EXECUTIVE ORDER 10340

DIRECTING THE SECRETARY OF COMMERCE TO TAKE POSSESSION OF AND OPERATE THE PLANTS AND FACILITIES OF CERTAIN STEEL COMPANIES

WHEREAS on December 16, 1950, I proclaimed the existence of a national emergency which requires that the military, naval, air, and civilian defenses of this country be strengthened as speedily as possible to the end that we may be able to repel any and all threats against our national security and to fulfill our responsibilities in the efforts being made throughout the United Nations and otherwise to bring about a lasting peace; and

WHEREAS American fighting men and fighting men of other nations of the United Nations are now engaged in deadly combat with the forces of aggression in Korea, and forces of the United States are stationed elsewhere overseas for the purpose of participating in the defense of the Atlantic Community against aggression; and

WHEREAS the weapons and other materials needed by our armed forces and by those joined with us in the defense of the free world are produced to a great extent in this country, and steel is an indispensable component of substantially all of such weapons and materials; and

WHEREAS steel is likewise indispensable to the carrying out of programs of the Atomic Energy Commission of vital importance to our defense efforts; and

WHEREAS a continuing and uninterrupted supply of steel is also indispensable to the maintenance of the economy of the United States, upon which our military strength depends; and

WHEREAS a controversy has arisen between certain companies in the United States producing and fabricating steel and the elements thereof and certain of their workers represented by the United Steel Workers of America, CIO, regarding terms and conditions of employment; and

WHEREAS the controversy has not been settled through the processes of collective bargaining or through the efforts of the Government, including those of the Wage Stabilization Board, to which

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THE PRESIDENT

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The controversy was referred on December 22, 1951, pursuant to Executive Order No. 10233, and a strike has been called for 12:01 A.M., April 9, 1952; and WHEREAS a work stoppage would immediately jeopardize and imperil our national defense, and would add to the continuing danger of our soldiers, sailors, and airmen engaged in combat in the field; and

WHEREAS in order to assure the continued availability of steel and steel products during the existing emergency, it is necessary that the United States take possession of and operate the plants, facilities, and other property of the said companies as hereinafter provided:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. The Secretary of Commerce is hereby authorized and directed to take possession of all or such of the plants, facilities, and other property of the companies named in the list attached hereto, or any part thereof, as he may deem necessary in the interest of national defense; and to operate or to arrange for the operation thereof and to do all things necessary for, or incidental to, such operation.

2. In carrying out this order the Secretary of Commerce may act through or with the aid of such public or private instrumentalities or persons as he may designate; and all Federal agencies shall cooperate with the Secretary of Commerce to the fullest extent possible in carrying out the purposes of this order.

3. The Secretary of Commerce shall determine and prescribe terms and conditions of employment under which the plants, facilities, and other properties possession of which is taken pursuant to this order shall be operated. The Secretary of Commerce shall recognize the rights of workers to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining, adjustment of grievances, or other mutual aid or protection, provided that such activities do not interfere with the operation of such plants, facilities, and other properties.

4. Except so far as the Secretary of Commerce shall otherwise provide from time to time, the management of the plants, facilities, and other properties possession of which is taken pursuant to this order shall continue their functions, including the collection and disbursement of funds in the usual and ordinary course of business in the names of their respective companies and by means of any instrumentalities used by such companies.

5. Except so far as the Secretary of Commerce may otherwise direct, existing rights and obligations of such companies shall remain in full force and effect, and there may be made, in due course, payments of dividends on stock, and of principal, interest, sinking funds, and other distributions upon bonds, debentures, and other obligations, and expenditures may be made for other ordinary corporate or business purposes.

6. Whenever in the judgment of the Secretary of Commerce further possession and operation by him of any plant, facility, or other property is no longer necessary or expedient in the interest of national defense, and the Secretary has reason to believe that effective future operation is assured, he shall return the possession and operation of such plant, facilities, and other property to the company in possession and control thereof at the time possession was taken under this order.

7. The Secretary of Commerce is authorized to prescribe and issue such regulations and orders as may be necessary or expedient hereafter as he may deem necessary or desirable for carrying out the purposes of this order; and he may delegate and authorize subdelegation of such of his
functions under this order as he may deem desirable.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 8th, 1952; 9:50 p. m. e. s. t.

List

American Bridge Company
535 WilliamPenn Place
Pittsburgh, Pennsylvania

American Steel & Wire Company of New Jersey
Rockefeller Building
Cleveland, Ohio

Columbia Steel Company
Ross Building
San Francisco, California

Consolidated Western Steel Corporation
Los Angeles, California

Genesa Steel Company
Salt Lake City, Utah

Gerrard Steel Strapping Company
2015 W. 47th Street
Chicago 32, Illinois

National Tube Company
535 William Penn Place
Pittsburgh, Pennsylvania

Oil Well Supply Company
2001 North Lamar Street
Dallas, Texas

Tennessee Coal, Iron & Railroad Company
Fairfield, Alabama

United States Steel Corporation
535 WilliamPenn Place
Pittsburgh, Pennsylvania

United States Steel Corporation
71 Broadway
New York, New York

United States Steel Products Company
30 Rockefeller Plaza
New York, New York

United States Steel Supply Company
200 South La Salle Street
Chicago, Illinois

Virginia Bridge Company
Roanoke, Virginia

Alan Wood Steel Company and Subsidiaries
Conschohocken, Pennsylvania

American Chain and Cable Company, Incorporated
252 Connecticut Avenue
Bridgeport, Connecticut

American Chain and Cable Company
Monessen, Pennsylvania

Armco Steel Corporation
703 Curtis Street
Middletown, Ohio

Armco Drainage & Metal Products, Incorporated
703 Curtis Street
Middletown, Ohio

Atlantic Steel Company
P. O. Box 1714
Atlanta, Georgia

Babcock and Wilcox Tube Company
Beaver Falls, Pennsylvania

Borg-Warner Corporation
510 S. Michigan Avenue
Chicago 4, Illinois

Continental Copper and Steel Industries, Incorporated
Braseburn, Pennsylvania

Continental Steel Corporation
West Markland Avenue
Eokomo, Indiana

Copperweld Steel Company
Glassport, Pennsylvania

Detroit Steel Corporation
1025 South Oakwood Avenue
Detroit 9, Michigan

Eastern Stainless Steel Corporation
Baltimore 3, Maryland

Firth Sterling Steel and Carburite Corporation
Demmler Road
McKeesport, Pennsylvania

Follansbee Steel Corporation
3rd and Liberty Avenue
Pittsburgh 25, Pennsylvania

Granite City Steel Company
20th Street and Madison Avenue
Granite City, Illinois

Great Lakes Steel Corporation
Tecumseh Road
Ecorse, Detroit 18, Michigan

Hanna Furnace Corporation
Ecorse, Detroit 18, Michigan

Harrissburg Steel Corporation
10th and Herr Streets
Harrissburg, Pennsylvania

Bolardi Steel Company
Milton, Pennsylvania

Heppenskall Company
4620 Hatfield Street
Pitcrburg, Pennsylvania

Inland Steel Company
38 S. Dearborn Street
Chicago 3, Illinois

Joseph T. Ryerson & Son, Incorporated
2555 W. 16th Street
Chicago 8, Illinois

Interlake Iron Corporation
1500 Union Commerce Building
Cleveland 14, Ohio

Pacific States Steel Corporation
Latham Street Building
Oakland 12, California

Pittsburgh Coke & Chemical Company
1605 Grant Building
Pittsburgh 10, Pennsylvania

H. E. Porter Company, Incorporated
1622 Oliver Building
Pittsburgh 22, Pennsylvania

Buffalo Steel Division
E. H. Porter Company, Incorporated
8100 Fillmore Avenue
Tonawanda, New York

Joslyn Manufacturing & Supply Company
20 N. Wacker Drive
Chicago 6, Illinois

Joslyn Pacific Company
8100 District Boulevard
Los Angeles 11, California

Latrobe Electric Steel Company
Latrobe, Pennsylvania

E. J. Lavino & Company
1529 Walnut Street
Philadelphia, Pennsylvania

Lukens Steel Company
5th First Avenue
Coatesville, Pennsylvania

McLouth Steel Corporation
300 S. Llerwives
Detroit 17, Michigan

Newport Steel Corporation
Ninth and Lowell Streets
Newport, Kentucky

Northwest Steel Rolling Mills, Incorporated
4318 8th Street N. W.
Seattle, Washington

Northwestern Steel & Wire Company
Sterling, Illinois

Reeves Steel Manufacturing Company
137 Iron Avenue
Dover, Ohio

John A. Roehling's Sons Company
640 South Broad Street
Trenton, New Jersey

Rotary Electric Steel Company
Box 89
Detroit 20, Michigan

Sheffield Steel Corporation
Sheffield Station
Kansas City 2, Missouri

Shenango-Penn Mold Company
812 Oliver Building
Pittsburgh 30, Pennsylvania

Shenango Furnace Company
812 Oliver Building
Pittsburgh 30, Pennsylvania

Stanley Works
195 Lake Street
New Britain, Connecticut

Universal Cyclops Steel Corporation
Station Street
Bridgeville, Pennsylvania

Vanadium-Alloys Steel Company
Latrobe, Pennsylvania

Vulcan Crucible Steel Company
1 Main Street
Alquippa, Pennsylvania

Wheeling Steel Corporation
1134 Market Street
Wheeling, West Virginia

Woodward Iron Company
Woodward, Alabama

Allegheny Ludlum Steel Corporation
Oliver Building
Pittsburgh 22, Pennsylvania

Bethlehem Steel Company
701 East 3rd Street
Bethlehem, Pennsylvania

Bethlehem Pacific Coast Steel Corporation
20th & Illinois Streets
San Francisco, California

Bethlehem Supply Company of California
Los Angeles, California

Bethlehem Supply Company
Tulsa, Oklahoma

Buffalo Tint Corporation
Lackawanna, New York

Charlotte, North Carolina

Dundalk Company
Sparrows Point, Maryland

A. M. Eyring Company
717 Liberty Avenue
Pittsburgh 30, Pennsylvania

Colorado Fuel & Iron Corporation
575 Madison Avenue
New York 22, New York

Claymont Steel Corporation
Claymont, Delaware

Crucible Steel Company
Oliver Building
Pittsburgh 22, Pennsylvania

Jones & Laughlin Steel Corporation
Third Avenue and Ross Street
Pittsburgh 30, Pennsylvania

J. & L. Steel Barrel Company
3711 Sephora Street
Philadelphia 37, Pennsylvania

National Supply Company
1400 Grant Building
Pittsburgh 30, Pennsylvania

Pittsburgh Steel Company
1600 Grant Building
Pittsburgh 19, Pennsylvania

Johnson Steel & Wire Company, Incorporated
59 Wiser Avenue
Worcester 1, Massachusetts
FEDERAL REGISTER

Thursday, April 10, 1952

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

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

issued by the Secretary (7 CFR Part 711), a copy of which is available at the office of the county committee.

c. Section 723.325 is amended by:
1. Deleting the words "permitted acreage" in the title of the section.
2. Deleting the last paragraph of § 723.325 (a).
3. Changing § 723.325 (b) to read as follows:
§ 723.327 Reallocation of allotment released from farms removed from agricultural production, (a) • • •

(b) Combinations. If two or more tracks which were operated as separate farms in 1952 are combined and operated as a single farm for 1953, the 1953 allotment shall be the sum of the 1952 allotments determined, or which otherwise would have been determined, for each of the tracks composing the combination. (Sec. 375, 62 Stat. 66, as amended; 7 U. S. C. 1376. Interpret or apply sec. 359, 65 Stat. 69, as amended, Pub. Law 285, 62 Cong. 7 U. S. C. 1369)

Done at Washington, D. C., this 7th day of April 1952. Witness my hand and the seal of the Department of Agriculture.

CHARLES F. BRANNAN, Secretary of Agriculture.

[F. R. Doc. 52-4107; Filed, Apr. 9, 1952; 3 FR 2, 1952]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amtd. 20]

PART 608—DANGEROUS AREAS

ALTERATIONS

The danger area alterations appearing hereafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608.52, a Tooele, Utah, area (D-399) is added to read:

<table>
<thead>
<tr>
<th>Name and location (chart)</th>
<th>Description by geographical coordinates</th>
<th>Designated altitudes</th>
<th>Time of designation</th>
<th>Using agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOOELE (D-399) Salt Lake City Chart.</td>
<td>N boundary: lat. 40°45'00&quot; N, long. 112°00'00&quot; W; S boundary: lat. 40°15'00&quot; N, long. 111°30'00&quot; W.</td>
<td>Surface to 4,000 feet.</td>
<td>Daylight hours only.</td>
<td>Tooele Ordnance Depot, Tooele, Utah.</td>
</tr>
</tbody>
</table>

2. In § 608.54, a Great Machipongo Inlet, Virginia, area (D-85) is added to read:

<table>
<thead>
<tr>
<th>Name and location (chart)</th>
<th>Description by geographical coordinates</th>
<th>Designated altitudes</th>
<th>Time of designation</th>
<th>Using agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>GREAT MACHIPONGO INLET (D-85) (Norfolk Chart.)</td>
<td>Beginning at lat. 37°30'00&quot; N. long. 76°50'00&quot; W. due E to a point 3 nautical miles from the shoreline at lat. 37°30'00&quot; N. long. 76°50'00&quot; W. virtual parallel to the shoreline at a distance of 3 nautical miles at lat. 37°30'00&quot; N. long. 76°50'00&quot; W. (estimated)</td>
<td>Unlimited.</td>
<td>Daylight hours only.</td>
<td>Tactical Air Command, Langley AFB, Va.</td>
</tr>
</tbody>
</table>

3. In § 608.54, the Parramore Island, Virginia, area, published on January 24, 1952 in 17 F. R. 715, is deleted.


This amendment shall become effective on April 11, 1952.


[F. R. Doc. 52-4055; Filed, Apr. 9, 1952; 3 FR 2, 1952]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 62965]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

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

MISCELLANEOUS AMENDMENTS

The Bureau has given careful consideration to a recommendation of an association of steamship lines and agencies that in order to save time and expense in the preparation of manifests for residue cargo as provided for by § 4.85, as amended, and § 4.88, Customs Regulations of 1943, the abstract manifest filed at an given port be required to include only the cargo manifested for discharge at that port. It appears that normally the inclusion in an abstract manifest filed at any port of residue cargo manifested for discharge at other ports serves no purpose and needlessly increases the number of pages of the abstract manifest.

The Bureau has also given favorable consideration to a suggestion that a simplified procedure be adopted to permit the transfer of supplies or stores from one vessel to another which would be entitled to withdraw them free of duty and tax under section 309 or 317, Tariff Act of 1930, as amended, or section 345 of the Internal Revenue Code, without the formality of filling a withdrawal therefor supported by a bond.

Accordingly, the following changes are made in the Customs Regulations of 1943:

Sections 4.7 (b), 4.34 and 4.85, as amended, § 4.85 (a), and § 4.88 (g), Customs Regulations of 1943 (19 CFR 4.7 (b), 4.34, 4.85, 4.86 (a), and 4.88 (g) are hereby amended as follows:

1. Section 4.7 (b) is further amended by adding the following sentence: "The original manifest shall list all the inward foreign cargo on board, regardless of the port of discharge, whereas the other copies are required to list only the cargo manifested for the port in question except that a manifest or air waybill shall be made for all cargo manifested for discharge in the district. The preceding sentence does not refer to sea or ships stores or cargo purchase or curtailment."


2. Section 4.34 is further amended as follows:

Paragraphs (d) and (e) are deleted, paragraph (f) is redesignated (h), and the following new paragraphs (d), (e), and (f) are added:

(d) When it is desired that prematurely landed or overcarried cargo be forwarded to destination by the importing vessel or by another vessel of the same line in accordance with paragraph (a), (b), or (c) of this section, an application therefor shall be filed with the local collector by the owner or agent of the vessel. Such application shall be supported by a manifest of the cargo in such number of copies as the collector may require under a residue cargo procedure as hereinafter described. The collector shall examine the manifest and may require only a copy of the manifest while the cargo was imported even though the forwarding to destination is by another vessel of the same line. The application shall be stamped and shall show its approval, and a copy thereof shall be attached to the vessel's traveling manifest.

