute such a finding for any other purpose or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act or any orders, rules or regulations issued thereunder.

5. By adding to Part 292, a new § 292.9, reading as follows:

§ 292.9 *Business name of air carrier.* On or after (date 60 days after effective date of regulation), it shall be an express condition upon the operating authority granted either by exemption under this Part or by certificate to any member of any class of air carrier covered by this part, that the air carrier may not engage in air transportation or hold out to the public, directly or through an agent, that it does so, in any name other than the name in which its certificate is then issued and outstanding or, if not a certificated air carrier, the name in which operations are being conducted on the effective date of this section or are subsequently first commenced: *Provided*, That application may be made to the Board at any time for permission to do business under a different name and, if the Board grants such permission, the air carrier shall then, from the effective date of such permission or (date 60 days after effective date of regulation), whichever shall be later, do business under such name and no other: *Provided further*, That the Board shall grant such permission if it finds such grant not to be adverse to the public interest, but neither the provisions of this section nor the grant of permission hereunder shall be deemed to constitute such a finding for any other purpose or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act or any orders, rules or regulations issued thereunder.

6. By adding to Part 295 a new § 295.13, reading as follows:

§ 295.13 *Business name of air carrier.* On or after (date 60 days after effective date of regulation), it shall be an express condition upon the operating authority granted by this part and the letters of registration issued hereunder that the air carrier may not engage in air transportation or hold out to the public, directly or through an agent, that it does so, in any name other than the name in which its letter of registration is then issued and outstanding: *Provided*, That application may be made to the Board at any time for permission to do business under a different name and, if the Board grants such permission, the air carrier shall then, from the effective date of such permission or (date 60 days after effective date of regulation), whichever shall be later, do business under such name and no other: *Provided further*, That the Board shall grant such permission if it finds such grant not to be adverse to the public interest, but neither the provisions of this section nor the grant of permission hereunder shall be deemed to constitute such a finding for any other purpose or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act or any orders, rules or regulations issued thereunder.

7. By renumbering §§ 296.16, 296.17, and 296.18 of Part 296 to be § 296.17, § 296.18 and § 296.19, respectively, and by adding to Part 296 a new section designated as § 296.16, reading as follows:

§ 296.16 *Business name of air carrier.* On or after (date 60 days after effective date of regulation), it shall be an express condition upon exercise of the privileges granted by this part and the letters of registration issued hereunder that the carrier may not engage in air transportation or hold out to the public, directly or through an agent, that it does so, in any name other than the name in which its letter of registration is then issued and outstanding: *Provided:* That application may be made to the Board at any time for permission to do business under a different name and, if the Board grants such permission, the air carrier shall then, from the effective date of such permission or (date 60 days after effective date of regulation), whichever shall be later, do business under such name and no other: *Provided further*, That the Board shall grant such permission if it finds such grant not to be adverse to the public interest, but neither the provisions of this section nor the grant of permission hereunder shall be deemed to constitute such a finding for any other purpose or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act or any orders, rules or regulations issued thereunder.

8. By adding to Part 297 a new § 297.14, reading as follows:

§ 297.14 *Business name of air carrier.* On or after (date 60 days after effective date of regulation), it shall be an express condition upon exercise of the privileges granted by this part and the letters of registration issued hereunder that the air carrier may not engage in air transportation or hold out to the public, directly or through an agent, that it does so, in a name other than the name in which its letter of registration is then issued and outstanding: *Provided*, That application may be made to the Board at any time for permission to do business under a different name and, if the Board grants such permission, the air carrier shall then, from the effective date of such permission or (date 60 days after effective date of regulation), whichever shall be later, do business under such name and no other: *Provided further*, That the Board shall grant such permission if it finds such grant not to be adverse to the public interest, but neither the provisions of this section nor the grant of permission hereunder shall be deemed to constitute such a finding for any other purpose or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act or any orders, rules or regulations issued thereunder.

9. By renumbering §§ 298.8 and 298.9 of Part 298 to be § 298.9 and § 298.10, respectively, and by adding to Part 298 a new section designated as § 298.8, reading as follows:

§ 298.8 *Conditions on operating authority; business name.* On or after (date 60 days after effective date of regulation), it shall be an express condition upon the operating authority granted by this part that the air carrier may not engage in air transportation or hold out to the public, directly or indirectly, that it does so, in a name other than the name in which operations are being conducted on the effective date of this section or are subsequently first commenced: *Provided*, That application may be made to the Board at any time for permission to do business under a different name and, if the Board grants such permission, the air carrier shall then, from the effective date of such permission or (date 60 days after effective date of regulation), whichever shall be later, do business under such name and no other: *Provided further*, That the Board shall grant such permission if it finds such grant not to be adverse to the public interest, but neither the provisions of this section nor the grant of permission hereunder shall be deemed to constitute such a finding for any other purpose or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act or any orders, rules or regulations issued thereunder.

[F. R. Doc. 52-5451; Filed, May 15, 1952; 9:03 a. m.]

[14 CFR Part 292]

[Economic Regulations Draft Release No. 52]

CANCELLATION OF INACTIVE LETTERS OF REGISTRATION OF ALASKAN PILOT-OWNERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of § 292.8 of the Economic Regulations (14 CFR 292.8, as amended) for the purpose of enabling the Board to maintain more accurate records of the active letters of registration issued and outstanding in the hands of Alaskan Pilot-Owners.

At the present time there is no provision in § 292.8 which makes it possible for the Board to determine which letters of registration are inactive and cancel them. Accordingly, the Board's records on Alaskan Pilot-Owners cannot now be kept on a basis which furnishes an accurate picture of the overall extent of activity in this field or the identity of those actively engaged therein. The proposed rule would establish a procedure which, without prejudicing the basic rights of Alaskan Pilot-Owners in any way, would greatly assist the Board in its record-keeping and administrative activ-

ities for this class of air carriers. The proposed amendment is set forth below.