(e) If the importing vessel's traveling manifest has been surrendered at a previous port, or if the cargo is to be forwarded to destination by another vessel of the same line, or if a manifest filed in support of an application shall be certified by customs for use as a substitute traveling manifest, to which shall be attached a copy of the application so stamped to show its approval.

(f) A certificate (Customs Form 3321) signed by the collector and bearing notations suitably identifying the cargo as prematurely landed or overcarried cargo shall be attached to the traveling manifest or substitute traveling manifest not yet sent thereof. The certificate shall state the ports of departure and dates of sailing of the importing vessel. The permit to proceed, customs Form 1385, issued to the vessel transporting to destination the prematurely landed or over-
carried cargo shall make reference to the nature of such cargo, identifying it with the importing vessel.

(a) A vessel with such prematurely landed or overcarried cargo on board shall arrive at each immediate port and at destination with all the requirements of this part relating to foreign residue cargo for domestic ports. When such prematurely landed or overcarried cargo arrives at the port of destination under an approved application and substitute traveling manifest, the collector shall verify the application and substitute traveling manifest covering the cargo with the manifest filed for the cargo on the original entry of the importing vessel. The substitute traveling manifest, carried forward from port to port by the vessel itself, shall be finally surrendered at the port where the last portion of the prematurely landed or overcarried cargo is discharged.

(2) The second sentence is amended by inserting after the name of the port to which the vessel is to proceed the phrase to "load only" in parentheses. The name of that port will not appear in section (a) of subdivision 1 of Form 1385 or in the list of ports for which customs officers are designated in the body of Form 1385.

3. Section 4.65 is further amended as follows:

(a) Paragraph (b) is deleted and paragraphs (c) to (h) are redesignated as paragraphs (b) to (g), respectively.

(b) The traveling manifest is amended to show on the vessel's manifest of the foreign cargo, immediately upon arrival and before entry of the vessel, the master shall mail or deliver to the comptroller the master's oath on customs Form 1385 as a permit to proceed, the vessel may bear the following notation in lieu of the copies as may be collected for local customs purposes) of any cargo or passengers for discharge at that port (referred to hereinafter as an abstract manifest) or a "pro forma" manifest if no inward foreign cargo or passengers are to be discharged at that port, lists in duplicate of all unentered articles acquired abroad by the officers and members of the crew which are still on board and of the stores remaining on board. The abstract manifest shall serve as a purpose of a copy of an abstract manifest at the port where it is finally surrendered. The abstract or "pro forma" manifest shall be ready for presentation to the customs officers upon the vessel's arrival at the port. The "pro forma" manifest shall be on customs Form 7527-A or B bearing the following legend:

Vessel on an inward foreign voyage with residue cargo for discharge or passengers for discharge at this port.

No additional vessel bond on customs Form 7597 or 7599 need be filed at subsequent ports of entry.

(d) The traveling manifest, together with the signed certificates on customs Form 1385 which were attached there to at the port of departure from the United States, shall be surrendered to the collector at the port of arrival in the United States, unless residue foreign cargo remains on board for discharge at foreign ports, in which case it shall be so surrendered to the collector at the final port of departure from the United States.

(e) The first sentence of redesignated paragraph 1 is amended to read: "Upon the arrival of a vessel with inward foreign cargo on board at a subsequent port in the same comptroller district as the port of importation or of the inception of a manifest for discharge of cargo, the master shall furnish to the comptroller of customs for that district a report on customs Form 2553 in lieu of a copy of the manifest for the cargo manifested for discharge in that comptroller district."

(f) Redeemed paragraph 13 is amended to read:

(g) If a vessel proceeds to another comptroller district to unload inward foreign cargo, immediately upon arrival at the last port in the district and before entry of the vessel, the master shall mail or deliver to the comptroller the master's oath on customs Form 1385 as a permit to proceed, the vessel may bear the following notation in lieu of the copies as may be collected for local customs purposes) of any cargo or passengers for discharge at that port (referred to hereinafter as an abstract manifest) or a "pro forma" manifest if no inward foreign cargo or passengers are to be discharged at that port, lists in duplicate of all unentered articles acquired abroad by the officers and crew of the vessel and of the stores on board. The abstract manifest shall serve as a purpose of a copy of an abstract manifest at the port where it is finally surrendered. The abstract or "pro forma" manifest shall be ready for presentation to the customs officers upon the vessel's arrival at the port. The "pro forma" manifest shall be on customs Form 7527-A or B bearing the following legend:

Vessel on an inward foreign voyage with residue cargo for discharge or passengers for discharge at this port.

No additional vessel bond on customs Form 7597 or 7599 need be filed at subsequent ports of entry.

(h) If the vessel proceeds to another port in the comptroller district to unload inward foreign cargo, the procedure prescribed in the preceding paragraph shall be followed.


4. Section 4.68 is amended as follows:

(a) The second sentence is amended by inserting at the end of the paragraph to read: "The traveling manifest shall be amended to show the designated ports of discharge and shall be used to verify the abstract manifest as surrendered at subsequent ports.


5. Section 4.68 is amended as follows:

(a) The second sentence is amended by inserting at the end of the paragraph to read: "The traveling manifest shall be amended to show the designated ports of discharge and shall be used to verify the abstract manifest as surrendered at subsequent ports.


6. Section 10.60, Customs Regulations of 1943 (19 CFR 10.60), as amended, is further amended as follows:

(a) Paragraph (1) is amended by changing the first six words of the first two sentences to lower case and inserting at the beginning of each such sentence "Unless transfer is permitted under the provisions of paragraph (g) of this section," and by deleting the parenthetical matter at the end of the paragraph.
RULES AND REGULATIONS

(c) A new paragraph (g) is added, to read:

"(g) If a request is made for permission to transfer supplies or stores from one vessel to another which would be entitled to withdraw them free of duty and tax under section 3146, Tariff Act of 1930, as amended, or section 2451 of the Internal Revenue Code, the collector in his discretion may permit the articles to be so transferred under customs supervision under a permit on customs Form 3171 in lieu of a formal withdrawal under the pertinent statute. In such a case, the pertinent statute shall be indicated in the endorsement made on the permit by the collector. If the vessel to which vessel supplies are transferred is in a class of trade in which it is not required to enter, the customs inspector supervising the transfer shall make a suitable notation of the transfer in the stores log of the vessel to which transfer is made, unless it appears that the articles were previously laden in the United States free of duty and tax for supplies or sea stores on a vessel in a class of trade in which it was not required to enter and a customs officer was not required to make a notation in a stores log of the vessel."


[SEAL]

FRANK DOW,
Commissioner of Customs.

Approved: April 4, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[FR. R. Doc. 52-4608; Filed, Apr. 9. 1952; 8:49 a.m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects; Operation and Maintenance

PART 120—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

APRIL 3, 1952.

On February 28, 1952, there was published in the daily issue of the Federal Register notice of intention to amend §§ 130.16 and 130.17 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project not subject to the jurisdiction of the several irrigation districts. Interested persons were thereby given opportunity to participate in preparing the amendments by submitting data or written arguments within 30 days from the date of publication of the notice. No objections were submitted. Accordingly §§ 130.16 and 130.17 are amended as follows, to be effective for the season of 1952 and thereafter until further order.

§ 130.16 Charges, Jocko Division. An annual minimum charge of $1.50 per acre, for the season of 1952 and thereafter until further notice, shall be made against all irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre-feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and sixty-five cents ($1.65) per acre foot or fraction thereof.

(b) An annual minimum charge of $2.48 per acre, for the season of 1952 and thereafter until further notice, shall be made against all irrigable lands in the Camas Division not included in an Irrigation District organization regardless of whether water is used.

The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and sixty-five cents ($1.65) per acre foot or fraction thereof.

The foregoing amendments of §§ 130.16 and 130.17 of the nondistrict operation and maintenance assessment rate order for the season of 1951 are to become effective for the season of 1952 and continue in effect until further notice.


Paul L. Pickering,
Area Director.

[FR. R. Doc. 52-4609; Filed, Apr. 9, 1952; 8:50 a.m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

FORT PECK INDIAN IRRIGATION PROJECT, MONTANA

APRIL 3, 1952.

On March 13, 1952, there was published in the daily issue of the Federal Register a notice of intention to modify §§ 130.38, 130.39 and 130.40 of Title 25, Code of Federal Regulations, dealing with the lands served by the Fort Peck Indian Irrigation Project system. Interested persons were thereby given opportunity to participate in the preparation of this modification by submitting their views or arguments, in writing, to the Area Director within 15 days from the date of publication of said notice. No valid objections having been received the said sections are hereby amended and the rates fixed, for the season of 1952 and thereafter until further notice, as follows:

§ 130.38 Charges. (a) On the Poplar River Unit and that part of the Big Porcupine Unit not served by the Wlota Pumping Plant, water, when available, will be furnished upon written application during each irrigation season at a flat rate of $2.25 per acre per annum for all irrigable lands included in the farm unit or allotment described in the application, whether water is used or not.

(b) On that part of the Big Porcupine Unit that is under the service area of the Big Porcupine or Wlota Pumping Plant, water, when available, will be furnished to all irrigable non-Indian lands and to all Indian owned allotments leased to non-Indians, to which delivery of water can be made, at a minimum rate of $2.65 per acre per annum, whether water is used or not. Payment of the minimum rate entitles the water user to the deliv-
tery of two acre-feet of water per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of $1.15 per acre-foot or fraction thereof for the first additional acre-foot, $1.50 per acre-foot or fraction thereof for the second additional acre-foot and $1.75 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

(c) (1) For Indian land farmed by the Indian owner or leased and farmed by Indians, under that part of the Big Porcupine Unit that is within the service area of the Wiota Pumping Plant, water, when available, will be furnished at the minimum rate of $2.25 per acre per annum for the entire irrigable area included in the allotment whether water is used or not. Payment of the minimum rate entitled the Indian water-user to the delivery of two acre-feet of water per acre included in the allotment. Any additional water delivered shall be charged for at the rate of $1.15 per acre-foot or fraction thereof for the first additional acre-foot, $1.50 per acre-foot or fraction thereof for the second additional acre-foot and $1.75 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

(d) On the Fraser-Wolf Point Unit (comprising all irrigable lands supplied with water from the Little Porcupine Reservoir and the Fraser Pumping Plant) surplus water, when available, will be furnished to all irrigable non-Indian lands and to all irrigable Indian-owned allotments leased to non-Indian (whether subjugated or not), to which delivery charges are not required for irrigation of lands within the Big Porcupine Unit, will be furnished at the flat rate of $2.00 per acre-foot. Water measurement and delivery thereof will be made at the project limits.

(e) For all irrigable lands farmed by the Indian owner, or leased and farmed by Indians in the Fraser-Wolf Point Unit, not subjugated but to which water can be delivered, water when available, will be furnished at the minimum rate of $2.25 per acre per annum for the entire irrigable area included in each allotment whether water is used or not. Payment of the minimum rate entitled the Indian water-user to the delivery of two acre-feet of water per irrigable acre included in the allotment. Any additional water delivered shall be charged for at the rate of $1.15 per acre-foot or fraction thereof for the first additional acre-foot, $1.50 per acre-foot or fraction thereof for the second additional acre-foot and $1.75 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

§ 130.39 Payment. (a) The flat rate and the minimum charges fixed in § 130.38 shall become due and payable on April 1 of each calendar year. The charges for excess water delivered during any irrigation season shall be tendered in the last thirty days of the irrigation season and shall be due and payable on April 1 following the reason in which the excess water is delivered, except in the case of excess water deliveries to lessees of Indian lands where payment is required in advance of the delivery of water.

(b) No water shall be delivered to any lands until all charges shall have been paid except in the case of Indian trust lands farmed by Indians or to which water may be delivered upon certification by the superintendent of the reservation that satisfactory written arrangements have been made providing for the payment of such charges from the proceeds of the crops or from proceeds received in payment for labor performed by the water user on the project works. Copies of such certificates, together with the Commissioner of Indian Affairs and shall be subject to rejection or modification upon review. Any unpaid assessments, in instances where the superintendent of the reservation is financially unable to pay the charges, shall be entered on the accounts as a lien against the land but without penalty for delinquency.

(c) To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian lessees which are not paid on or before July 1 of each year there shall be added a penalty of one percent per month or fraction thereof from the due date, April 1, so long as the delinquency continues.

§ 130.40 Care of waste water. All applicants for water will be required to construct and maintain in good order and repair upon their lands such ditches as may be necessary to catch and conduct to some waste canal, ditch, lateral, or natural drainage channel, any waste water flowing upon or from said lands. No waste water will be allowed to collect within 20 feet of any canal or lateral belonging to the United States, nor shall any waste water ditches be constructed or maintained within 20 feet of any canal or lateral of the United States except at points of intersection or crossing, which shall be located only by order and under the direction of the proper officers of the United States. No water will be furnished to any applicant during such time as he fails to comply with the provisions of this section.

This amended order shall be effective for the season of 1952 and until further notice.

(ECC 1, 2, 30 Stat. 270, 272, as amended; 23 U. S. C. 365)

PAUL L. EICKINGER, Area Director.

[FR Doc. 52-4160; Filed, Apr. 9, 1952; 8:50 a.m.]

TITLE 26—INTERNAL REVENUE
Chapter I—Bureau of Internal Revenue, Department of the Treasury
Subchapter A—Income and Excess Profits Taxes

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[FR Doc. 52-4160; Filed, Apr. 9, 1952; 8:50 a.m.]

TITLE 26—INTERNAL REVENUE
Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

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

WAR LOSSES

Regulations 103 (26 CFR Part 19) and Regulations 111 (26 CFR Part 29) are hereby amended by substituting “section 23 (e) (1)” for “section 23 (e) (2)” in the first sentence of the first paragraph of §19.127 (a)—1 of Regulations 103, as amended by Treasury Decision 5860, approved February 2, 1946 (26 CFR 19.127 (a) (1)), and in the first sentence of the second paragraph of §29.127 (a)—1 of Regulations 111 (26 CFR 29.127 (a) (1)), as amended by Treasury Decision 5860, approved February 2, 1946 (26 CFR 29.127 (a) (1)).

The sentence in §29.127 (a)—1, Regulations 111, as amended by this Treasury decision, will read as follows: “Unless such loss is treated under section 117 (j) as a loss from the sale or exchange of a capital asset, such loss is deductible as an ordinary loss under the provisions of section 23 (f) in the case of a corporation and section 23 (e) in the case of an individual.”

(63 Stat. 32; 26 U. S. C. 63)

Inasmuch as the purpose of this Treasury decision is merely to correct a technical error, it is found that it is unnecessary to issue this Treasury decision under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

[Sec. 46]

JUSTIN F. WINKLE, Acting Commissioner of Internal Revenue.

Approved: April 4, 1952.

THOMAS J. LYNCH, Acting Secretary of the Treasury.

[FR Doc. 52-4071; Filed, Apr. 9, 1952; 8:50 a.m.]

[Reg. 111; T.D. 5824]

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

AMENDMENTS

On December 13, 1951, there was published in the Federal Register (16 F. R. 12567) a notice of proposed rule making regarding the amendment of Regulations 111 (26 CFR Part 29) to conform to the provisions of section 216 (relat-
ing to capital gains of nonresident alien individuals), section 220 (relating to employees of United States working in possessions of the United States or in the Canal Zone), and section 221 (relating to residents of Puerto Rico) of the Revenue Act of 1950 (Pub. Law 814, 81st Cong.), approved September 23, 1949, as amended by section 1 of July 31, 1951 (Pub. Law 82, 82d Cong.). No objection to the rules proposed having been received, the amendments set forth below are hereby adopted.