This amendment is proposed under the authority of section 205 (a); 52 Stat. 984, 49 U. S. C. 425. Interpret or apply sections 401 and 416, 52 Stat. 987, 1004; 49 U. S. C. 481, 496.

Interested persons may participate in the proposed rule-making through the submission of written data, views or arguments pertaining thereto, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington (25), D. C. All relevant matters in communications received by June 13, 1952, will be considered by the Board before taking final action on the proposed rule. The proposed rule may be modified in certain respects before final adoption on the basis of the comments received.

Dated: May 9, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

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

It is proposed to amend § 292.8 of the Economic Regulations as follows:

1. By relettering § 292.8 (b) and (c) to be (c) and (d), respectively.

2. By adding a new paragraph (b) reading as follows:

(b) In any case in which the Board has reason to believe that a person holding a letter of registration (Alaska) issued under this part has ceased to operate pursuant to the temporary exemption conferred by § 292.3 (d), the Board may, by registered letters mailed to the carrier at its last known address and to the designated agent of such carrier, if any, request such carrier to advise the Board, within 60 days after receipt thereof, whether such carrier wishes to continue such operations or to have its letter of registration canceled. Failure to reply within a period of 60 days after receipt thereof, or return of such letters unclaimed, shall automatically terminate all rights under such letter of registration.

[F. R. Doc. 52-5450; Filed, May 15, 1952; 9:03 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2686]

ACTING DIRECTOR AND ACTING ASSISTANT DIRECTOR, OFFICE OF TERRITORIES

DELEGATION OF AUTHORITY

SECTION 1. *Acting Director.* (a) The Assistant Director of the Office of Territories shall perform the duties of the Director in case of the absence, sickness, resignation or death of the Director.

(b) The Chief Counsel of the Office of Territories shall perform the duties of the Director in case of the absence, sickness, resignation or death of the Director and the Assistant Director.

(c) The Executive Officer of the Office of Territories shall perform the duties of the Director in case of the absence, sickness, resignation or death of the Director, Assistant Director, and the Chief Counsel.

(d) An officer acting under authority of this section shall sign documents under the title "Acting Director."

SEC. 2. *Acting Assistant Director.* (a) The Chief Counsel of the Office of Territories shall perform the duties of the Assistant Director in case of the absence, sickness, resignation or death of the Assistant Director.

(b) The Executive Officer of the Office of Territories shall perform the duties of the Assistant Director in case of the absence, sickness, resignation or death of the Assistant Director, and the Chief Counsel.

(c) An officer acting under authority of this section shall sign documents under the title of "Acting Assistant Director."

SEC. 3. *Revocation.* Order No. 2070 of June 29, 1945, is revoked.

(5 U. S. C. 22; Reorg. Plan No. 3 of 1950)

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

MAY 9, 1952.

[F. R. Doc. 52-5416; Filed, May 15, 1952; 8:54 a. m.]

Petroleum Administration for Defense

NOTICE OF CERTIFICATION TO EXPORT CERTAIN PETROLEUM PRODUCTS UNDER PAD ORDERS 5 AND 6

Notice is hereby given that effective at 12:01 p. m., e. s. t., May 15, 1952, export of the following petroleum products, namely: automotive gasolines, kerosenes, distillates (including diesel fuel), residual fuel oil, and aviation gasoline, by package shipments, by road tank wagon, or by railway tank car, excepting however, export of aviation gasoline by railway tank car, is certified under section 4 of PAD Order 5 and section 7 of PAD Order 6 as being in conformity with the purposes of said orders.

OSCAR L. CHAPMAN, *Secretary of the Interior and Petroleum Administrator for Defense.*

MAY 14, 1952.

[F. R. Doc. 52-5522; Filed May 15, 1952; 10:22 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1950]

TENNESSEE GAS CO.

NOTICE OF APPLICATION

MAY 12, 1952.

Take notice that Tennessee Gas Company (Applicant), a Tennessee corporation having its principal place of business at Murfreesboro, Tennessee, filed on May 1, 1952, an application pursuant to section 7 (a) of the Natural Gas Act, for an order directing East Tennessee Natural Gas Company (East Tennessee) to deliver and sell natural gas to Applicant for distribution in the City of Murfreesboro, Tennessee.

The application recites that by order of the Commission issued at Docket No. G-889, East Tennessee was authorized to construct and operate, among other things, a lateral pipeline from its main transmission line near Shelbyville, Tennessee, to the City of Murfreesboro, and that the market requirements of the City of Murfreesboro were included in the certificate issued in said Docket No. G-889.

The application further recites that although East Tennessee has constructed most of the lateral pipelines authorized in Docket No. G-889, and is furnishing natural gas service to most of the towns authorized, and although East Tennessee is seeking a certificate of public convenience and necessity in Docket No. G-1336 authorizing the construction and operation of facilities for the transmission of natural gas into the eastern section of Tennessee, East Tennessee has failed and refused to provide service to Tennessee Gas Company for the City of Murfreesboro.

The application alleges that East Tennessee's refusal to construct the lateral extension to the City of Murfreesboro and to furnish the service authorized, after including the same in the market demands used in Docket No. G-889, has operated to the detriment of the City and is a clear violation of the spirit and purpose of the Natural Gas Act and is discriminatory and unjust.

The application further alleges that Applicant intervened in Docket No. G-1693, In the Matter of Texas Eastern Transmission Corporation, for the purpose of seeking an allocation of natural gas for the City, and that the Presiding Examiner has recommended an allocation of 2141 Mcf of gas for the City on a daily basis, specifically conditioned that Applicant must bear the expense of constructing the necessary 12 miles of lateral line from the Texas Eastern main line to the City.

It is alleged that the estimated cost of such a lateral to Applicant is $200,000, and that if Applicant is required to construct such a line, the estimated additional cost to the City would be approximately 10 cents per Mcf, and that the City would therefore be at a disadvantage when compared with nearby and surrounding towns which have been supplied with natural gas by East Tennessee.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure

(18 CFR 1.8 or 1.10) on or before the 29th day of May 1952. The application is on file with the Federal Power Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5402; Filed, May 15, 1952; 8:48 a. m.]

[Docket No. G-1904]

UNITED GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 12, 1952.

Notice is hereby given that on May 9, 1952, the Federal Power Commission issued its order entered May 8, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5401; Filed, May 15, 1952; 8:47 a. m.]

[Docket No. G-1952]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION

MAY 12, 1952.

Take notice that United Fuel Gas Company (Applicant), a West Virginia corporation, address, Charleston, West Virginia, filed on May 1, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of an 880 horsepower compressor station, together with dehydration plant, auxiliary units and appurtenant equipment to be located at Applicant's Storage Pool X-4; two additional 1100 horsepower gas engine driven compressor units and the supercharging of three 880 horsepower gas engine driven compressor units in Applicant's Lanham Compressor Station; and approximately 21.5 miles of 6⅝ inch, 10¾ inch, 14-inch and 20-inch pipe line facilities in the vicinity of Applicant's Grapevine Compressor Station, Coco Compressor Station, Bowers Measuring Station, and Applicant's proposed storage pool X-56.

Applicant also proposes to acquire certain leaseholds, drill wells and install well and field lines in connection with the initiation of storage operations in proposed storage pool to be used in conjunction with existing storage facilities, and to utilize the proposed facilities in connection therewith.

Applicant proposes the construction and operation of the facilities hereinbefore described to insure adequacy and continuity of service to present markets. No additional markets are proposed to be served through the proposed facilities.

The estimated total over-all capital cost of Applicant's project is $3,582,640, consisting of $2,411,600 for facilities to be constructed and operated, and $1,171,040 representing the cost of acquiring and activating proposed storage fields.

Applicant proposes to finance the proposed construction by the issuance and sale of securities to its parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of May 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5403; Filed, May 15, 1952; 8:48 a. m.]

[Project No. 1393]

PEND OREILLE MINES & METALS CO.

NOTICE OF APPLICATION FOR LICENSE

MAY 12, 1952.

Public notice is hereby given that Pend Oreille Mines & Metals Company, of Spokane, Washington, has made application for a new license pursuant to the provisions of the Federal Power Act (18 U. S. C. 791-825r) for a constructed hydroelectric development, designated as Project No. 1393, located on the Pend Oreille River, in Pend Oreille County, Washington, affecting public lands and lands of the United States within the Kaniksu National Forest. The project consists of an intake above Metaline Falls, a 20-foot by 20-foot diversion tunnel about 600 feet long, a powerhouse located immediately below Metaline Falls having a total installed capacity of 4,000 horsepower, transmission lines to several mines and concentrating plants, and other appurtenant electrical equipment.

Any protest against the approval of this application or request for any action thereon, with the reason for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before July 5, 1952, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5404; Filed, May 15, 1952; 8:48 a. m.]

[Project No. 2087]

BLUE RIDGE ELECTRIC MEMBERSHIP CORP.

NOTICE OF FINAL DECISION

MAY 12, 1952.

Notice is hereby given that the Presiding Examiner's Decision issuing a preliminary permit in the above-designated matter was issued and served upon all parties on April 8, 1952. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure, said Decision became effective on May 9, 1952, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5435; Filed, May 15, 1952; 8:58 a. m.]

[Project No. 2101]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

MAY 12, 1952.

Public notice is hereby given that Sacramento Municipal Utility District, of Sacramento, California, has made application for preliminary permit pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) for a proposed hydroelectric development, designated as Project No. 2101, on the Rubicon River and its tributaries, Silver Creek, and South Fork American River and its tributaries, in Eldorado County, California, and affecting lands of the United States in the Eldorado National Forest. The proposed project, to be known as the Rubicon-Silver Creek Project, would consist of: (1) Diversion, regulating and storage reservoirs having a total capacity of about 246,000 acre-feet; (2) about 16.4 miles of diversion tunnels connecting the reservoirs to one another or to the powerhouses; (3) three powerhouses (15,000 kw. and 77,000 kw., respectively, on Silver Creek, and 52,000 kw. on South Fork American River) with a proposed total installation of 144,000 kilowatts; (4) a transmission line about 55 miles long; and appurtenant facilities.

Any protest against the approval of this application or request for any action thereon, with the reason for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before July 2, 1952, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5405; Filed, May 15, 1952; 8:48 a. m.]

[Docket No. IT-6078]

NIAGARA MOHAWK POWER CORP.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF INCREASED AMOUNT OF ELECTRIC ENERGY TO CANADA

MAY 12, 1952.

Notice is hereby given that on May 9, 1952, the Federal Power Commission issued its order entered May 8, 1952, authorizing transmission of increased amount of electric energy to Canada in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5400; Filed, May 15, 1952; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CENTRAL OFFICE

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II, *Central Office organization and final delegations of authority to Central Office officials*, is amended as follows:

Subparagraph 9 of paragraph j is amended as follows:

9. Effective April 22, 1952, the Assistant Commissioner for Development and the Deputy Assistant Commissioner for Development are hereby delegated the power to authorize construction schedules and to make allotments of controlled materials, and to apply or assign to others the right to apply DO ratings and allotment numbers and symbols for procurement of building materials (other than controlled materials) and building equipment, in accordance with the provisions of Revised CMP Regulation No. 6, and to approve or disapprove applications for adjustment or exception under the provisions of Revised CMP Regulation No. 6 and NPA Order M-100, with respect to the construction of multi-unit residential structures by Federal, State, and local public agencies.

Date approved: May 6, 1952.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 52-5464; Filed, May 15, 1952; 9:05 a. m.]