**RULES AND REGULATIONS**

**Section 221. Residents of Puerto Rico (Revenue Act of 1950, Approved September 23, 1950).**

**2. Section 29.12-1 is amended as follows:**

(A) By inserting immediately preceding the last sentence of paragraph (c) thereof: "A nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year is, in general, liable to the tax in the same manner as a resident alien individual. See sections 116 (1) and 220." *(2)*

(B) By striking out of the sentence "219" and inserting in lieu thereof the following: "221" *(3)*

**Par. 2. Section 29.11-2 is amended as follows:**

(A) By inserting immediately preceding the last sentence of paragraph (c) thereof: "A nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year is, in general, liable to the tax in the same manner as a resident alien individual. See sections 116 (1) and 220." *(2)*

(B) By striking out of the sentence "219" and inserting in lieu thereof the following: "221" *(3)*

**Par. 3. Section 29.23-1 is amended as follows:**

(A) By striking out of the sentence of the first paragraph "section 213" and inserting in lieu thereof the following: "sections 211, 213, and 220." *(4)*

(B) By striking out of the sentence of the first paragraph "section 213" and inserting in lieu thereof the following: "sections 211, 213, and 220." *(4)*

**Par. 4. Section 29.25-1 is amended as follows:**

(A) By inserting immediately after "213 (c)" thereof: "the following: "221." *(5)*

(B) By striking out of the fourth sentence of paragraph (b) thereof: "the following: "221." *(5)*

**Par. 5. Section 29.25-3, as amended by Treasury Decision 5687, approved February 16, 1949, is further amended by adding at the end of paragraph (b) thereof the following new subparagraph:**

(T) **Alien resident of Puerto Rico.** For taxable years beginning on or after January 1, 1951, a nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year and who has been, or expects to be, a resident of Puerto Rico as if a part of the United States for a period of at least two years before the date on which he changes his residence from Puerto Rico to the United States, shall be entitled, in lieu thereof, to file a declaration of estimated tax if his gross income meets the requirements of section 58 (a). For the purpose of such declaration, gross income means gross income from all sources, other than sources within Puerto Rico, but including amounts received for services performed as an employee of the United States or any agency thereof. Sections 58, 59, and 60 of this Act shall be applicable with respect to taxable years beginning after December 31, 1949.

**Par. 6. Section 29.51-1, as amended by Treasury Decision 5687, is further amended by striking out of paragraph (a) thereof: "and every resident of Puerto Rico residing within the United States. Section 29.51-1, as amended by Treasury Decision 5687, approved September 23, 1950, is further amended by inserting immediately after "the following: "221." *(5)*

(B) By striking out of the sentence of the first paragraph "section 213" and inserting in lieu thereof the following: "sections 211, 213, and 220." *(4)*

**Par. 7. Section 29.53-1, as amended by Treasury Decision 5681, approved October 18, 1951, is further amended by inserting in paragraph (a), immediately after "nonresident alien individual", the following: "except in the case of a taxable year beginning on or after January 1, 1951, a bona fide resident of Puerto Rico during the entire taxable year)".

**Par. 8. There is inserted immediately preceding the fourth sentence of paragraph (a) thereof: "the following:" *(6)*

**Par. 9. Section 29.58-2, as amended by Treasury Decision 5687 is further amended as follows:**

(A) By striking out of the first paragraph (b) thereof: "and (ii) every resident of Canada or Mexico and who has wages subject to withholding at the source under section 162, and inserting in lieu thereof the following: "(iii) every nonresident alien who is a resident of Canada, Mexico, or, in the case of taxable years beginning on or after January 1, 1951, Puerto Rico and who has wages subject to withholding at the source under section 162. * *(8)*

(B) By revising such as the first sentence of the fourth paragraph of (b) thereof: "(i) (ii) thereof as precedes "and who has wages subject to withholding" to read as follows: "(i) a nonresident alien who is (1) a resident of Canada or Mexico who enters into and leaves the United States at frequent intervals, or (2), in the case of taxable years beginning on or after January 1, 1951, a resident of Puerto Rico.

(C) By striking out of the fourth paragraph of (b) (1) (ii) thereof the following: "the income from sources within the United States. Section 213 (a)." and inserting in lieu thereof the following: "In the case of an individual who has been, or expects to be, a resident of Puerto Rico during the entire taxable year, income derived from sources within Puerto Rico (except amounts received for services performed as an employee, of the United States or any agency thereof)." *(9)*

(D) By inserting immediately after the fourth paragraph of (b) (1) (ii) thereof the following new undesignated paragraph:

A nonresident alien who has been, or expects to be, a resident of Puerto Rico during the entire taxable year is required, in the case of taxable years beginning on or after January 1, 1951, to file a declaration of estimated tax if his gross income meets the requirements of section 58 (a). For the purpose of such declaration, gross income means gross income from all sources, other than sources within Puerto Rico, but including amounts received for services performed as an employee of the United States or any agency thereof. Sections 58, 59, and 60 of this Act shall be applicable with respect to taxable years beginning after December 31, 1949.

**Par. 10. Section 29.58-3, as amended by Treasury Decision 5665, approved September 23, 1951, is further amended by inserting in the second paragraph of (a) thereof: "the following:" *(10)*

**Par. 11. Section 29.58-4, as amended by Treasury Decision 5687, is further amended by inserting at the end of the third sentence of paragraph (a), immediately after the words "a nonresident alien", the following: "including such an alien who is a bona fide resident of Puerto Rico during the entire taxable year." *(11)*

**Par. 12. Section 29.58-5, as added by Treasury Decision 5665, approved November 1, 1949, is further amended by inserting immediately after "the 15th day" and inserting in lieu thereof the following: "(including, on or after January 1, 1951, Puerto Rico as a part of the United States)."

**Par. 13. There is inserted immediately preceding § 29.11-4 the following:**

**Section 221. Residents of Puerto Rico (Revenue Act of 1950, Approved September 23, 1950).**

**Section 29.58-6, as amended by Treasury Decision 5687, approved September 23, 1950, is further amended by adding at the end of the fourth paragraph thereof: "the following:" *(12)*

**Par. 14. The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1949.** *(13)*
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Par. 13. There is inserted immediately after § 29.116-5, as added by Treasury Decision 5555, approved March 24, 1947, the following:

§ 29.116-6 Exclusion of certain income from sources within Puerto Rico. (a) For taxable years beginning on or after January 1, 1951, there is excluded from gross income in the case of an individual (whether a citizen of the United States or any agency of the United States or elsewhere on vacation) or an alien who is a bona fide resident of Puerto Rico during the entire taxable year income derived from sources within Puerto Rico, except such income as consists of amounts received for services performed as an employee of the United States or any agency thereof. Whether the individual is a bona fide resident of Puerto Rico shall be determined in general by applying to the facts and circumstances in each case the principles of §§ 29.211-2, 29.211-3, 29.211-4, and 29.211-5, relating to what constitutes residence, as the case may be, in the United States in the case of an alien individual. Once bona fide residence in Puerto Rico has been established, temporary absence therefrom in the United States or elsewhere on vacation or business trips will not necessarily deprive an individual of his status as a bona fide resident of Puerto Rico. An individual who has been a bona fide resident of Puerto Rico during the course of the taxable year is not entitled for such year to the exclusion provided in section 116 (1).

(b) For any taxable year beginning on or after January 1, 1951, there is excluded from gross income, in the case of an individual citizen of the United States who during such taxable year changes his residence from Puerto Rico to a place outside Puerto Rico, income derived from sources within Puerto Rico which is attributable to that part of such period of Puerto Rican residence which precedes the date of such change in residence, except such income as consists of amounts received for services performed as an employee of the United States or any agency thereof.

(c) In any case in which any amount otherwise constituting gross income is excluded from gross income under the provisions of section 116 (1), there shall not be allowed as a deduction from gross income any items of expenses or losses or other deductions properly allocable to, or chargeable against, the amounts so excluded from gross income. The apportionment and allocation of such expenses, losses, or deductions as between income derived from sources within Puerto Rico and income from other sources shall be determined in accordance with the principles of section 119 and the regulations thereunder.

Par. 14. There is inserted immediately after § 29.117-3, as added by Treasury Decision 5555, approved March 24, 1947, the following:

§ 29.117-6 Determination of the net amount of capital gains subject to tax with respect to taxable years beginning on or after January 1, 1950.

Par. 15. Section 29.117-1, as amended by Treasury Decision 5555, is further amended by inserting the end of the preceding paragraph and the following new paragraph:

In the case of a nonresident alien individual not engaged in trade or business within the United States, see section 211 and the regulations thereunder for the determination of the net amount of capital gains subject to tax with respect to taxable years beginning on or after January 1, 1950.

Par. 16. Section 29.131-2, as amended by Treasury Decision 5555, is further amended as follows:

(A) By inserting immediately preceding the second sentence, which commences with the words "the words "the percentage of the gain", of paragraph (a) thereof the following: "(In the case of nonresident alien individuals not engaged in trade or business within the United States, see section 211 and the regulations thereunder for the determination of the net amount of capital gains subject to tax with respect to taxable years beginning on or after January 1, 1950.)"

(B) By inserting at the end of the first paragraph of (a) thereof the following new sentence: "(In the case of nonresident alien individuals not engaged in trade or business within the United States, see section 211 and the regulations thereunder.)"

Par. 17. Section 29.119-1 is amended as follows:

(A) By inserting in the first sentence of the introductory paragraph, immediately after "Nonresident alien individuals", the following: "The term "resident alien individuals" includes an alien resident of Puerto Rico."

(B) By inserting in the introductory paragraph immediately after "112 (a) (2)", the following: "220."

Par. 18. There is inserted immediately preceding § 29.131-1 the following:

SEC. 221. RESIDENTS OF PUERTO RICO (REVIEW ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) Foreign tax credit. Paragraphs (2) and (3) of section 151 (a) (relating to allowance of credit) are hereby amended to read as follows:

(2) Resident of the United States or Puerto Rico. In the case of a resident of the United States or Puerto Rico, credit shall be allowed to an individual who is a bona fide resident of Puerto Rico during the entire taxable year, the amount of any such taxes paid or accrued during the taxable year to any foreign country, if the foreign country of which such alien is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States resident in such country and

(b) Effective date. The amendments made by this section shall be applicable with respect to tax years beginning after December 31, 1950.

Par. 19. Section 29.131-1, as amended by Treasury Decision 5555 is further amended by revising so much of paragraph (b) as precedes "the credit is as follows:" to read as follows: "In the case of an alien resident of the United States and, with respect to taxable years beginning on or after January 1, 1951, in the case of an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year, who chooses the claim a credit for such taxes, the basis of".

Par. 20. There is inserted immediately preceding § 29.142-1 the following:

SEC. 222. RESIDENTS OF PUERTO RICO (REVIEW ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) Withholding on alien residents of Puerto Rico. Section 143 (a) (1) (relating to withholding of tax at source on investment in foreign countries, if the foreign country does not pay to the alien individual the amounts withheld, and the provision therein relating to the withholding of tax at source on dividends, interest, etc., paid to nonresident alien individuals, for each taxable year, taxes equal to each amount withheld to the end thereof the following: "As used in this subsection the term 'nonresident alien individual' includes an alien resident of Puerto Rico."

(b) Effective date. The amendments made by this section shall be applicable with respect to tax years beginning after December 31, 1950.

Par. 21. Section 29.142-1, as amended by Treasury Decision 5509, approved June 27, 1949, is further amended by inserting immediately preceding paragraph 19 (b) the following: "Whereas in this subsection the term 'nonresident alien individual' includes an alien resident of Puerto Rico."

Par. 22. Section 29.147-3, as amended by Treasury Decision 5697, is further amended by inserting immediately preceding the last paragraph the following:

(13) Payments made on or after January 1, 1951, to employees for services performed in Puerto Rico.

Par. 23. Section 29.147-6 is amended by inserting therein, immediately after the United States', the following: "Including, on or after January 1, 1951, Puerto Rico as a part of the United States'."

Par. 24. There is inserted immediately preceding § 29.211-1 the following:

SEC. 231. CAPITAL GAINS OF NONRESIDENT ALIEN INDIVIDUALS (REVIEW ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) Nonresident alien individuals temporarily present in the United States. Section 211 (a) (1) (B) (relating to tax on nonresident alien individuals not engaged in trade or business within the United States) is hereby amended to read as follows:

(B) Capital gains of aliens temporarily present in the United States. In the case of a nonresident alien individual not engaged in trade or business within the United States; there shall be levied, collected, and paid for each taxable year, in addition to the tax payable under paragraph (A) (1) if he is present in the United States for a period or periods aggregating less than ninety days during such taxable year—a tax of 50 percent of the amount of capital gains, derived from sources within the United States, from sales or exchanges of capital
assets effected during his presence in the United States exceed his losses, allocable to sources within the United States, from such sales or exchanges, effected during such presence; or

(ii) If he is present in the United States for a period or periods aggregating ninety days or more during such taxable year—a tax of 30 per centum of the amount by which his gains, derived from sources within the United States, from sales or exchanges of capital assets effected at any time during such year exceed his losses, allocable to sources within the United States, from such sales or exchanges effected at any time during such year.

For the purposes of this subparagraph, gains and losses shall be taken into account only if, and to the extent that, they would be recognized and taken into account if an individual were engaged in trade or business in the United States, except that such gains and losses shall be computed without regard to the provisions of section 117 (b) and such losses shall be determined without the benefit of the capital loss carry-over provided in section 117 (c).

(c) Cross reference. For inclusion in computation of tax of amount specified in shareholder's consent, see section 5709.

(b) No United States trade or business and income of more than $15,400.

(1) Section 211 (a) (2) is hereby amended to read as follows:

"(2) Aggregate more than $15,400. The tax imposed by section 211 (a) (2) shall apply to any individual if during the taxable year the sum of—

(A) The aggregate amount received from the sources specified in paragraph (1) (A), plus

(B) The amount, determined in accordance with the provisions of paragraph (1) (B), by which gains from sales or exchanges of capital assets exceed losses from such sales or exchanges, is more than $15,400.

(2) So much of section 211 (c) as precedes paragraph (4) thereof is hereby amended to read as follows:

"(c) No United States business or office and gross income of more than $15,400.

(1) The gross income shall include only income from the sources specified in subsection (a) (1) (A) plus any gain to the extent provided in section 117 from a sale or exchange of a capital asset if such gain would be taken into account were the tax being determined under subsection (a) (1) (B).

(2) The deductions (other than the so-called "charitable deduction" provided in section 213 (c)) shall be allowed only if and to the extent that they are properly allocable to the gross income from the sources specified in subsection (a) (1) (A), except that any loss from the sale or exchange of a capital asset shall be allowed to the extent provided in section 117 without the benefit of the capital loss carry-over provided in section 117 (e) if such loss would be taken into account were the tax being determined under subsection (a) (1) (B).

(3) The tax imposed by this chapter (under sections 11 and 12, or under section 117 (c) (2) the tax) shall be 30 per centum of the sum of—

(A) The aggregate amount received from the sources specified in subsection (a) (1), (A), plus

(B) The amount, determined in accordance with the provisions of subsection (a) (1) (B), by which gains from sales or exchanges of capital assets exceed losses from such sales or exchanges; and

(c) Effective date. The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1949.

SEC. 214. TREATY OBLIGATIONS (REVENUE ACT OF 1949, ADDENDUM).

No amendments made by this Act shall apply in any case where its application would be contrary to any treaty obligation of the United States.

PAR. 25. Section 29.211-7, as amended by Treasury Decision 5709, is further amended as follows:

(a) By revising so much thereof as precedes paragraph (a) thereof to read as follows:

"§ 29.211-7 Taxation of nonresident alien individuals. For the purposes of this section and §§ 29.212-1, 29.213-1, 29.214-1, 29.215-1, and 29.217-3, nonresident alien individuals are divided into three classes: (1) Nonresident alien individuals not engaged in trade or business within the United States at any time during the taxable year and deriving capital gains in such taxable year in an amount of not more than $15,400 in the aggregate which is the gross amount of fixed or determinable annual or periodical income from sources within the United States in the case of taxable years beginning on or after January 1, 1950, the excess of capital gains over capital losses, determined in accordance with paragraph (a) (2) of this section, from sources within the United States; (2) nonresident alien individuals not engaged in trade or business within the United States at any time during the taxable year and deriving capital gains in such taxable year in an amount of not more than $15,400 in the aggregate which is the gross amount of fixed or determinable annual or periodical income from sources within the United States plus, in the case of taxable years beginning on or after January 1, 1950, the excess of capital gains over capital losses, determined in accordance with paragraph (a) (2) of this section, from sources within the United States; and (3) nonresident alien individuals who at any time during the taxable year are engaged in trade or business in the United States. (But, in the case of taxable years beginning on or after January 1, 1951, see § 29.220-1 with respect to alien individuals who are bona fide residents of Puerto Rico during the entire taxable year.)"

(b) By revising so much of paragraph (a) thereof as precedes the second sentence of subparagraph (1) thereof to read as follows:

"(a) No United States business; general rule—(1) Fixed or determinable annual or periodical income. A nonresident alien individual within class (1), referred to in the preceding paragraph, is liable to a tax of 30 per centum of the amount specified in fixed or determinable annual or periodical income of more than $15,400.