FIELD OFFICE

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field organization and final delegations of authority,* is amended as follows:

The introduction to subparagraph 1 of paragraph e is amended as follows:

1. Pursuant to the provisions of Public Law 67 (73d Cong.) and Public Law 412 (75th Cong.), as to PWA projects only; Public Laws 671, 781, and 849 (76th Cong.), Public Laws 9, 73, and 353 (77th Cong.), all as amended and supplemented; Public Law 600 (79th Cong.); Public Laws 862 and 901 (80th Cong.); section 205 of Public Law 475 (81st Cong.); and Public Law 139 (82d Cong.); general housing managers, housing managers, and their assistants and management aides when acting as general housing manager or housing manager, are delegated, in connection with the management and administration of projects, the power:

Date approved: May 6, 1952.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 52-5106; Filed, May 15, 1952; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9446, 9640, 9809, 9907, 9928]

IONIA BROADCASTING CO. ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m. on Tuesday, June 10, 1952, the Commission will hear oral argument in Room 6121, on the following matters in the order indicated.

ARGUMENT NO. 1
[1 hour]

Docket No.				
9928 BP-7912	New	Kenneth Neubrecht and Monroe MacPherson, doing business as Ionia Brdestg Co., Ionia, Mich.	C. P.	1430 kc, 500 w day; daytime.

ARGUMENT NO. 2
[1 hour, 30 minutes]

9907 BP-7770	KJAY	S. H. Patterson, Topeka, Kans.	C. P.	1440 kc, 5 kw DA; night and day unlimited.

ARGUMENT NO. 3
[40 minutes]

9446 BP-7589	New	John J. Keel and Lloyd W. Dennis, Jr., trading as Radio Reading, Reading, Pa.	C. P.	1510 kc, 1 kw DA-1; night and day unlimited.

ARGUMENT NO. 4
[40 minutes]

9809 BP-7791	WQAN	Elizabeth R. Lynett and Edward J. Lynett, Jr., The Scranton Times (copartnership), Scranton, Pa.	C. P.	1450 kc, 250 w night; 250 w day unlimited.

ARGUMENT NO. 5
[40 minutes]

9640 BP-7184	New	Scranton Radio Corp., Scranton, Pa.	C. P.	1400 kc, 250 w night; 250 w day unlimited.

Dated: April 18, 1952.

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

[F. R. Doc. 52-5439; Filed, May 15, 1952; 8:59 a. m.]

[Docket Nos. 7760, 9496, 9548, 9628, 9739]

WDZ BROADCASTING CO. ET AL

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 a'clock a. m. on Monday, June 9, 1952, the Commission will hear oral argument in Room 6121, on the following matters in the order indicated.

ARGUMENT NO. 1
[1 hour, 40 minutes]

Docket No.				
9548 BMP-4776	WDZ	WDZ Broadcasting Co., Decatur, Ill.	Modulation of C. P.	610 kc 1 kw DA-1, night and day, unlimited.

ARGUMENT NO. 2
[40 minutes]

7760 B1-P-4698	New	Chesapeake Broadcasting Co., Inc., Bradbury Heights, Md.	C. P.	1540 kc 1 kw, daytime.

ARGUMENT NO. 3
[1 hour, 20 minutes]

9496 BP-7114	New	Vermilion Broadcasting Corp., Danville, Ill.	C. P.	980 kc 1 kw DA-1, night and day, unlimited.

ARGUMENT NO. 4
[40 minutes]

9628 BP-7192	KSOK	The KSOK Broadcasting Co., Inc., Arkansas City, Kans.	C. P.	1280 kc 100 w night, 1 kw day, unlimited.

ARGUMENT NO. 5
[1 hour]

9739 BMP-5098	KVOL	Evangeline Broadcasting Co., Inc., Lafayette, La.	Modulation of C. P.	1330 kc 1 kw DA night, 5 kw day, unlimited.

Dated: April 18, 1952.

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

[F. R. Doc. 52-5440; Filed, May 15, 1952; 8:59 a. m.]

[Docket Nos. 9717, 9723, 9724, 9725, 9726, 9727, 9828, 9729, 9730, 9731, 9784, 9847, 9848, 9899]

BELOIT BROADCASTING CO. ET AL

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m. on Thursday, May 22, 1952, the Commission will hear oral argument in Room 6121, on the following matters in the order indicated.

ARGUMENT No. 1

[40 minutes]

Docket No.				
9717 BML-1423	WGEZ	Sidney H. Bliss, trading as Beloit Broadcasting Co., Beloit, Wis.	Modulation of C. P.	1490 kc 250 w night, 250 w day unlimited.

ARGUMENT No. 2.

[1 hour, 30 minutes]

9847 7241-C2-P-E	New	Telauserphone, Inc., Los Angeles, Calif.	C. P.	Base station: 43.58 mc.
9848 7750-C2-P-E	New	Robert C. Crabb, Los Angeles, Calif.	C. P.	Do.

ARGUMENT No. 3

[1 hour]

9784		Garfield Medical Apparatus Co., New York, N. Y.	Withdrawal of type-approval certificate No. D-503 for medical diathermy apparatus.	Request for issuance of type-approval for new medical diathermy apparatus.

ARGUMENT No. 4

[2 hours]

9723 C2-ML-E 4118 and 4119	KMA253 KA2516	Robert C. Crabb, Los Angeles, Calif.	Modulation of license	Base station: 152.03 mc. Mobile station: 158.49 mc.
9724 C2-ML-E 3977 and 3978	KMA249 KA2506	Lyman G. Berg, doing business as American Telephone Answering Service, Physicians Exchange, Radio Message Service & Television Answering Service Signal Hill, Calif.	do	Base station: 152.15 mc. Mobile station: 158.61 mc.
9725 C2-ML-E 3538 and 3539	KMA262 KA2629	W. T. German, doing business as United Radio Communications, San Diego, Calif.	do	Base station: 152.03 mc. Mobile station: 158.49 mc.
9726 C2-ML-E 5003 and 5004	KMA260 KA2603	Art Parlas, doing business as Tri-City Radio Dispatch Co., San Bernardino, Calif.	do	Do.
9727 C2-L-E 2036 and 2037 C2-P-E 364	KMA200 KA2004	Business & Professional Telephone Exchange, Los Angeles and Pasadena, Calif.	License to cover C. P.'s	Base station: 152.15 mc. Mobile station: 158.61 mc.
9728 C2-P-E 3744 and 3745	New	Benjamin H. Warner and Vernon C. Starr, doing business as Orange County Radiotelephone Service, Santa Ana, Calif.	C.P.'s new base and mobile station.	
9729 C2-P-D 18646 18647	New	H. W. Ziegler and R. Paul Roman, doing business as Automotive Communications Co., Pamona, Calif.	C.P.'s new base station	
9730 C2-P-E 23 and 24	New	Clyde Downen, Downey, Calif.	New base station.	Base station: 152.09 mc. mobile station: 158.55 mc.
9731 C2-P-E 8099	New	G. Earle Colee and Christine N. Colee, doing business as Telephone Answering Bureau, Santa Monica, Calif.	C.P. new base station.	Base station: 152.15 mc. Mobile station 158.61 mc.
9899 C2-P-51 586	KMA253	Robert C. Crabb, Los Angeles, Calif.	C.P.	Base station: 152.09 mc. Mobile station: 158.55 mc.

Dated: April 18, 1952.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-5441; Filed, May 15, 1952; 8:59 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5220]

WEST COAST AIRLINES, INC., AND EMPIRE AIR LINES, INC.; MERGER CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of West Coast Airlines, Inc., for approval, under section 408 and any other applicable sections of the Civil Aeronautics Act of 1938, as amended, of an agreement to purchase all the outstanding stock of Empire Air Lines, Inc.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 27, 1952 at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 13, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-5310; Filed, May 15, 1952; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7C-2750]

UNITED CORP.

ORDER APPROVING APPLICATION WITH RESPECT TO PROPOSED ACQUISITION OF SECURITIES BY REGISTERED HOLDING COMPANY

MAY 2, 1952.

The United Corporation, a registered holding company, having filed an application pursuant to section 9 (c) (3) of the Public Utility Holding Company Act of 1935 ("act"), for exemption from section 9 (a) thereof with respect to a program for the investment of approximately $24,500,000, or lesser amounts, during the period until it shall have ceased to be a holding company; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having entered its findings and opinion, and having found therein that, subject to the conditions hereinafter set forth, the investment program is appropriate in the ordinary course of business of The United Corporation and is not detrimental to the public interest of investors or consumers, and otherwise satisfies the applicable standards of the act:

It is ordered, Pursuant to the applicable provisions of the act, that the application be, and hereby is, granted forthwith, subject to the terms and conditions prescribed by Rule U-24 of the general rules and regulations promulgated under the act, and subject to the following additional conditions:

(1) That the applicant shall not acquire under this investment program as much as 10 percent of the voting securities (or securities convertible into voting securities) of any one company or invest in excess of $1,000,000 in any one company.

(2) That the applicant under this program shall not acquire more than 1 percent of the voting securities (or securities convertible into voting securities) of any public utility company, or of any holding company exempt as such from the provisions of the act, nor acquire any securities of any registered holding company or any subsidiary of a registered holding company, or of any public utility company or holding company which is or has been a statutory subsidiary of United as a registered holding company.

(3) That the applicant report to the Commission as of June 30, 1952, and every three months thereafter, all acquisitions of securities and sales of securities under this program, including the

names of the sellers or buyers of such securities (except where such purchases or sales have been effected by United through brokers on a National Securities Exchange) and the amounts paid or received for such securities, such reports to be in addition to any reports of sales of securities required to be made by it under Rule U-44 (c).

(4) That applicant transmit to its stockholders, at least semiannually, reports prescribed by section 30 (d) of the Investment Company Act of 1940 and Rule N-30D-1 promulgated thereunder.

(5) That the Commission reserve jurisdiction after notice and opportunity for hearing to prohibit further purchases of any particular security or to prohibit all further purchases under this investment program where it appears that such purchases would be inconsistent with any provisions of the act or any rule or regulation thereunder or any terms or conditions of our order. Pending an inquiry to determine whether any further purchases shall be prohibited, the Commission may summarily suspend purchases.

It is further ordered, That jurisdiction be, and hereby is, reserved to entertain such future requests for broader authorization, within the scope of the present application, as The United Corporation may hereafter seek, whether before or after the conclusion of the present litigation with respect to the plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5407; Filed, May 15, 1952; 8:51 a. m.]

[File No. 70-2784]

NATIONAL FUEL GAS CO. ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF DEBENTURES BY PARENT HOLDING COMPANY AND ISSUANCE OF NOTES BY SUBSIDIARIES TO PARENT COMPANY

MAY 12, 1952.

In the matter of National Fuel Gas Company, United Natural Gas Company, Iroquois Gas Corporation, Pennsylvania Gas Company, The Sylvania Corporation, File No. 70-2784.

National Fuel Gas Company ("National"), a registered holding company, and its subsidiaries, United Natural Gas Company ("United"), Iroquois Gas Corporation ("Iroquois"), Pennsylvania Gas Company ("Pennsylvania"), and The Sylvania Corporation ("Sylvania"), having filed a joint application-declaration and amendments thereto with this Commission pursuant to sections 6, 7, 9 (a), 10, and 12 of the Public Utility Holding Company Act of 1935, and Rules U-43 and U-50 promulgated thereunder with respect to the following transactions:

National proposes to issue and sell, by a public offering through underwriters, $18,000,000 principal amount of its __ percent Sinking Fund Debentures, due 1977. Such Debentures are proposed to be issued under the competitive bidding procedures prescribed by Rule U-50. Of the proceeds of the Debentures, $11,000,000 are proposed to be used to repay outstanding loans of National due to the Chase National Bank of the City of New York, and the remaining $7,000,000 are to be loaned by National to four of its subsidiaries, in the following respective amounts: United, $3,500,000; Iroquois, $1,800,000; Pennsylvania, $1,200,000; and Sylvania, $500,000.