(2) Capital gains and losses; in case of taxable years beginning on or after January 1, 1950, a nonresident alien individual within class (1), referred to in the introductory paragraph of this section, is liable to a tax of 30 per centum of the excess of capital gains over capital losses, determined in accordance with this subparagraph, is also subject to tax and is to be aggregated with any fixed or determinable annual or periodical income in determining such $15,400."
from sales or exchanges effected at any time during such taxable year are to be taken into account even though such alien individual is not present in trade or business within the United States at the time such sales or exchanges are effected.

In computing the total period of presence in the United States for a taxable year, all separate periods of presence in the United States during the taxable year are to be aggregated.

For the purpose of the computation of the excess of capital gains over capital losses, sales and exchanges of capital assets shall be taken into account only if, and to the extent that, they would be recognized and taken into account if the nonresident alien individual were engaged in trade or business within the United States, except that such gains or losses shall be computed without regard to the provisions of section 117 (b) and that such losses shall be determined without the benefit of the provision under section 117 (c) for the capital loss carry-over. The excess, if any, of capital losses over capital gains in such computations shall be determined without regard to the limitations provided in section 211. However, the tax thus computed under sections 11 and 12, or in the alternative under section 117 (c), shall not exceed the amount which is the sum of the aggregate of his fixed or determinable annual or periodical income of the amount which is the sum of the aggregate of the gross amounts of fixed or determinable annual or periodical income from sources within the United States plus, in the case of taxable years beginning on or after January 1, 1950, the amount, determined in accordance with the provisions of section 211 (a) (1) (B) and of paragraph (a) (2) of this section, by which gains from sales or exchanges of capital assets exceed losses from such sales or exchanges.

Par. 26. Section 29.212-1, as amended by Treasury Decision 5660, approved February 2, 1946, is further amended as follows:

(A) By striking out the period at the end of the first sentence of paragraph (a) (1) and inserting in lieu thereof the following: "and, in the case of taxable years beginning on or after January 1, 1950, any gain from the sale or exchange of a capital asset to the extent required to be included in gross income under the provisions of section 211 (a) (1) (B) or section 211 (c) (2)."

(B) By inserting in the second sentence of paragraph (b), immediately after "His taxable income does not include", the following: ", in the case of taxable years beginning before January 1, 1950,".

(C) By striking out the period at the end of paragraph (a) thereof and inserting in lieu thereof the following: "except that, in the case of taxable years beginning on or after January 1, 1950, any gain from the sale or exchange of a capital asset is includible in the taxable income of such nonresident alien individual to the extent required by the provisions of section 211 (a) (1) (B) or section 211 (c) (2)."

Par. 27. Section 29.213-1 is amended as follows:

(A) By striking out of paragraph (a) (1) thereof "received," and inserting in lieu thereof the following: "received, except that, in the case of taxable years beginning on or after January 1, 1950, losses attributable to sources within the United States from sales or exchanges of capital assets shall be allowed in accordance with the provisions of § 29.211-7 (a) (2) to the extent of gains, derived from such sales or exchanges."

(B) By striking out so much of the first sentence of paragraph (a) (2) thereof as follows "for such year more than the excess of gains over capital losses, determined in accordance with § 29.211-7 (a) (2), from sources within the United States is allowed for such year."

Par. 28. Section 29.214-1, as amended by Treasury Decision 5517, approved June 12, 1946, is further amended by striking out of paragraph (a) (2) thereof the words "amount of fixed or determinable annual or periodical income" and inserting in lieu thereof the following: "income described in section 211 (a) (1)"

Par. 29. Section 29.215-1 is amended as follows:

(A) By inserting in paragraph (a) (1) thereof, immediately after the word "distributions", the following: "(except as provided in § 29.211-7 (a) (2))"

(B) By striking out of paragraph (a) (2) thereof wherever occurring therein "fixed or determinable annual or periodical income" and inserting in lieu thereof the following: "income described in section 211 (a) (1)"

Par. 30. There is inserted immediately preceding § 29.217-1 the following:

SEC. 214. NONRESIDENT ALIEN INDIVIDUALS (REVENUE ACT OF 1950, APP. AUG. 29, 1950.)

(a) By striking out of the second sentence of paragraph (b) of section 29.217 (relating to returns by nonresident alien individuals) the words "the following: "Such return" and inserting in lieu thereof "section 211 (c) (1) (A)"

(c) The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1949.

Par. 31. Section 29.217-2, as amended by Treasury Decision 5687, is further amended as follows:

(A) By striking out of paragraph (a) (1) and (2) thereof wherever occurring therein "fixed or determinable annual or periodical income" and inserting in lieu thereof the following: "income described in section 211 (a) (1)"

(B) By striking out of the second sentence of paragraph (a) (2) thereof the words "from the sale of or exchange of a capital asset is includible in the taxable income of such nonresident alien individual to the extent required by the provisions of section 211 (a) (1) (B) or section 211 (c) (2)".

Par. 27. Section 29.213-1 is amended by striking out of paragraph (a) (1) thereof "received," and inserting in lieu thereof the following: "received, except that, in the case of taxable years beginning on or after January 1, 1950, losses attributable to sources within the United States from sales or exchanges of capital assets shall be allowed in accordance with the provisions of § 29.211-7 (a) (2) to the extent of gains, derived from such sales or exchanges."

(B) By striking out so much of the first sentence of paragraph (a) (2) thereof as follows "for such year more than the excess of gains over capital losses, determined in accordance with § 29.211-7 (a) (2), from sources within the United States is allowed for such year."

Par. 29. Section 29.215-1 is amended by striking out "fixed or determinable annual or periodical income" and inserting in lieu thereof the following: "income described in section 211 (a) (1)"

Par. 33. There is inserted immediately after § 29.219-1 the following:

SEC. 221. RESIDENTS OF PUERTO RICO (REVENUE ACT OF 1950, APP. AUG. 29, 1950.)


(d) Aliens residing in Puerto Rico. Supplement H relating to this section shall have no application to an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year, and such term shall be deemed to be derived from sources within Puerto Rico, see section 116 (1) (1).

(k) Effective date. The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1950.

§ 29.220–1 Alien residents of Puerto Rico. In the case of taxable years beginning on or after January 1, 1951, the provisions of Supplement H relating to the taxation of nonresident alien individuals do not apply to a nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year, irrespective of whether he has engaged in trade or business within the United States during the taxable year. The income of such alien individual from sources both within and without the United States is subject to the normal tax and the surtax imposed by sections 11 and 12, respectively, except that under the provisions of section 116 (1) income derived from sources within Puerto Rico (other than amounts received for services performed as an employee of the United States or any agency thereof) is excluded from gross income. For rules respecting filing of returns and payment of tax see sections 51, 53, 55, 56, and 59 and the regulations thereunder.

Par. 34. There is inserted immediately preceding § 29.251–1 the following:

SEC. 230. EMPLOYEES OF UNITED STATES WORKING IN POSSESSIONS OF THE UNITED STATES OR IN THE CATEGORIES OF PERSONS DESIGNATED AS SUCH IN THE GENERAL ORDER OF MARCH 23, 1931, APPROVED HAVING NO REGULAR EMPLOYMENT IN THE SERVICE OF THE UNITED STATES, AS SUCH EMPLOYMENT IS REGULATED IN THE CASE OF THEIR RESIDENCE IN THE POSSESSIONS OF THE UNITED STATES.

Effective with respect to taxable years beginning after December 31, 1950, section 251 (relating to income from sources within possessions of the United States) is hereby amended by adding at the end thereof the following new subsection:

3(f) Employees of United States. For the purposes of this section, amounts paid for services performed by a citizen of the United States or any agency thereof shall be deemed to be derived from sources within the United States.


(a) Income of individuals from sources within Puerto Rico. Section 251 (d) (relating to income from sources within possessions of the United States) is hereby amended to read as follows:

"(d) Definition. As used in this section the term "possession..." shall not include the Virgin Islands of the United States, and such term when used with respect to citizens of the United States does not include Puerto Rico.

(k) Effective date. The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1950.

Par. 35. Section 29.251–1, as amended by "Treasury Decision 5709", is further amended as follows:

(A) By inserting immediately preceding the fourth sentence, which commences with the words "Dividends received", of paragraph (a) (2) the following new sentences: "In the case of taxable years beginning on or after January 1, 1951, the salary or other compensation paid for services performed by a citizen of the United States as an employee of the United States or any agency thereof shall be deemed to be derived from sources within the United States."

(B) By striking out of the first sentence of paragraph (d) "section 119." and inserting in lieu thereof the following: "section 119.1 (f).

(C) By striking out of the first sentence of the example, which constitutes the sixth paragraph, the words "Puerto Rico" and inserting in lieu thereof the following: "a possession of the United States."

(D) By striking out of the third sentence of such example the words "Puerto Rico" and by inserting in such sentence, immediately after the words "real estate", the following: "located in such possession and...

Par. 35a. Section 29.251–2 is amended by striking out of the second sentence of such section, and inserting in lieu thereof the following: "real estate purchased in the possession of Puerto Rico."

Par. 36. Section 29.251–4, as amended by "Treasury Decision 5534", approved August 28, 1946, is further amended as follows:

(A) By striking out of the second sentence of the following new paragraph:

(B) By inserting at the end thereof, immediately after the words "self-governing nation.", the following new paragraph:

In the case of taxable years beginning before January 1, 1951, the term "possession..." shall not include Puerto Rico when used in sections 251, § 29.251–1, and this section with respect to citizens of the United States, and the regulations thereunder prescribed in § 29.252–1 shall have no application in the case of a citizen of Puerto Rico.

Par. 37. There is inserted immediately preceding § 29.252–1 the following:


(a) Citizens of the United States residing in Puerto Rico. Section 251 (relating to citizens of possessions of the United States) is hereby amended by adding at the end thereof the following new sentence: "This subsection shall have no application in the case of a citizen of Puerto Rico."

(k) Effective date. The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1950.

Par. 38. Section 29.252–1 is amended by adding at the end thereof the following new paragraph:

For taxable years beginning after December 31, 1950, the provisions of section 252 (a) and the regulations thereunder prescribed in this section shall have no application in the case of a citizen of Puerto Rico.
principal city of Hilo, which slaughters and wholesales the beef through retail outlets. The price paid the ranchers for such cattle over the past six years has generally been from 12 cents to 8 cents under the price received for the same commodity in Honolulu on the Island of Oahu. This difference is largely, but not entirely, accounted for by the additional shipping charges involved.

Just prior to, or during the period December 19, 1950-January 25, 1951, the wholesalers in Honolulu raised their prices for island beef by 2 cents per pound. The Hilo wholesaler failed to follow the lead of the Oahu wholesalers. As a result, the differential between the two islands was frozen under the General Ceiling Price Regulation at 4½ cents to 5 cents per pound.

The situation described above has prevailed ever since the institution of price controls. For a long time the Hawaii ranchers continued to make available to them, the territorial office of the Defense Production Act of 1941, partially to make up to the Hilo slaughter-house cattle which they could have marketed more profitably in Honolulu, simply because of prior commitments and because of their inability to accommodate the people of the home island. However, in recent months, the situation has worsened and has now reached the point where beef is practically impossible to obtain in the retail stores on the island of Hawaii.

The Territorial Office of the Office of Price Stabilization has followed the situation very closely, as part of a plan to issue a tailored regulation setting dollar-and-cents ceilings on meat throughout the territory, it has made extensive surveys of costs and earnings and has studied inter-island freight rates, marketing practices and other factors bearing on the question of proper ceilings on all the islands. The accumulation of technical and economic data required a considerable amount of time and study, and for that reason, the issuance of the tailored regulation has been necessarily delayed.

It is evident, however, that the local shortage on the island of Hawaii is so critical that immediate action is necessary in order to insure supplies of meat to the residents there.

On the basis of such information as is available to them, the territorial office has determined that a basic wholesale price of 49½ cents per pound for steer carcasses is an approximate ceiling in Hilo, pending further study of the matter. This price reflects the amount which studies so far show to be a normal differential under the generally prevailing wholesale cattle on Oahu of 55 cents. Because the increase in the basic carcass ceiling price of 2 cents per pound, from 47½ cents to 49½ cents, is roughly four percent over the price of 65 cents per pound or more are permitted to be increased by 3 cents per pound in order to preserve reseller’s percentage margins as required by the Herlong Amendment to the Action Act.

In the opinion of the Director, the accompanying action will alleviate a critical shortage in a populous area of the Territory of Hawaii and will correct a distorted price relationship frozen by the General Ceiling Price Regulation.

Because of the emergency nature of this action, formal consultation with the industry has been impracticable. However, recommendations of individual members of the industry have been carefully considered in the formulation of this regulation.

**Section 1. Ceiling prices.** Your ceiling price for the sale of locally produced beef carcasses and cuts, on the Island of Hawaii in the Territory of Hawaii, is your GCPR ceiling price plus 2 cents per pound if your GCPR ceiling price is less than 65 cents per pound, or your GCPR ceiling price plus 3 cents per pound if your GCPR ceiling price is 65 cents or more per pound.

(See 76, 64 Stat. 818; as amended; 50 U.S.C. App. Sup. 2184)

**Effective date.** This Supplementary Regulation is effective April 6, 1952.

**ELLIS ABRALL, Director of Price Stabilization.**

APRIL 8, 1952.


CPR 56—CEILING PRICES FOR CERTAIN PROCESSED FRUITS AND BERRIES OF THE 1951 PACK

**SR 5—ADJUSTED CEILING PRICES FOR CERTAIN APPLE PRODUCTS**

Pursuant to the Defense Production Act of 1941, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to Ceiling Price Regulation 56 is hereby issued.

**STATEMENT OF CONSIDERATIONS**

This supplementary regulation permits processors of apple products to calculate their ceiling prices by adding specific amounts as named in the supplementary regulation to their ceiling prices as otherwise determined under Ceiling Price Regulation 56. However, in any event, processors of apple juice and apple cider are not required to sell these items at less than their General Ceiling Price Regulation ceiling prices. The products covered by the supplementary regulation are canned apples, canned applesauce and canned bottled apple juice and cider.

Apple product processors have represented to the Office of Price Stabilization that ceiling prices under CPR 56 are causing the industry substantial hardship. It is indicated that this hardship results from abnormally depressed base period selling prices and from application of the pricing formula for figuring changes in raw material costs. In Act 2 of CPR 56 to give OFS time to make a more complete study of the problem presented by this situation, SR 2 to CPR 56 was issued on December 3, 1951, permitting apple product processors to sell on an adjustable pricing basis. This study has now been completed. Since SR 2 is subject to automatic revocation it will cease to apply to products covered by this supplementary regulation as of the effective date of this regulation.

The profit and cost data covered by an independent accounting survey and by individual company data submitted directly to the Office of Price Stabilization show that apple product prices were substantially depressed during 1948 and that such products were not very profitable items during that year. During 1948 processors were still feeling the effects of a large carry-over of the 1946 pack of apple products which unduly depressed prices in 1947 and continued to depress prices during 1948.

Under the pricing formula of CPR 56 processors adjust their base period prices for changes in costs of raw material from 1948 to 1951, the weighted average price paid for raw material charges from a period, or on a firm contract basis throughout the purchasing period, it has not proven satisfactory in the case of apples which are purchased over a considerable period of time with advancing prices as the season progresses. Although processors are able to recalculate their ceiling prices under CPR 56 when the weighted average price paid for raw material charges from a period, or on a firm contract basis throughout the purchasing period, it has not proven satisfactory in the case of apples which are purchased over a considerable period of time with advancing prices as the season progresses.

The adjustments permitted by this supplementary regulation for each product reflect allowances for differences between earnings on sales during the base period, during the entire year 1948 and the average earned on sales for the years 1946-49. Some allowance was made to compensate for decreases in raw material costs which are not adequately reflected by the formula of CPR 56 because of the long processing season. In determining the amount of the adjustment to be added to ceiling prices for the major can sizes as otherwise determined under CPR 56, an attempt was made to remove some of the existing price distortions in general to bring the relative ceiling prices of sliced apples, applesauce and apple juice into the price relationship which existed during 1948-49.

The average price level of ceiling prices for apple products after the adjustment will be somewhat higher than present market prices. This will permit processors to follow the pattern of increasing prices as the season progresses. However, it is not known at this time whether processors will be...
able to secure the higher ceiling prices permitted by this adjustment despite estimates of much smaller packs of both apple sauce and apple slices than last year.