National proposes to enter into a Credit Agreement with each of its four above named subsidiaries, under which each such subsidiary will issue and sell to National, from time to time during the year 1952, installment promissory notes in the aggregate principal amounts set forth above. Such notes will be unsecured and will mature on various dates from 1954 to 1977, inclusive. Interest rates upon such installment promissory notes will be fixed in such manner that the interest cost to each subsidiary on its outstanding notes will be substantially equivalent to the interest rate on National's 1952 Debenture issue.

National has requested that the 10-day period for inviting bids, as provided by Rule U-50 (b) be shortened so as to permit the opening of bids on May 20, 1952.

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

The Pennsylvania Public Utility Commission having issued an order authorizing the proposed security issues by United and by Pennsylvania and the Public Service Commission of the State of New York having issued an order authorizing the proposed security issue by Iroquois; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the further condition that the proposed issuance and sale of the Debentures by National shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record herein, and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5417; Filed, May 15, 1952; 8:52 a. m.]

[File No. 70-2865]

COLUMBIA GAS SYSTEM, INC., AND HOME GAS CO.

NOTICE REGARDING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY

MAY 12, 1952.

Notice is hereby given that a joint application has been filed with this Commission by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Home Gas Company ("Home"), a subsidiary company of Columbia, pursuant to the Public Utility Holding Company Act of 1935. Sections 6 (b), 9 and 10 of the act have been designated as being applicable to the proposed transactions.

All interested persons are referred to said joint application which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Home proposes to issue and sell and Columbia proposes to acquire 28,000 shares of common stock, par value $25 per share ($700,000), and a maximum of $900,000 principal amount of 3⅝ percent Installment Promissory Notes. Home represents that the proceeds in the amount of $1,600,000 to be derived from Columbia would be used to finance, in part, its 1952 construction program estimated to cost $1,682,027. Columbia states that it would first purchase common stock, at par, when and as funds are required up to a maximum amount of 28,000 shares, and thereafter it would purchase 3⅝ percent notes of Home as funds are needed up to a maximum principal amount of $900,000. It is further stated that Home would not issue or sell any such common stock or 3⅝ percent notes subsequent to March 31, 1953.

The 3⅝ percent notes to be issued by Home would be registered in the principal amounts thereof and would be payable in 25 equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount of said notes would be payable semiannually on February 15 and August 15.

The issuance and sale of the common stock and notes by Home is stated to be subject to the jurisdiction of the Public Service Commission of the State of New York.

Notice is further given that any interested person may, not later than May 26, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said joint application which he desires to controvert, or may

request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 26, 1952, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5412; Filed, May 15, 1952; 8:52 a. m.]

[File No. 70-2866]

COLUMBIA GAS SYSTEM, INC. AND BINGHAMTON GAS WORKS

NOTICE REGARDING AUTHORIZATION TO AMEND CERTIFICATE OF INCORPORATION OF SUBSIDIARY COMPANY AND ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY COMPANY AND ACQUISITION BY PARENT COMPANY

MAY 12, 1952.

Notice is hereby given that a joint application-declaration has been filed with this Commission by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Binghamton Gas Works ("Binghamton"), a wholly-owned subsidiary company of Columbia, pursuant to the Public Utility Holding Company Act of 1935. Sections 6 (b), 9, 10, 12 (c), and 12 (d) of the act and Rules U-42 and U-44 promulgated thereunder have been designated as being applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Binghamton proposes to amend its Certificate of Incorporation so as to (a) eliminate its 3,479 shares of authorized but unissued preferred stock, (b) reclassify its 45,000 shares of common stock without par value (Old Common Stock) now authorized and outstanding into 27,000 shares of common stock, par value $25 per share (New Common Stock), and (c) increase its total authorized capital stock to 80,000 shares of New Common Stock, par value $25 per share.

Binghamton further proposes to issue and sell and Columbia proposes to acquire for cash 24,000 shares of New Common Stock. The proceeds to be derived from the sale of such New Common Stock by Binghamton ($600,000) will be used to finance, in part, its 1952 construction program which is estimated to cost $1,014,450.

The joint applicants-declarants state that the proposed transactions are subject to the jurisdiction of the Public Service Commission of the State of New York.

Notice is further given that any interested person may, not later than May 26, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 26, 1952, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5413; Filed, May 15, 1952; 8:52 a. m.]

[File No. 70-2867]

COLUMBIA GAS SYSTEM, INC., AND MANUFACTURERS LIGHT AND HEAT CO.

NOTICE REGARDING ISSUANCE AND SALE OF INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY AND CAPITAL CONTRIBUTION BY PARENT COMPANY TO SUBSIDIARY

MAY 12, 1952.

Notice is hereby given that a joint application-declaration has been filed with this Commission by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and The Manufacturers Light and Heat Company ("Manufacturers"), a subsidiary company of Columbia, pursuant to the Public Utility Holding Company Act of 1935. Sections 6 (b), 9, 10, and 12 (b) of the act and Rule U-45 promulgated thereunder are designated as being applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Manufacturers proposes to issue and sell and Columbia proposes to acquire $11,000,000 principal amount of 3⅝ percent Installment Promissory Notes. Manufacturers represents that the proceeds in the amount of $11,000,000 to be derived from Columbia would be used to finance, in part, its construction program estimated to cost $14,840,479. Manufacturers states that such 3⅝ percent notes would be issued at such times and in such amounts as are necessary not to exceed in the aggregate $11,000,000 principal amount and that none of such notes would be sold subsequent to March 31, 1953.

Such 3⅝ percent notes to be issued by Manufacturers would be registered and the principal amounts thereof would be payable in 25 equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount of said notes would be payable semiannually on February 15 and August 15.

In addition, Columbia proposes to make a capital contribution to Manufacturers by forgiving $8,000,000 principal amount of 2¾ percent open-account loans owing to Columbia and due June 1, 1952. Columbia would increase its investment in the common stock of Manufacturers by $7,999,800.40 and would charge $199.60 (the amount of the contribution which is applicable to the minority interest) to operating expense. Manufacturers would credit $8,000,000 to its capital surplus.

It is stated that the proposed issuance and sale of notes by Manufacturers is subject to the jurisdiction of the Pennsylvania Public Utilities Commission.

Notice is further given that any interested person may, not later than May 26, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 26, 1952, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5415; Filed, May 15, 1952; 8:53 a. m.]

[File No. 70-2868]

COLUMBIA GAS SYSTEM, INC., AND NATURAL GAS CO. OF WEST VIRGINIA

NOTICE REGARDING AUTHORIZATION TO AMEND ARTICLES OF INCORPORATION OF SUBSIDIARY COMPANY AND ISSUANCE AND SALE OF SHARES OF COMMON STOCK AND INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY TO PARENT COMPANY

MAY 12, 1952.

Notice is hereby given that a joint application has been filed with this Commission by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Natural Gas Company of West Virginia ("Natural Gas"), a subsidiary company of Columbia, pursuant to the Public Utility Holding Company Act of 1935. Sections 6 (b), 9 and 10 of the act are designated as being applicable to the proposed transaction.

All interested persons are referred to said joint application which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Natural Gas proposes to amend its Articles of Incorporation so as to increase its authorized common stock, par value of $100 per share, from 30,000 shares to 50,000 shares. Natural Gas further proposes to issue and sell and Columbia proposes to acquire, at par, 5,500 shares of common stock, par value $100 per share, ($550,000), and a maximum of $600,000 principal amount of 3⅝ percent Installment Promissory Notes. Natural Gas represents that the proceeds in the amount of $1,150,000 to be derived from Columbia would be used to finance, in part, its 1952 construction program estimated to cost $1,336,189. Natural Gas states that such common stock and 3⅝ percent notes would be issued and sold at such times and in such amounts as are necessary, not to exceed in the aggregate the amounts set forth hereinabove, and that none of such securities would be sold subsequent to March 31, 1953.

It is further stated that the 3⅝ percent notes proposed to be issued by Natural Gas would be payable in 25 equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount thereof would be payable semi-annually on February 15 and August 15.

The issuance and sale of the common stock and Notes by Natural Gas is stated to be subject to the jurisdiction of the Public Utilities Commission of the State of Ohio.

Notice is further given that any interested person may, not later than May 26, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 26, 1952, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-5414; Filed, May 15, 1952; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Amdt. 2 to King's I. C. C. Order 67]

RAILROADS SERVING MISSOURI RIVER AND MISSISSIPPI RIVER AREAS

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 67 and good cause appearing therefor: *It is ordered*, That: King's I. C. C. Order No. 67 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., July 25, 1952, unless otherwise modified, changed, suspended or annuled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., May 25, 1952, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., May 12, 1952.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 52-5421; Filed, May 15, 1952; 8:54 a. m.]

[No. 31034]

ALABAMA INTRASTATE EXPRESS RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of May A. D. 1952.

It appearing, that a petition, dated April 11, 1952, has been filed by the Railway Express Agency, Inc., an express company transporting express matter as a common carrier in interstate commerce, principally by railroad, operating to, from, and between points in the State of Alabama, averring that in Ex Parte No. 177, Increased Express Rates and Charges, 1951, 283 I. C. C. 431, this Commission authorized certain increases in interstate express rates and charges, and revisions in classifications provisions, throughout the United States, which were established November 15, 1951; that by order dated January 24, 1952, in said proceeding, it authorized an additional charge of 6 cents per shipment on all less-than-carload rail express shipments moving at first-class rates and multiples thereof and at second-class rates and charges, which was established February 28, 1952; and that the Alabama Public Service Commission, by orders dated February 27, 1952, and March 21, 1952, has refused to authorize or permit said petitioner to apply to the transportation of express, moving intrastate by railroad in Alabama, increases in rates and charges corresponding to those approved for interstate application in the proceeding above cited, such refusal being in the manner and to the extent alleged in the said petition of April 11, 1952, herein referred to;

It further appearing, that the said petition brings in issue express rates and charges made or imposed by authority of the State of Alabama;

It further appearing, that said petitioner alleges that the intrastate express rates and charges which it is required to maintain for the transportation of property moving intrastate by railroad in Alabama as a result of such refusal by the Alabama Public Service Commission, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination against interstate and foreign commerce;

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondent hereinafter designated and any other persons interested, to determine whether the express rates and charges of the Railway Express Agency, Inc., between points in Alabama made or imposed by authority of the State of Alabama cause undue or unreasonable advantage, preference, or prejudice between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, and to determine what express rates and charges, if any, or what maximum or minimum or maximum and minimum express rates and charges shall be prescribed to remove the unlawful advantage, preference, or discrimination, if any, that may be found to exist;

It is further ordered, That the Railway Express Agency, Inc., be, and it is hereby, made respondent to this proceeding; that a copy of this order be served upon said respondent; and that the State of Alabama be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Alabama Public Service Commission at Montgomery, Ala.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing July 2, 1952, 9:30 a. m., standard time (or 9:30 a. m., local d. s. t., if that time is observed), at the rooms of the Alabama Public Service Commission, Montgomery, Ala., before Examiner L. H. Dishman.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-5423; Filed, May 15, 1952; 8:55 a. m.]

[4th Sec. Application 27046]

PETROLEUM COKE FROM ARKANSAS, KANSAS, OKLAHOMA, AND TEXAS TO POINTS IN ILLINOIS

APPLICATION FOR RELIEF

MAY 13, 1952.

The Commission is in receipt of the above-entitled and numbered applica-

tion 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. 3983.

Commodities involved: Petroleum coke, briquettes, breeze, and dust, carloads.

From: Points in Arkansas, Kansas, Oklahoma, and Texas.

To: Chicago, Freeport, and Rockford, Ill.

Grounds for relief: Competition with rail carriers and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3983, Supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 52-5424; Filed, May 15, 1952; 8:56 a. m.]

[4th Sec. Application 27047]

BURLAP BAGS FROM NEW ORLEANS TO WEST MONROE, LA.

APPLICATION FOR RELIEF

MAY 13, 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. 3977.