The Director of Price Stabilization has consulted with representatives of the industry, including trade association representatives, before issuing this supplementary regulation and has given consideration to their recommendations. It is his judgment that the ceiling prices and provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec. 1. What this supplementary regulation does.

1. Adjusted ceiling prices for certain apple products.

2. Sales under Ceiling Price Regulation 56.

3. Items for which dollar-and-cents increases are not specified.

4. Sales under Ceiling Price Regulation 56.


SECTION 1. What this supplementary regulation does. This supplementary regulation modifies Ceiling Price Regulation 56 by allowing processors to determine adjusted ceiling prices for items of canned apples, canned apple sauce, and canned and bottled apple juice (including cider) by adding to their ceiling prices for such items as otherwise determined under Ceiling Price Regulation 56 the specified dollar-and-cents amounts named in section 2 of this supplementary regulation. However, in any case where the prices resulting from this adjustment for items of apple juice (including cider) are lower than the processor's ceiling prices under the General Ceiling Price Regulation, he is permitted to establish his General Ceiling Price Regulation prices as his ceiling prices under this supplementary regulation.

SEC. 2. Adjusted ceiling prices for certain apple products. You may calculate an adjusted ceiling price for each item of canned apples, canned apple sauce, and canned and bottled apple juice or cider by adding to your ceiling price for the item, as otherwise determined under CPR 56 without reference to this supplementary regulation, the following appropriate amount:

<table>
<thead>
<tr>
<th>Product</th>
<th>No. 300 No. 300 No. 10 No. 10</th>
<th>Container size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canned apples</td>
<td>$0.20 $0.20 $0.35 $0.35</td>
<td>32 oz. 40 oz.</td>
</tr>
<tr>
<td>Canned apple sauce</td>
<td>$0.11 $0.11 $0.12 $0.12</td>
<td>40 oz. 50 oz.</td>
</tr>
<tr>
<td>Canned or bottled apple juice or cider</td>
<td>$0.23 $0.23 $0.43 $0.43</td>
<td>50 oz. 60 oz.</td>
</tr>
</tbody>
</table>

If the price resulting from this adjustment for any item of canned or bottled apple juice or cider is lower than your ceiling price as established under the General Ceiling Price Regulation for that item, you may use the ceiling price established under that regulation as your ceiling price for that item under this supplementary regulation.

Sec. 3. Items for which dollar-and-cents increases are not specified. (a) If you are a processor of an item of canned apples, canned apple sauce and/or bottled apple juice or cider which differs from any item listed in section 2, you may calculate your ceiling price for such item under the provisions of this supplementary regulation using the methods provided by section 4 of CPR 56. If you choose to determine your ceiling price under this supplementary regulation you shall use your comparison item in figuring your ceiling price under section 4 of CPR 56 and you are unable to establish a ceiling price in accordance with this supplementary regulation.

(b) If you choose to determine your ceiling price under this supplementary regulation and you are unable to use the provisions of section 4, you shall use the provisions of section 6 or 7 (in that order) of CPR 56.

Sec. 4. Sales under Ceiling Price Regulation 56. Processors of the products covered by this supplementary regulation may continue to sell items at or below the ceiling prices calculated under CPR 56 without reference to the provisions of this supplementary regulation.

All provisions of Ceiling Price Regulation 56 not inconsistent with this supplementary regulation remain in full force and effect.

Effective date. This supplementary regulation shall become effective on April 14, 1952.

E. ARNALL,
Director of Price Stabilization.

APRIL 9, 1952.
[Rev. Doc. 52–4185; Filed, Apr. 9, 1952; 11:46 a.m.]

[General Ceiling Price Regulation, Addt. 1 to Supplementary Regulation 76]

CGPR, SR 76–ADJUSTMENTS IN THE CEILING PRICES OF CERTAIN LEAD AND ZINC PRODUCTS AND THE SERVICE OF GALVANIZED GALVANIZED PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 76, to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 76 to the General Ceiling Price Regulation increases the ceiling prices for sales of galvanized products heretofore established under the General Ceiling Price Regulation.

Supplementary Regulation 71 to the General Ceiling Price Regulation raised the ceiling price of slab zinc two cents per pound. At the time of its issuance the producers of iron and steel mill products, who account for approximately 98 percent of the total production, increased their prices for these galvanized products in accordance with the provisions of voluntary agreements entered into pursuant to the provisions of section 402 (a) of the Defense Production Act of 1950. Although these products are normally sold by all producers on the same price basis, the ceiling prices for sales by the small number of producers, representing the balance of the industry, are established by the General Ceiling Price Regulation and were not similarly increased. The adjustments permitted by this amendment will correct this discrepancy.

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

AMENDATORY PROVISIONS

Section 2 (c) is added to Supplementary Regulation 76 to the General Ceiling Price Regulation to read as follows:

(3) Galvanized products. If you are a producer of galvanized case, rolled, drawn or extruded metals or alloys which have not been further fabricated or of galvanized fence posts, wire or merchant wire products, and/or welded wire fabric, and have established your ceiling price for any such product under the General Ceiling Price Regulation, you may adjust your ceiling price in accordance with subparagraph (1) or (2) of this paragraph.

(1) If on January 25, 1951, you determined your selling price for any of the products listed above in accordance with price lists which provided for the adjustment of prices in accordance with variations in the price of zinc, you may adjust the ceiling price for the established product under the General Ceiling Price Regulation in accordance with such price lists by using a price of 10 1/2 cents per pound of zinc.

(2) If you cannot adjust your ceiling price for any of these products in accordance with subparagraph (1) of this paragraph, you may adjust the ceiling price for the product established under the General Ceiling Price Regulation to reflect an increase of 2 cents per pound of zinc. Such increase must be made in accordance with the practice customarily followed by you in adjusting the price of the galvanized product involved to reflect variations in the price of zinc.

(3) If you are a producer of galvanized case, rolled, drawn or extruded metals or alloys which have not been further fabricated or of galvanized fence posts, wire or merchant wire products, and/or welded wire fabric, and have established your ceiling price for any such product under the General Ceiling Price Regulation, you may adjust your ceiling price in accordance with subparagraph (1) or (2) of this paragraph.

E. ARNALL,
Director of Price Stabilization.

APRIL 9, 1952.
[Rev. Doc. 52–4185; Filed, Apr. 9, 1952; 4:00 p.m.]

INCREASE PER DOZEN CONTAINERS

The service of the required increase in prices is hereby issued.

E. ARNALL,
Director of Price Stabilization.

APRIL 9, 1952.
[Rev. Doc. 52–4185; Filed, Apr. 9, 1952; 4:00 p.m.]

INCREASE PER DOZEN CONTAINERS

The service of the required increase in prices is hereby issued.

E. ARNALL,
Director of Price Stabilization.

APRIL 9, 1952.
[Rev. Doc. 52–4185; Filed, Apr. 9, 1952; 4:00 p.m.]

INCREASE PER DOZEN CONTAINERS

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E. ARNALL,
Director of Price Stabilization.

APRIL 9, 1952.
[Rev. Doc. 52–4185; Filed, Apr. 9, 1952; 4:00 p.m.]

INCREASE PER DOZEN CONTAINERS

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E. ARNALL,
Director of Price Stabilization.

APRIL 9, 1952.
[Rev. Doc. 52–4185; Filed, Apr. 9, 1952; 4:00 p.m.]

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E. ARNALL,
Director of Price Stabilization.

APRIL 9, 1952.
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INCREASE PER DOZEN CONTAINERS

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E. ARNALL,
Director of Price Stabilization.

APRIL 9, 1952.
Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-8, as Amended April 9, 1952]

M-8-TIN

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to sections 38 and 39 of the Defense Production Act of 1950, as amended. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order as amended has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

NPA Order M-8 as amended July 29, 1951, as further amended by Amdt. 1 of September 21, 1951, is affected by these amendments in the following respects:

1. The form of certification required pursuant to sections 7 (d) and 8 (a) is changed.
2. Section 7 (c) is changed.
3. Sections 14 (c), 15, and 17 are changed to conform to corresponding provisions in other NPA orders and regulations.
4. Item (1) of Part B of Schedule I is changed.
5. Item (ii) of Schedule IV is changed.
6. Item (ii) of Schedule VII is changed.

As amended, NPA Order M-8 reads as follows:

Sec. 1. What this order does.

2. Definitions.
3. Application of order.
4. Restrictions on use of pig tin and alloys and other materials containing tin.
5. Limitations on use of pig tin.
6. Maintenance, repairs, and operating supplies.
7. Allocation of pig tin.
8. Certification.
10. Exemptions.
11. Inventories.
12. Export certificates.
13. Importation of pig tin.
14. Records and reports.
15. Request for adjustment or exception.
17. Violations.


Section 1. What this order does.

The purpose of this order is to describe how tin remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy.

It restricts the use of pig tin in the manufacture, processing, and construction of tin-bearing products not expressly set forth in the attached Schedules I through VII. In addition, many of the permissible uses included in the Schedules I through VII are prohibited in connection with the manufacture of the items or for the purposes set forth in the order. This order also sets forth limitations on inventories of pig tin and alloys and other materials containing tin, and explains the conditions under which reports are required in connection with the production, distribution, importation, use, and inventories of pig tin. In addition, it covers the conditions under which reporting is required in connection with the entry of tin importation. It prohibits the private importation of pig tin and places pig tin under allocation by prohibiting, subject to limited exceptions, any deliveries not covered by allocation or the requisitioning by the United States of the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order.

(p) "Pig tin" means metal containing 95 percent or more by weight of the element tin, in shapes current in the trade, including anodes, small bars, and ingots, but excluding the products specifically listed in section IV of report Form NPAF-7.

(h) "Secondary tin" means any alloy, products, or combinations, which contain less than 95 percent but not less than 1.5 percent by weight of the element tin.

(i) For the purposes of the reporting requirements relating to imports stated in section 14 (b) of this order, "import" means the entry of pig tin and tin in any raw, semifinished, or scrap form, and any alloys, compounds, or other materials containing tin (where tin is of chief value) in any raw, semifinished, or scrap form. This includes, but is not limited to the following:

1. Tin metal... $305.00
2. Tin alloys... $305.00
3. Tin alloys, chief value tin, n. a. p. f. (including alloyed scrap)... $305.00
4. Tin compounds... $327.00
5. Tin bars, billets, pig, granulated or granulated... $351.20
6. Tin metallic scrap (except alloyed scrap)... $351.20
7. Tin alloys, chief value tin, n. a. p. f. (including alloyed scrap)... $351.00
8. Tin compounds... $351.00
9. Tin foil less than 0.003 inch thick... $373.70
10. Tin powder... $373.70
11. Tin chips, scrap, granulated, or other tin materials... $351.20
12. Tin bar... $351.20

Notes: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports into the United States, issued by the U. S. Department of Commerce (August 1, 1950 edition).

(i) "Base alloy" for the purpose of this order means any alloy containing tin in the composition of which the percentage of copper metal by weight is not less than 20 percent or more than 49 percent of the total weight of the alloy.

(ii) "Scrap" means all materials or objects which are the waste or by-products of industrial fabrication or which have been discarded for discardable condition, failure, or other reason, and which contain tin or alloys or other materials containing tin in a form making such scrap suitable for industrial use.

(iii) "Soldering" means joining with solder. This term does not include dipping or soldering-printing to which the joining operation is not performed simultaneously with such dipping or printing. (For dipping or coating see Schedule IV and Schedule VII, page 13.)
(m) " Implements of war" means combat end-products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, vessels, vehicles, yachts, radio and radar equipment), and any parts, assemblies, or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above nor does it include any "in process" or any other materials not actually to be incorporated into the items described above.

Ssc. 3. Application of order. Subject to the exemptions stated in section 10, this order applies to all persons who produce tin or alloys or other materials containing tin, or who use tin or alloys or other materials containing tin, in manufacture, processing, or construction, or for maintenance, repair, or operating supplies. In addition, the reporting provisions stated in section 14 of this order apply to persons who manufacture, distribute, or hold in their possession pig tin, or who import tin.

Ssc. 4. Restrictions on use of pig tin and alloys and other materials containing tin. Subject to the exemption in section 10 of this order, unless specifically directed by the National Production Authority:
(a) No person shall use pig tin for any purpose where secondary tin can be used.
(b) No person shall use any pig tin, secondary tin, solder, babbitt, copper-base alloy, or other alloy containing 1.5 percent or more tin, or other materials containing 1.5 percent or more tin, in the manufacture, treatment, installation, or construction of any item or product, or in any process, or for any purpose, except those set forth in the attached schedules and to the extent permitted thereby. Use not expressly authorized by said schedules are prohibited.
(c) No person shall use tin in any form specified in subparagraph (b) in the manufacture of any item or in any process set forth in List A, even though such use might otherwise be permissible under paragraph (b): Provided, however, That this prohibition does not apply to the use of solder for joining purposes to the extent permitted in the attached schedules, and that no pig tin shall be used for any purpose where secondary tin can be used.

Ssc. 6. Maintenance, repair, and operating supplies. No person shall use pig tin specifically directed by the National Production Authority, no person shall use for maintenance, repair, and operating supplies during the calendar quarter commencing July 1, 1951, or any calendar quarter thereafter, a quantity by weight of pig tin in excess of 90 percent of his average quarterly use of pig tin for such purpose during the period except as modified in Schedule IV and Schedule VI-B of this order: Provided, however, That such use in any one month shall not exceed 40 percent of the permitted quarterly use.

Ssc. 7. Allocation of pig tin. (a) No person shall deliver pig tin or deliver pig tin pursuant to specific directives of the National Production Authority; such person shall separately indicate the quantity of pig tin delivered to maintain tin, or who use tin or alloys or other materials containing tin, in manufacture, processing, or construction, or for maintenance, repair, or operating supplies. In addition, the reporting provisions stated in section 14 of this order apply to persons who manufacture, distribute, or hold in their possession pig tin, or who import tin.

Ssc. 8. Certification. (a) No person shall sell or deliver and no person shall purchase or accept delivery of any pig tin, secondary tin, solder, babbitt, or any other alloys or materials containing 1.5 percent or more tin (excluding ores and concentrates) until the purchaser has furnished to the supplier a signed certification in substantially the following form:

The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Criminal Law), section 1001, that the tin or tin product herein ordered will be in violation of the inventory provisions of title 11 of NPA Order M-8; that no allocation authorization for pig tin for that month has been issued to the undersigned by the National Production Authority; that the undersigned is not in violation of the inventory provisions of title 11 of NPA Order M-8; that the undersigned will sell or deliver and no person shall purchase or accept delivery of any pig tin, secondary tin, solder, babbitt, or any other alloys or materials containing 1.5 percent or more tin (excluding ores and concentrates) until the purchaser has furnished a signed certification in substantially the following form:

This certificate constitutes a representation by the purchaser to the seller and to the National Production Authority that the tin or tin-bearing products or materials delivered will be used either for the purpose or purposes set forth in the attached schedules or for "implement of war," or for resale without change in form (other than packaging), and that such use is not prohibited by other applicable orders or regulations of the National Production Authority.

Any person who furnishes the foregoing certification shall not be required to furnish, with respect to pig tin, the certification required by section 8 of this order.

Ssc. 10. Certifications. (a) No person shall sell or deliver and no person shall purchase or accept delivery of any pig tin, secondary tin, solder, babbitt, or any other alloys or materials containing 1.5 percent or more tin (excluding ores and concentrates) until the purchaser has furnished a signed certification in substantially the following form:

This certificate constitutes a representation by the purchaser to the seller and to the National Production Authority that the tin or tin-bearing products or materials delivered will be used either for the purpose or purposes set forth in the attached schedules or for "implement of war," or for resale without change in form (other than packaging), and that such use is not prohibited by other applicable orders or regulations of the National Production Authority.

(d) The provisions of paragraph (a) of this section shall not apply to any:
(1) delivery of pig tin to the Reconstruction Finance Corporation for use by the Civilian Conservation Corps.
(2) delivery of pig tin pursuant to specific directives of the Production Authority.
(3) delivery of pig tin to any person whose total receipts during the month in which such delivery occurs are and by such delivery will remain less than $0,000 pounds, and who has not received an allocation authorization for pig tin for that month, and who furnishes to the supplier a signed certification in substantially the following form:

The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Criminal Law), section 1001, that receipt of this shipment of pig tin in the month requested will not be in violation of the inventory provisions of title 11 of NPA Order M-8; that no allocation authorization for pig tin for that month has been issued to the undersigned by the National Production Authority; that the undersigned's use of pig tin in that month will not exceed his permitted use of pig tin pursuant to section 5 of NPA Order M-8, and that herein ordered will be used only for the purposes permitted by NPA Order M-8 (Schedule ______, item _______) as follows:

Any person who furnishes the foregoing certification shall not be required to furnish, with respect to pig tin, the certification required by section 8 of this order.

This certificate constitutes a representation by the purchaser to the seller and to the National Production Authority that the tin or tin-bearing products or materials delivered will be used either for the purpose or purposes set forth in the attached schedules or for "implement of war," or for resale without change in form (other than packaging), and that such use is not prohibited by other applicable orders or regulations of the National Production Authority.

In cases coming within the exemption stated in section 10, substitute the phrase "implement of war" for the reference to scheduled item. Where pig tin products are purchased for resale without change in form (other than packaging), substitute the phrase "for resale upon proper certification."
(b) This certification shall not be required in connection with the delivery of: (1) tin to the General Services Administration, for the stockpile of strategic materials; (2) tin or tin-bearing items or products pursuant to a specific authorization of the National Production Authority; (3) solder in lots not exceeding 2 pounds in weight, or sold or scored, not over 1/4 inch in diameter, and containing no more than 40 percent tin by weight; (4) solders in lots not exceeding 5 pounds, if in any other form and containing 5 percent tin by weight; (5) rabbit for bearing purposes containing 10 percent or less tin; (6) rabbit for bearing purposes or any specifications in lots of 5 pounds or less; (7) printing plates and type metal containing tin for use by the printing, publishing, and related services industries; (8) liquor-finished wire; or (9) copper-base alloy scrap containing not more than 5 percent tin by weight when delivered to a scrap dealer, brass mill, or smelter. Such scrap when delivered to any other person and other scrap containing tin or more than 5 percent tin when delivered to a scrap dealer, brass mill, or smelter may be delivered only upon proper certification by the purchaser.

(c) No person giving a certification under this section may receive, use, or dispose of materials obtained upon such certification contrary to its terms.

Sec. 9. Defense orders for items containing tin. Notwithstanding the provisions of NPA Reg. 2 which establishes a priorities system, rated orders calling for items are subject to the provisions of sections 4, 5, 6, and 8 of this order unless within the exemption provided in section 10 or unless otherwise directed by the National Production Authority.

Sec. 10. Exemption. The restrictions of section 4 of this order shall not apply to the manufacture of "implements of war" produced for the Department of Defense, Atomic Energy Commission, or the National Advisory Committee for Aeronautics, provided that the use of tin contrary to these restrictions is required either by the applicable specifications or by a contract or subcontract issued by any such government agency for which the "implenents of war" are being produced.

Sec. 11. Inventories. In addition to the inventory provisions of NPA Reg. 1, it is required that: (a) more exact requirements applying to users of pig tin or alloys or other materials containing tin (excluding ores and concentrates) is necessary.

(a) No person obtaining any such materials for use in manufacture, processing, or construction, or for maintenance, repair, or operating supplies, shall receive or accept in good faith a quantity of such materials listed in Column A below from domestic sources, if its inventory of such materials is, or by such receipt would become, more than the smallest quantity which it would need by its scheduled method and rate of operation to be put into use for such purposes during the next succeeding period specified in Column B below, or (except for pig tin)

In excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less:

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pig tin for any month 150 days</td>
<td>Pig tin for all other uses 60 days</td>
</tr>
<tr>
<td>Lead-base alloys 45 days</td>
<td>All other materials and alloys containing 1.5 percent or more tin 60 days</td>
</tr>
</tbody>
</table>

For the purpose of this section, any such materials in which only minor changes or alterations have been effected shall be included.

(b) Section 10 of NPA Reg. 1, entitled "Imported materials" and all other scrap tin and tin either by completing and filing report Form NPAP-7, or by letter in triplicate with the National Production Authority, on or before November 20, 1950, and on or before December 10, 1950, and on or before the twentieth day of each succeeding month with respect to such possession or control on the last day of the preceding month.

(2) Any person who produces, imports, or distributes any pig tin must report his production, entries, receipts, deliveries, inventories, balances on hand, and all other scrap tin either by completing and filing report Form NPAP-7, or by letter in triplicate with the National Production Authority, on or before November 20, 1950, and on or before December 10, 1950, and on or before the tenth day of each succeeding month with respect to all such operations and transactions during the preceding month.

(b) Reports on customs entry. No tin including, without limitation, tin imported or for the account of the Reconstruction Finance Corporation, or any other United States governmental department, agency, or corporation, shall be entered through the United States Collectors of Customs, unless the person making the entry shall complete and file, with the Collector of Customs, Form NPAP-8. The filing of such form a second time shall not be required upon any subsequent entry of the same material through the United States Collectors of Customs; nor shall the filing of such form a second time be required upon the withdrawal of such material from bonded custody of the United States Collectors of Customs, regardless of the date when such material was first transported into the continental United States. NPA Reg. 2, parts thereof, relating to subsequent entry of the same material through the United States Collectors of Customs, shall be transmitted by the Collector of Customs to the National Production Authority.

(c) Records. (1) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual regular and usual place where maintained.

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

<table>
<thead>
<tr>
<th>Alloys containing 1.5 percent or more by weight of tin may be processed for the following purposes only</th>
<th>Maximum permissible tin content of alloys (percent by weight)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Piston rings for locomotives and for airplane equipment</td>
<td>(1) 20.</td>
</tr>
<tr>
<td>(2) Bridge truck into bearings, bridge bearing plates, railroad and bridge turntable bearing discs, mill stand screw down nuts.</td>
<td>(2) 18.</td>
</tr>
<tr>
<td>(3) Jack nuts, feed nuts, and elevating nuts.</td>
<td>(3) 14.</td>
</tr>
<tr>
<td>(4) High ratio worm gears, fire engine pump gears, thrust washers or discs, machine tool spindle bearings, rolls, and bridges.</td>
<td>(4) 12.</td>
</tr>
<tr>
<td>(5) Hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, collector rings, bearings, bushings, and chemical process valves.</td>
<td>(5) 10.</td>
</tr>
<tr>
<td>(6) Bearings produced by the process of powder metallurgy.</td>
<td>(6) 10.</td>
</tr>
<tr>
<td>(7) Steam industrial and aircraft valves, fittings, and specialties.</td>
<td>(7) 6.5.</td>
</tr>
<tr>
<td>(8) All other castings.</td>
<td>(8) 6.</td>
</tr>
</tbody>
</table>

### B. WROUGHT ALLOYS

<table>
<thead>
<tr>
<th>Pig or secondary tin may be used to make solder to be used for the following purposes only. (See definition of &quot;soldering&quot; in section 2. Soldering coating layer is covered by Schedule IV, and Item 12, Schedule VII.)</th>
<th>Maximum permissible tin content of solder (percent by weight)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) For soldering side seams in the manufacture of cans made with either lock or lap seam or with a combination of lock or lap seams.</td>
<td>(1) 5.</td>
</tr>
<tr>
<td>(2) For soldering end seams of all solder seam cans.</td>
<td>(2) 6.</td>
</tr>
<tr>
<td>(3) For the sealing of milk cans.</td>
<td>(3) 21.</td>
</tr>
<tr>
<td>(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes.</td>
<td>(4) 20.</td>
</tr>
<tr>
<td>(5) Radiators.</td>
<td>(5)</td>
</tr>
<tr>
<td>(i) All cellular type radiators (average per radiator).</td>
<td>(i) 21.</td>
</tr>
<tr>
<td>(ii) All tin and tube type radiators for military and civilian use (average per radiator).</td>
<td>(ii) 30.</td>
</tr>
<tr>
<td>(iii) Wire solder not over 0.02 inch in diameter for the hand repair of radiators.</td>
<td>(iii) 40.</td>
</tr>
<tr>
<td>(6) For all soldering on the following: railroad car and truck refrigeration; refrigeration equipment inside refrigeration compartments; aluminum refrigeration condensers; aircraft motors; diesel and electric generators; electric- traction motors; generators for railroads, street cars, mine locomotives, railway locomotives, and buses (including the dumbing of compressor segments).</td>
<td>(6) Unlimited.</td>
</tr>
<tr>
<td>(7) Electrical precision instruments; meters, recording and indicating; dairy equipment; food processing equipment; and hospital and sterilizing equipment.</td>
<td>(7) 50.</td>
</tr>
<tr>
<td>(8) Tin-soldered solders for soldering aluminum foil condensers, and tin-lead solders for soldering printed circuits.</td>
<td>(8) 60.</td>
</tr>
<tr>
<td>(9) For other hand soldering operations done either with a soldering iron or with a torch and wiping.</td>
<td>(9) 40.</td>
</tr>
<tr>
<td>(10) For any other soldering operations.</td>
<td>(10) 35.</td>
</tr>
</tbody>
</table>
### Schedule III—Babbitts

Pig or secondary babbitt metal or alloys used as babbitt, cast or plated, for the following purposes only:

1. For manufacture, repair, maintenance, or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads, and for bonding of precision bearings and all bearings included under items (2) and (3) below.

2. For manufacture, repair, maintenance, or replacement of connecting rods or main engine bearings for trucks, tractors, bulldozers, or buses.

3. For manufacture, repair, maintenance, or replacement of Diesel engines; turbines; locomotive connecting rod or coupling rod bearings; irrigation water pumping engines and equipment; industrial engines, generators, and motors; compressors; pumps; vessels or other ship facilities; electric locomotives; electric traction motor and generator bearings; stone crusher bearings; saw mill, planing mill, paper mill machinery; and roll neck bearings 6 inches in diameter or larger.

4. For any other bearing purpose.

### Schedule IV—Plating and Coating—Continued

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the permitted use of pig tin or alloys containing tin.

1. Copper and copper-base alloy wire and strip—Con.

2. Strip—where solderable coating is required for radiators and heat exchangers.

3. Steel wire, for following purposes:

   - (i) Liqueur-finishing process of fine steel bright wire.
   - (ii) Armature binding wire and wire for all electrical equipment and aircraft parts including airplane wire cable.
   - (iii) Wire having ultimate tensile strength of 100,000 pounds per square inch for manufacture of stranded cable (not including picture wire, fishing leaders, and like items), but including musical instrument strings.
   - (iv) Spring steel wire for use as springs where prime function of the wire is a spring and alternative coatings cannot be used. (This does not include wire for spiral binding and like applications.)
   - (v) Wire for use in manufacture of equipment for the production of textiles.
   - (vi) Wire for manufacture of pin tickets and tag wire in direct contact with garments and other textiles and including dry cleaning and laundry tag use, for pin type card holders and brake strand.
   - (vii) Beekeepers' wire for comb construction.
   - (viii) Wire for packaging or marking food where wire comes into actual contact with edible portions of the food.
   - (ix) Beekeepers' wire or preformed staple wire to be used in foot or power operated stitching machines using wire in coils or spools or preformed staples for the following:
     - (a) Stitching of magazines, books, booklets, and pamphlets, other than those used solely for advertising purposes.
     - (b) Preformed containers for dairy products and other foods and for pull-up tabs for bottles and tabs only where the wire comes into direct contact with the food.
     - (c) Stitching wire and wire for staples to be used in hand, foot, or power operated stitching machines using wire in coils or spools or preformed staples for the following:
       - (a) Attaching tabs and tickets to garments, other textiles, leather and imitation leather, and sheet plastics, and for attaching these items to other items or materials.
       - (b) Stitching and stapling in industrial manufacturing operations where timmed stitching wire or staples are required for penetration and alternative coating cannot be used. (This does not include wire for office staples, staples for ten bags, book matches, or box and carton construction.)

#### Maximum permissible tin content of babbitt (percent by weight)

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Maximum Permissible Tin Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cast or plated</td>
<td>10%</td>
</tr>
</tbody>
</table>

#### Unimted

<table>
<thead>
<tr>
<th>Tin or tin chemicals may be used for barrel plating or chemical plating.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Coax.</td>
</tr>
<tr>
<td>(2) Coax with alloy containing not more than 80 percent tin by weight.</td>
</tr>
<tr>
<td>(3) Coax. Coating limited to 0.0001 inch in thickness.</td>
</tr>
</tbody>
</table>
### RULES AND REGULATIONS

**Schedule IV—Plating and Coating—Continued**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Permitted use of pig tin or alloys containing tin</th>
</tr>
</thead>
<tbody>
<tr>
<td>(8)</td>
<td>Tin plate and terneplate</td>
<td>(8) Pig or secondary tin may be used to coat tin plate only when and to the extent specifically authorized in writing by NFA. Only secondary tin may be used to produce terne metal for coating terneplate. Terne metal containing not more than 15% tin may be used for coating short ternes and roofing ternes. All uses of tin plate and terneplate shall be in accordance with the specification limits stated in NFA Order M-24.</td>
</tr>
<tr>
<td>(9)</td>
<td>Sheet (other than tin plate, terneplate, or tin mill black plate), tubing, wire, foundry chaplets, etc.</td>
<td>(9) Lead-base alloys containing tin shall be not more than 7% of tin, may be used to coat, if the alloys are derived from secondary tin only.</td>
</tr>
<tr>
<td>(10)</td>
<td>Steel-bearing shells</td>
<td>(10) Pig or secondary tin may be used to electro-tin to a thickness not exceeding 0.00006 inch.</td>
</tr>
<tr>
<td>(11)</td>
<td>Electroyte shells</td>
<td>(11) Pig or secondary tin may be used to electro-plate, electrolyte shells only where such installations were operating on or before January 27, 1961.</td>
</tr>
</tbody>
</table>

**Schedule V—Foil**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Maximum permissible tin content of foil (percent by weight)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Electrotype's foil</td>
<td>(1) 30.</td>
</tr>
<tr>
<td>(2)</td>
<td>Soft sheets for the preparation of industrial metallic packing.</td>
<td>(2) 15%.</td>
</tr>
<tr>
<td>(3)</td>
<td>Condenser foil of dimensions 0.00005 inch by 1 inch or less.</td>
<td>(3) 50.</td>
</tr>
<tr>
<td>(4)</td>
<td>Condenser foil for all other condensers.</td>
<td>(4) 15.</td>
</tr>
<tr>
<td>(5)</td>
<td>Pipe for aircraft magnets.</td>
<td>(5) 50.</td>
</tr>
<tr>
<td>(6)</td>
<td>Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals; and preparations containing an equivalent alcohol content in excess of 50% and for which other types of liners cannot be used.</td>
<td>(6) Unlimited.</td>
</tr>
<tr>
<td>(7)</td>
<td>Dental foil.</td>
<td>(7) Unlimited.</td>
</tr>
<tr>
<td>(8)</td>
<td>Lead-base foil for burglar alarm systems.</td>
<td>(8) 45%.</td>
</tr>
</tbody>
</table>

**Schedule VI—Tin Chemicals and Tin Oxide**

### A. Tin Chemicals

<table>
<thead>
<tr>
<th>Type of tin chemicals</th>
<th>Permitted use</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Pig tin or tin chemicals (excluding tin oxide).</td>
<td>(1) May be used only as or for: Laboratory reagents, medicinals, or plating (to the extent permitted in other schedules).</td>
</tr>
<tr>
<td>(2) Tin chemicals (excluding tin oxide) produced from secondary tin-bearing drosses, residues, or scrap metal, having a tin content not over 10% and an impurity content too high for use in the production of other items permitted in the attached schedules.</td>
<td>(2) May be used for any purpose except to make items included in List A.</td>
</tr>
</tbody>
</table>

#### Production

Pig tin cannot be used to make tin oxide except when and to the extent that manufacture is specifically authorized in writing by NFA.