Commodities involved: Bags, burlap, cotton picking sheets, binder twine, and sewing twine, when included with shipments of bags.

From: New Orleans, La.

To: West Monroe, La.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3977, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 52-5425; Filed, May 15, 1952; 8:56 a. m.]

[4th Sec. Application 27048]

BURLAP BAGS FROM NEW ORLEANS TO WEST MONROE, LA.

APPLICATION FOR RELIEF

MAY 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates 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. 3977.

Commodities involved: Bags, burlap, cotton picking sheets, binder twine, and sewing twine, when included with shipments of bags.

From: New Orleans, La.

To: West Monroe, La.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3977, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 52-5426; Filed, May 15, 1952; 8:56 a. m.]

[4th Sec. Application 27049]

LIQUEFIED PETROLEUM GAS FROM EDWARDS, MISS., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MAY 13, 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: J. G. Kerr, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1253.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Edwards, Miss.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, Supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 52-5427; Filed, May 15, 1952; 8:56 a. m.]

[4th Sec. Application 27050]

CRUDE RUBBER FROM POINTS IN TEXAS AND LOUISIANA TO BLYTHEVILLE, ARK.

APPLICATION FOR RELIEF

MAY 13, 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 tariffs I. C. C. Nos. 3967 and 3906.

Commodities involved: Rubber, artificial, synthetic or neoprene, crude, carloads.

From: Points in Texas and Louisiana.

To: Blytheville, Ark.

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 114; F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 117.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 52-5428; Filed, May 15, 1952; 8:56 a. m.]

[4th Sec. Application 27051]

SALT FROM POINTS IN TEXAS AND LOUISIANA TO TYREE, VA.

APPLICATION FOR RELIEF

MAY 13, 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. 3668.

Commodities involved: Salt, carloads.

From: Points in Texas and Louisiana.

To: Tyree, Va.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3668, Supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 52-5429; Filed, May 15, 1952; 8:57 a. m.]

[4th Sec. Application 27052]

CEMENT FROM POINTS IN ILLINOIS AND MISSOURI TO WESTERN TEXAS AND NEW MEXICO

APPLICATION FOR RELIEF

MAY 13, 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. 3848.

Commodities involved: Cement and related articles, carloads.

From: East St. Louis, Ill., St. Louis, Alpha, Prospect Hill, and Hannibal, Mo.

To: Points in western Texas and New Mexico.

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3848, Supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 52-5430; Filed, May 15, 1952; 8:57 a. m.]

[4th Sec. Application 27053]

PETROLEUM PRODUCTS FROM PANAMA CITY, FLA., TO BIRMINGHAM, ALA.

APPLICATION FOR RELIEF

MAY 13, 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: J. G. Kerr, Agent, for the Atlanta & Saint Andrews Bay Railway Company and other carriers.

Commodities involved: Gasoline and other petroleum products, in tank-car loads.

From: Panama City, Fla.

To: Birmingham, Ala.

Grounds for relief: Circuitous routes and competition with rail and motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, Supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 52-5431; Filed, May 15, 1952; 8:57 a. m.]

[4th Sec. Application 27054]

MIXED CARLOADS OF MERCHANDISE FROM PEORIA, ILL., TO CHARLESTON, S. C.

APPLICATION FOR RELIEF

MAY 13, 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. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 752.

Commodities involved: Merchandise, in mixed carloads.

From: Peoria, Ill.

To: Charleston, S. C.

Grounds for relief: Competition with rail and motor carriers.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 752, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 52-5432; Filed, May 15, 1952; 8:57 a. m.]

[4th Sec. Application 27055]

MIXED CARLOADS OF MERCHANDISE FROM CHICAGO, ILL., AND VICINITY TO BARTOW, FLA.

APPLICATION FOR RELIEF

MAY 13, 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. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 752.

Commodities involved: Merchandise, in mixed carloads.

From: Chicago, Ill., and points grouped therewith.

To: Bartow, Fla.

Grounds for relief: Competition with rail and motor carriers.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 752, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-5433; Filed, May 15, 1952; 8:57 a. m.]

[4th Sec. Application 27056]

MIXED CARLOADS OF MERCHANDISE FROM CHICAGO, ILL., AND VICINITY TO AUGUSTA, GA.

APPLICATION FOR RELIEF

MAY 13, 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. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 752.

Commodities involved: Merchandise, in mixed carloads.

From: Chicago, Ill., and points grouped therewith.

To: Augusta, Ga.

Grounds for relief: Competition with rail and motor carriers.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 752, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-5434; Filed, May 15, 1952; 8:58 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ELLA MARY SEELING

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ella Mary Seeling (formerly Ella M. Bohmer), Cologne, Germany; Claim No. 40248; all right, title, interest, and claim of any kind or character whatsoever of Ella M. Bohmer, formerly Ella M. Motz, in and to the trust created under the will of Mary L. Motz, deceased; $601.90 in the Treasury of the United States.

Executed at Washington, D. C., on May 12, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5446; Filed, May 15, 1952; 9:01 a. m.]

MRS. FRIDA MERLO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Frida Merlo, a/k/a Frieda Schuettler Merlo, Turin, Italy; Claim No. 40334; $3,786.02 in the Treasury of the United States.

Executed at Washington, D. C., on May 12, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5447; Filed, May 15, 1952; 9:01 a. m.]

PAUL ERNST HUGO AND ERNST LUDWIG CASPARI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Paul Ernst Hugo Caspari, London, England, and Ernst Ludwig Caspari, Oxted Surrey, England; Claims Nos. 36173 and 36174; $2,526.61 in the Treasury of the United States; and all right, title and interest of the Attorney General of the United States, acquired pursuant to Vesting Order No. 8244 in and to the property described therein, including specifically, but not limited to, the sum of $2,000.00 and a one-half undivided interest in the painting "Still Life" by Zurburan; one-half of the above property to each claimant.

Executed at Washington, D. C., on May 9, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5448; Filed, May 15, 1952; 9:01 a. m.]