### B. Tin Oxide

<table>
<thead>
<tr>
<th>Permitted use</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) For the production of green, pink, yellow, and red colors in amounts in any one month not in excess of 50% of the average monthly use for such purposes during the base period.</td>
</tr>
<tr>
<td>(2) For the production of earthenware plumbing fixtures.</td>
</tr>
<tr>
<td>(3) Laboratory agents and medicinals.</td>
</tr>
</tbody>
</table>

**Schedule VII—Miscellaneous**

<table>
<thead>
<tr>
<th>Items</th>
<th>Permitted use</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Aluminum alloys containing tin where tin content does not exceed 7% by weight.</td>
</tr>
<tr>
<td>(2)</td>
<td>Tin pipe, sheet tin and fittings to repair or maintain beverage dispensing units and their parts, including soda fountain carbon dioxide tanks.</td>
</tr>
<tr>
<td>(3)</td>
<td>Tin pipe or tubes.</td>
</tr>
<tr>
<td>(4)</td>
<td>Bolster metal.</td>
</tr>
</tbody>
</table>

**Foil**

- Pipe organs for religious and educational institutions.
- Dental amalgam alloys.
- Detonators and blasting caps (including electric blasting caps).
- Collapsible tubes.
- Printing plates and type metal containing tin.
- May be manufactured, rebuilt, or repaired with secondary tin taken from the inventories of organ builders or acquired from old organs.
- No restriction on tin content.
- Pig or secondary tin may be used to make the detonators and blasting caps and all necessary parts and accessories.
- Pig or secondary tin may be used in accordance with the specification limits stated in NFA Order M-27.
- May be used for the manufacturing, publishing, and related services industries without certification.
SCHEDULE VII—Miscellaneous—Continued

<table>
<thead>
<tr>
<th>Items</th>
<th>Permitted use</th>
</tr>
</thead>
<tbody>
<tr>
<td>(10) Terne metal</td>
<td>(10) Terne metal containing not more than 10 percent of tin may be produced if made from secondary tin only.</td>
</tr>
<tr>
<td>(11) Fusible alloys and dry pipe seat rings:</td>
<td>(11) Pig or secondary tin may be used to the extent required to meet performance specifications.</td>
</tr>
<tr>
<td>(i) Dry pipe seat rings</td>
<td>(ii) Pig or secondary tin may be used to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.</td>
</tr>
<tr>
<td>(12) Linings for chromium plating tanks and lead anodes for chromium plating.</td>
<td>(13) Lead-base alloys containing not more than 4 percent tin may be used if the alloys are derived from secondary tin only.</td>
</tr>
<tr>
<td>(14) Fusible alloys for safety purposes only.</td>
<td>(15) For items permitted elsewhere in these schedules or as specifically authorized in writing by the National Production Authority.</td>
</tr>
<tr>
<td>(15) Bismuth alloys. Pig or secondary tin may be used for the production of bismuth alloys.</td>
<td>(16) Not more than 10 percent by weight of tin powder.</td>
</tr>
<tr>
<td>(16) Clutch and brake facings when produced by the process of powder metallurgy.</td>
<td>(17) Tin powder up to 12 percent of the copper content by weight.</td>
</tr>
<tr>
<td>(17) Carbon brushes when produced by the process of powder metallurgy.</td>
<td>(18) Lead-base alloys containing not more than 5 percent tin may be used if the alloys are derived from secondary tin only.</td>
</tr>
<tr>
<td>(18) Hammer metal, die-proofing metal, and filling and sealing metal.</td>
<td>[F. R. Doc. 52-4166; Filed: Apr. 9, 1952; 11:29 a.m.]</td>
</tr>
</tbody>
</table>

[NPA Order M-104 of April 9, 1952]

M-104—Metalworking Machines—Finishes

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of the Defense Production Act of 1950, as amended. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec. 1. What this order does.

2. Definitions.


4. Request for adjustment or exception.

5. Records and reports.

6. Communications.

7. Violations.


Section 1. What this order does.

This order limits the preparation for painting and the application of paint on new metalworking machines to the minimum requirements for adequate protective finishes on such machines.

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

(a) “Metalworking machine” means any item of plant equipment as defined in section 2 (a) and listed in Exhibit A of NPA Order M-41, as it may be amended from time to time.

(b) “Producer” means any person engaged in the manufacture and production of metalworking machines.

(c) “Filler” means any material used to fill in and smooth out irregularities in metal surfaces.

(d) “Primer or sealer” means any permanent protective coating of liquid applied to a metal surface prior to painting such surface.

Sec. 3. Restrictions on finishes for metalworking machines. Commencing April 9, 1952, no producer in the finishing of any new metalworking machine, or of any part or assembly to be incorporated into a new metalworking machine, shall apply any primer, sealer, filler, paint, lacquer, or enamel in excess of the following limitations:

(a) Not more than one coat of primer or sealer may be applied.

(b) No filler may be applied except for the spot-filling of bad cavities or fissures.

(c) Not more than two coats of paint, enamel, or sealer may be applied.

Sec. 4. Request for adjustment or exception.

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

Sec. 5. Records and reports.

(a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customary used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

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

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 132-133).

Sec. 6. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-104.

Sec. 7. Violations. Any person who willfully violates any provision of this order, or any other order or regulation of NPA, or who willfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

Note: All reporting and record-keeping requirements of this order are prescribed by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect April 9, 1952.

NATIONAL PRODUCTION AUTHORITY
By: JOHN B. OLEVSON,
Recording Secretary.

[F. R. Doc. 52-4165; Filed: Apr. 9, 1952; 11:29 a.m.]

TITLE 36—ParLIs, Forests, and MemoriaLs

Chapter I—National Park Service, Department of the Interior

Part 13—Admission, Guide, Elevator, and Automobile Fees

Automobile Fees, Yocktown Battling Beach and Picnic Area, Colonial National Historical Park

Part 13 is amended by adding a new § 13.14 and reading as follows:
§ 13.14 Automobile fees, Yorktown bathing beach and picnic area, Colonial National Historical Park. (a) There shall be charged a fee of $.50 cents for each passenger car and a fee of 50 cents for each bus or truck entering the Yorktown bathing beach and picnic area on Saturdays, Sundays and holidays from May 30 through Labor Day. (Sec. 3, 39 Stat. 555, as amended; 16 U. S. C. sec. 3)

Issued this 4th day of April 1952.

OSCAR L. CHAPMAN, Secretary of the Interior.

[Filed Apr. 9, 1952; 8:51 a.m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS’ RELIEF

Chapter I—Veterans’ Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 7—NATIONAL SERVICE LIFE INSURANCE

INCONTESTABILITY

1. The text of § 6.45 is designated paragraph (a) and a new paragraph (b) is added as follows:


(b) Discharge or release of an insured from military or naval service for the reason of fraudulent enlistment shall not invalidate United States Government life insurance issued on the basis of such service unless the Administrator determines that the insured was mentally or legally incapable of entering into a contract of enlistment. In such case the United States Government life insurance so issued will be canceled as of the effective date of such insurance.


2. Section 8.62 is amended to read as follows:

§ 8.62 Incontestability. Subject to the provisions of § 8.61, all National Service life insurance policies heretofore or heretofore issued, reinstated, or converted shall be incontestable from the date of issue, reinstatement, or conversion, except for fraud, nonpayment of premium, or on the ground that the applicant was not a member of the military or naval forces of the United States: Provided, That discharge or release of an insured from military or naval service for the reason of fraudulent enlistment shall not invalidate National Service life insurance issued on the basis of such service unless the Administrator determines that the insured was mentally or legally incapable of entering into a contract of enlistment. In such case the National Service life insurance so issued will be canceled as of the effective date of such insurance.

RULES AND REGULATIONS


This regulation is effective April 10, 1952.

O. W. CLARK, Deputy Administrator.

[Filed Apr. 9, 1952; 8:51 a.m.]
(1) Legend "A". (i) "Valid only for (name of course) at (name of school or training establishment) for enrollment or establishment in (fall, winter, spring, summer term or semester) school year 19___."

(ii) Legend "A" will be inscribed on all Supplemental Certificates of Eligibility and Entitlement, original or supplemental, where the specified course is to be commenced or resumed on or prior to July 25, 1951, or the date 4 years from the veteran's discharge, whichever is the later.

(2) Legend "B". (i) "Valid only for (name of course) at (name of school or training establishment) for enrollment or establishment in (fall, winter, spring, summer term or semester) school year 19___."

(ii) Legend "B" will be inscribed on all Supplemental Certificates of Eligibility and Entitlement issued for use in entering or resuming the specified course under Public Law 346 subsequent to July 25, 1951 (or other applicable delimiting date). In institutions and establishments not operating on a semester, quarter, or term basis, the date "on or about" will be construed to mean within 15 days preceding or following the date shown.

(iii) In view of the fact regional offices will seldom have readily available the information necessary to designate a firm commencing date, legend "C" will be inscribed on all supplemental certificates of eligibility issued for use at approved educational institutions (except in the Philippine Republic) after applicable delimiting dates. In such cases, the date "on or about" will be construed to mean within 30 days preceding or following the date shown, unless the veteran concerned can demonstrate to the satisfaction of central office or the Adjutant General or Veterans Affairs Office concerned that the date indicated by the issuing office was unrealistic.

(d) A veteran pursuing a course of education or training under the provisions of Part VIII, Veterans Regulation 1 (a), as amended, must obtain from the Veterans Administration a supplemental Certificate of Eligibility and Entitlement before he may be authorized to change his course, change his training institution, or pursue an additional course of education or training.

(1) The period of entitlement shown on a supplemental certificate will be that period which remains unnumbered after his entitlement has been declined or forfeited and which is to be used as a unit for the payment of tuition.

(e) The Veterans' Administration will require an affirmative report of conduct and progress toward training establishment in all cases where the veteran requests a supplemental Certificate of Eligibility and Entitlement for the purpose of changing his course or his institution or for securing additional education or training, since such a report serves as a basis for determining whether a supplemental certificate may be issued.

5. In § 21.17, paragraph (f) is amended to read as follows:

§ 21.17 Discharge or release. • • • •

(f) Discharge for purpose of changing status. A discharge during service on or after September 16, 1940, which did not interrupt the performance of active service but was for the purpose of accepting a commission, appointment as a warrant officer, or for any other change in status, will not meet the requirements of Part VIII for a "discharge or release from active service" unless at the time of such discharge or release for change in status (i.e., the date the veteran is eligible for release under the point system, length of service system, or any other criteria, then in effect) if the veteran was not eligible for release, the entire active service will be held to constitute one period of service, and eligibility for education and training may not be established until the final discharge occurs. It is pointed out that the governing principle is whether the person was, at the time the change in status occurred, otherwise eligible for actual discharge or release from active service and was so discharged, or released. In all cases of this type, the veteran must present a discharge or other certificate evidencing separation from the service.

6. In § 21.30, paragraph (d) is amended and a new paragraph (e) is added as follows:

§ 21.30 Conditions contriving eligibility. • • • •

(d) That the person makes application for and initiates the course of education or training before July 25, 1951, or within 4 years from the date of his first discharge after July 25, 1947. (See §§ 21.35 and 21.55)

(e) Veterans who have had 2 periods of active service during World War II on which eligibility under Part VIII may be established may initiate a course of education or training within 4 years after discharge or release from the second period of service, even where the second discharge or release occurs after July 25, 1947.

7. In § 21.31, paragraphs (a) (4), (7), and (b) are amended to read as follows:

§ 21.31 Basic evidence. Eligibility for education or training and the extent of entitlement are predicated upon the best available evidence of official character.

(a) Length and character of military service. The length and character of military service shall be determined on the basis of official evidence from the appropriate service department which may be:

(4) Copy of applicant's terminal leave orders which reflect at least 8 days terminal leave and which state that the date of expiration of terminal leave, and the date he is to be discharged. (Cases under sec. 1507, title VI, Pub. Law 346, 78th Cong., as added by sec. 10, Pub. Law 268, 79th Cong.)

(7) The eligibility and extent of entitlement of a veteran who served with the military or naval forces of an Allied Country to the aid of the United States will be determined on the basis of the facts shown (cases under sec. 1506, title VI, Pub. Law 346, 78th Cong., as added by sec. 10, Pub. Law 268, 79th Cong.)

• • • • •
9. Sections 21.40 and 21.41 are amended to read as follows:

§ 21.40 Conditions for vocational rehabilitation. (a) Veteran of World War II. A veteran of World War II may be eligible for vocational rehabilitation under Part VII, Veterans Regulation 1 (a), as amended, provided he meets the following conditions:

(1) Active military or naval service after September 15, 1940, and prior to the termination of World War II (July 26, 1947, Pub. Law 239, 80th Cong.). This includes persons who served in the active military or naval service of any Government allied with the United States during World War II, provided they were citizens of the United States at the time of entrance into such active service, were residents of the United States at the time of filing their application, had not received the same or similar benefits from the Government with whose military forces they served: And, provided further, That the period of active service between September 15, 1940, and July 26, 1947, was at a time when that Government was at war with the common enemies.

(2) A discharge or release from active service under conditions other than dishonorable and under conditions other than those specified in section 300, Public Law 346, 78th Congress, as amended. The requirement for actual discharge does not apply to those persons who are applicants for the benefit while hospitalized, pending final discharge or release from active military, naval, or air service, or on terminal leave (sec. 1507, Pub. Law 346, 78th Cong., added by sec. 10, Pub. Law 268, 78th Cong.).

(3) A disability which is determined by duly constituted claims authority to have been incurred in or aggravated by such service, and for which compensation is payable under the provisions of Part I, Veterans Regulation 1 (a), as amended, or would be but for the receipt of retirement pay or because such person is hospitalized pending final discharge from active service.

(4) Need of vocational rehabilitation training to overcome the handicap due to such disability.

(5) Vocational rehabilitation training under Pub. Law 346, 81st Congress, as amended, may not be afforded beyond 9 years following the termination date determined by Presidential proclamation or concurrent resolution of the Congress.

(b) Certain veterans whose only service was during the active military, naval, or air service of any Government allied with the United States on or after June 25, 1947, was at a time when that Government was at war with the common enemies.

(1) Active military or naval service after September 16, 1940, and prior to September 16, 1950, Pub. Law 268, 79th Cong.), or Public Law 239, 80th Cong.). This includes persons who served in the active military or naval service of any Government allied with the United States on or after June 25, 1947, Pub. Law 239, 80th Cong.), or Public Law 268, 79th Cong.), or Public Law 894, training during the interim period provided in § 21.30 (d) and (e) of this chapter prior to the finality of action. If the proposed adjudication action becomes final, the application for vocational rehabilitation will be denied.

§ 21.41 Severance of service-connection or reduction of disability rating to noncompensable degree. (a) An official adjudication action which proposes either the severance of service-connection or the reduction to a noncompensable rating evaluation of the disability or any combination of disabilities upon which need for training was based, the veteran's Part VII or Public Law 894 training must be terminated as of the last day of the month in which such action becomes final.

(b) When the final adjudication action becomes final, the determination of the case, shall constitute notice to responsible vocational rehabilitation and education personnel that, depending upon the circumstances in the individual case, the following actions are in order with respect to the veteran's entitlement to vocational rehabilitation training:

(I) If the veteran has not yet entered or been admitted into Part VII or Public Law 894 training at the time the proposed adjudication action is made of record, all processes respecting determination of entitlement, need for training or training will be immediately suspended. In no event shall any veteran be induced into Part VII or Public Law 894 training during the interim period provided in § 21.30 (d) and (e) of this chapter prior to the finality of action. If the proposed adjudication action becomes final, the application for vocational rehabilitation will be denied.

(ii) If the veteran is not a candidate for or a potential Inductee into Part VII or Public Law 894 training when the proposed adjudication action is made of record, he may be continued in training, subject to such time as the adjudication action becomes final, at which time the following procedures will be observed:

(a) If the action results in a reduction to a noncompensable rating evaluation of the disability, or any combination of disabilities upon which need for training was based, the veteran's Part VII or Public Law 894 training must be terminated as of the last day of the month in which such action becomes final.

(b) When the final adjudication action becomes final, the determination of the case, shall constitute notice to responsible vocational rehabilitation and education personnel that, depending upon the circumstances in the individual case, the following actions are in order with respect to the veteran's entitlement to vocational rehabilitation training:

(I) If the veteran has not yet entered or been admitted into Part VII or Public Law 894 training at the time the proposed adjudication action is made of record, all processes respecting determination of entitlement, need for training or training will be immediately suspended. In no event shall any veteran be induced into Part VII or Public Law 894 training during the interim period provided in § 21.30 (d) and (e) of this chapter prior to the finality of action. If the proposed adjudication action becomes final, the application for vocational rehabilitation will be denied.
(1) If the course is pursued in a school, college, or university which is organized on a quarter, term, or semester basis and the charges for tuition and related fees do not exceed the rate of $500 for a full-time course for an ordinary school year, the registration officer will ascertain from official published sources of the school, college, or university or other official source the beginning and ending dates of the particular quarter, term, or semester (as defined herein) of the course in which the veteran is enrolled and will fix the "mid-point" of such period in accordance with such official information. If the veteran’s remaining entitlement is sufficient to enable him to proceed to any point beyond the "mid-point" thus ascertained, his entitlement shall be extended to the end of the quarter, term, or semester.

(2) If the course is pursued in a school, college, or university which does not divide the year and the customary fees do not exceed the rate of $500 for an ordinary school year, the registration officer will certify (a) the institution is for less than a school year, i.e., a summer quarter (as defined in paragraph (a) of this section), on a single semester, a single quarter, or 2 quarters within a school-year determination with respect to extension of entitlement for such period of enrollment, fees, and supplies which are less than maximum that may be paid for any period of enrollment as set in paragraph (a) of this section on a fractional basis.

(b) Where the veteran’s entitlement is not sufficient to permit an extension to the end of the school year consisting of three quarters, as set out in subdivision (i) of this subparagraph, the charges for the school year will be divided into segments of $167 each. If a veteran’s entitlement converted into dollar value at the rate of $2.10 for each day of entitlement is sufficient to cover more than half of such $167 segment in which his entitlement expires, his entitlement will be extended to the end of such $167 segment. (Provided, That a comparable extension to the end of the first quarter would be possible for a veteran enrolled in the same institution on a non-excess cost basis).

(i) If the veteran’s entitlement expires, his entitlement will be extended to the end of the same quarter, term, or semester in which the veteran’s entitlement expires, his entitlement will be extended to the end of such segment.

(ii) Where the total charges for tuition, etc., as authorized for a veteran enrolled in the same institution on a non-excess cost basis, are less than $250, the veteran’s remaining entitlement will be converted into dollar value at the rate of $2.10 for each day of entitlement and the veteran’s subsistence allowance will be discontinued in point of time corresponding to the last day represented by such charges.

(v) It is emphasized that $500 is the maximum that may be paid for any course of instruction of more than 30 weeks.

(vi) If the veteran is pursuing an excess cost course on a part-time basis, his entitlement may be extended, if in order, through application of the criteria contained in this section on a fractional basis, i.e., the segments will be one-quarter, one-half, or three-quarters of a $250 or $167 full-time segment, as applicable.

(vi) In determining date of discontinuance of subsistence allowance where payable in flight courses which provide for minimum and maximum number of hours of instruction and varying costs, the determinations respecting extension of entitlement will be premised in each case upon the maximum cost of the course divided by the maximum length of the course in weeks as expressed in the contract. The average hours of instruction are determined by dividing the dollar value of remaining entitlement by the cost per day of instruction, e.g., veteran with $250 remaining entitlement and the veteran’s subsistence allowance rates will be determined by dividing the dollar value of remaining entitlement by the cost per day of instruction.

§ 21.56 Adjustments in entitlement through renouncement of leave or training status extensions.

11. Section 21.53a is amended to read as follows:

§ 21.53a Termination of entitlement. On the exact date that an entitlement, as defined in § 21.50 or in § 21.53, has been exhausted in accordance with the charges made against entitlement pursuant to the provisions of § 21.52, training status will be terminated for all purposes under the law. (See § 21.55.)
13. A new § 21.153 is added as follows:

§ 21.153 Study in a foreign country under the auspices of an approved institution of higher learning in the United States. A veteran who is enrolled under the provisions of Part VIII, Veterans Regulation 1 (a), as amended (38 U.S.C. ch. 12), in an institution of higher learning located in the United States, may pursue a part of his course in a foreign country for graduate or undergraduate credit, provided the following conditions are met:

(a) A responsible official of the parent institution in which the veteran is enrolled certifies to the regional office having jurisdiction:

(1) That the veteran is enrolled as a bona fide student in the parent institution for course specified.

(2) The date the veteran will actually begin his training abroad and the date he will complete his training abroad.

(3) Where the course is undergraduate, the number of semester hours per semester of credit (or the equivalent in terms of quarter hours or other units) to be awarded for the course or, where the course is graduate, whether such course is one-fourth, one-half, three-fourths, or full time.

(4) As to how the veteran will be supervised by the parent institution and the means or methods by which the veteran's conduct and progress will be determined, subject to subparagraph (5) of this paragraph.

(5) That the parent institution:

(i) Will obtain information once each month as to the veteran's conduct and progress. (This information may be based on written reports of progress made to the parent institution by the institution or individual where or under whom the trainee is studying in the foreign country, or, in the case of a graduate student engaged in research, the written reports which such student submits to the dean of the graduate school or the chairman of his committee.)

(ii) Will notify the regional office immediately at any time the institution has evidence, through the reports submitted or otherwise, that the veteran is no longer pursuing his course according to the standards and practices of the institution or that his conduct or program is unsatisfactory in accordance with the standards and practices of the institution.

(b) Payment will be made by the Veterans' Administration to the parent institution for tuition, fees, books, supplies, and equipment at the rates customarily charged other (nonveteran) students pursuing the same courses.

(c) Payment will be made directly or indirectly to cover cost of transportation, board, lodging, laundry, sightseeing tours, or other noninstructional expenses not ordinarily covered by charges for tuition and fees.

(d) The parent institution will assume full responsibility for compensating the foreign institution, establishment, or individual, where or under whom the veteran is pursuing training, for all costs of instruction, supplies, and equipment, and other allowable charges incidental to such training.

(e) Subsistence allowance will be authorized if otherwise in order for the time actually spent in pursuit of the course of training but not for time spent in travel.

This regulation is effective April 10, 1952.

[SEAL]

O. W. CLARK, Deputy Administrator.

[F. R. Doc. 52-4165; Filed, Apr. 9, 1952; 6:51 a.m.]

TITLE 49—TRANSPORTATION

Chapter I— Interstate Commerce Commission

[S. O. 865, Amdt. 24]

PART 95—CAR SERVICE

DEMISSION ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of April A.D. 1953.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6336, 6630, 6642, 7200; 16 F. R. 320, 819, 1131, 2940, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857, 2850), and good cause appearing therefor: It is ordered, that:

Section 95.865 Demurrage on freight cars of Service Order No. 865, as amended, be and it is hereby suspended until 11:59 p.m., May 31, 1953, on all freight cars except cars dworded in the current Official Railway Equipment Register, Agent M. A. Zenobia's T. C. C. 302, supplements thereto and releases thereof, as Class "G"—Gondola Car Type and Class "F"—Flat Car Type.

It is further ordered, that this amendment shall become effective at 7:00 a.m., April 9, 1953, and a copy be served upon the State railroad regulatory bodies of each State, and 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.


By the Commission, Division 3:

[SEAL]

W. P. BARTLE, Secretary.

[F. R. Doc. 52-4685; Filed, Apr. 9, 1952; 8:45 a.m.]
FEDERAL REGISTER
Thursday, April 10, 1952

3167

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), 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 amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, 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 the 5th 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 amendment to the tentative marketing agreement and to the order, as amended, was conducted is described above as Type I; Type II, No. 1; or Type III, No. 1, is not available. The change herein recommended would not affect the status of any handler or producer currently on the market but would set forth in the order the language of the Federal specification which establishes the quality for milk delivered to governmental institutions and bases.

2. Pool plant qualifications. The milk to be "pool plants" as described above as Type I; Type II, No. 1; or Type III, No. 1, is not available. The change herein recommended would not affect the status of any handler or producer currently on the market but would set forth in the order the language of the Federal specification which establishes the quality for milk delivered to governmental institutions and bases.

3. Pool plant qualifications. The milk to be "pool plants" as described above as Type I; Type II, No. 1; or Type III, No. 1, is not available. The change herein recommended would not affect the status of any handler or producer currently on the market but would set forth in the order the language of the Federal specification which establishes the quality for milk delivered to governmental institutions and bases.

4. The level of prices for Class I and Class II milk.

5. Increasing the rate of "take-out" in the incentive plan and adding April to the "incentive period.

6. Various administrative changes. By decision of the Acting Secretary of Agriculture issued March 17, 1952 (17 F. R. 2976) action has been taken with respect to prices for Class I and Class II milk to apply for the month of April 1952.

Findings and conclusions. The findings and conclusions with respect to the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. Producer definition. The definition of producer should be clarified as it pertains to milk which is received at a plant supplying Class I milk to a United States Government institution or base. The recommended change would consider such a person as a producer only if milk produced by him and delivered to a plant was acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Typ I; Type II, No. 1; or Type III, No. 1. These categories are defined in the Federal specifications C--M-331e. The quality of milk defined is similar to that established for Grade A milk in the area. Therefore, no. I and II include milk of a poorer quality. No. 2 permitting a standard plate count not to exceed 600,000 bacteria per milliliter, No. 3 not exceeding 1,000,000 bacteria per milliliter. In effect, milk which is similar in quality to Grade A would be pooled under the order and milk of lower quality would be excluded from the pool as other source milk. The policy of the governmental institutions and bases is to purchase milk only when milk of a quality approximating Grade A as described above as Type I; Type II, No. 1; or Type III, No. 1, is not available. The change herein recommended would not affect the status of any handler or producer currently on the market but would set forth in the order the language of the Federal specification which establishes the quality for milk delivered to governmental institutions and bases.

2. Pool plant qualifications. The milk to be "pool plants" as described above as Type I; Type II, No. 1; or Type III, No. 1, is not available. The change herein recommended would not affect the status of any handler or producer currently on the market but would set forth in the order the language of the Federal specification which establishes the quality for milk delivered to governmental institutions and bases.

3. Pool plant qualifications. The milk to be "pool plants" as described above as Type I; Type II, No. 1; or Type III, No. 1, is not available. The change herein recommended would not affect the status of any handler or producer currently on the market but would set forth in the order the language of the Federal specification which establishes the quality for milk delivered to governmental institutions and bases.

4. Pool plant qualifications. The milk to be "pool plants" as described above as Type I; Type II, No. 1; or Type III, No. 1, is not available. The change herein recommended would not affect the status of any handler or producer currently on the market but would set forth in the order the language of the Federal specification which establishes the quality for milk delivered to governmental institutions and bases.

5. Pool plant qualifications. The milk to be "pool plants" as described above as Type I; Type II, No. 1; or Type III, No. 1, is not available. The change herein recommended would not affect the status of any handler or producer currently on the market but would set forth in the order the language of the Federal specification which establishes the quality for milk delivered to governmental institutions and bases.

6. Various administrative changes. By decision of the Acting Secretary of Agriculture issued March 17, 1952 (17 F. R. 2976) action has been taken with respect to prices for Class I and Class II milk to apply for the month of April 1952.

Under the provisions of the order approval of local health authorities with respect to both dairy farmers and plants does not constitute a means of identifying certain milk with the fluid trade of the Topeka area. The order recognizes as Grade A and Type I milk any milk which is produced under a dairy farm permit or rating issued by the health authorities of any municipal or State government, regardless of whether or not the receiving agency is a member of the marketing area. Consequently, there is opportunity under the present provisions of the order for considerable volumes of milk to be pooled on the basis of very slight contribution to the Class I and Class II needs of the marketing area. Tonnel sales of Class I or Class II milk may now be made during periods of flush production from a plant at which the milk received is principally used for manufacturing dairy products and the earnings receipts of such milk at such a plant would be pooled. The pooling of all milk received at such a plant reduces the uniform price received by producers whose milk is used regularly in the fluid trade and tends to discourage them from producing sufficient milk to meet the needs of the market.

Plants which dispose of a minor portion of their receipts of approved milk in the marketing area can hardly be considered to have fully identified such receipts as a part of the regular supply for the Topeka market to which uniform price is paid to producers and it is likely that the Topeka market is not the primary market for which such milk is produced and that other markets may have first claim on the supplies of such a plant.

The requirement that not less than 15 percent of milk received at a plant from approved dairy farmers be disposed of as Class I or Class II milk to a governmental institution or base in the marketing area in order to qualify as a pool plant during any of the months of July through February provides a reasonable standard for establishing a plant's association with the Topeka market. The 15 percent rate was proposed by producers and was unopposed at the hearing. No plant now regularly associated with the market would have been affected if the provision had been in effect heretofore.

The pool should not be diluted during the spring months of flush production by plants that had not supplied the market in the preceding short season. A plant which had disposed of more than half of its receipts from approved dairy farmers as Class I and Class II milk in the preceding area during the short production months of August through November would have established its association with the market and would be considered a pool plant during the months of March through June. Exception to having a plant qualify in this manner should be made only with regard to a plant that became newly associated with the market in the spring months by reason of doing a substantial portion of its business in the marketing area. Provision should be made for such a plant to become a pool plant during any of the months during which not less than 40 percent of the milk received at such plant from approved dairy farmers was disposed of as Class I and Class II in the marketing area. The 40 percent rate used here was proposed by producers, was not excepted to the hearing, and establishes a reasonable standard for qualifying a plant which had disposed of milk with the market throughout all the preceding qualifying fall months.

Provision must be made to establish the responsibility of a handler who operates a plant from which Class I and Class II milk is disposed in an amount less than the order for considerable volumes of milk to be pooled on the basis of very slight contribution to the Class I and Class II needs of the marketing area. Tonnel sales of Class I or Class II milk may now be made during periods of flush production from a plant at which the milk received is principally used for manufacturing dairy products and the earnings receipts of such milk at such a plant would be pooled. The pooling of all milk received at such a plant reduces the uniform price received by producers whose milk is used regularly in the fluid trade and tends to discourage them from producing sufficient milk to meet the needs of the market.

Plants which dispose of a minor portion of their receipts of approved milk in the marketing area can hardly be considered to have fully identified such receipts as a part of the regular supply for the Topeka market to which uniform price is paid to producers and it is likely that the Topeka market is not the primary market for which such milk is produced and that other markets may have first claim on the supplies of such a plant.

The requirement that not less than 15 percent of milk received at a plant from approved dairy farmers be disposed of as Class I or Class II milk to a governmental institution or base in the marketing area in order to qualify as a pool plant during any of the months of July through February provides a reasonable standard for establishing a plant's association with the Topeka market. The 15 percent rate was proposed by producers and was unopposed at the hearing. No plant now regularly associated with the market would have been affected if the provision had been in effect heretofore.

The pool should not be diluted during the spring months of flush production by plants that had not supplied the market in the preceding short season. A plant which had disposed of more than half of its receipts from approved dairy farmers as Class I and Class II milk in the preceding area during the short production months of August through November would have established its association with the market and would be considered a pool plant during the months of March through June. Exception to having a plant qualify in this manner should be made only with regard to a plant that became newly associated with the market in the spring months by reason of doing a substantial portion of its business in the marketing area. Provision should be made for such a plant to become a pool plant during any of the months during which not less than 40 percent of the milk received at such plant from approved dairy farmers was disposed of as Class I and Class II in the marketing area. The 40 percent rate used here was proposed by producers, was not excepted to the hearing, and establishes a reasonable standard for qualifying a plant which had disposed of milk with the market throughout all the preceding qualifying fall months.

Provision must be made to establish the responsibility of a handler who operates a plant from which Class I and Class II milk is disposed in an amount less than
that required for such plant to qualify as a pool plant. Provision should be included to price handler’s milk uniformly. Producers regularly supplying the market also need assurance that unpriced milk will not reduce their sales in the higher classes. Hence, the handler should report his receipts and utilization to the market administrator in order that his status may be determined. He should pay to the producer-settlement fund of the reserve the difference between the Class III price and the price for the class of use with respect to all milk disposed of as Class I or Class II milk in the marketing area or the difference, if any, between the cost of all of his receipts of approved milk at the class prices of the order and his payments to the approved dairy farmers who would be considered producers under the present provisions of the order. In addition such a handler should pay his pro rata share of the costs of administering the program and will insure uniformity of cost of milk among handlers, and will recognize the payments that non-pool handlers, through choice or convenience, make to approved dairy farmers under the present provisions of the order.

3. Classification. (a) Fresh concentrated milk and milk drinks disposed of for fluid consumption should be classified as Class I milk on the basis of their volume before concentration.

Concentrated milk referred to herein is fresh fluid milk from which water has been removed so that the volume of the product is 20% or more of the volume of the milk from which it is made. It is packaged and distributed to consumers in the same style container as is fluid milk. The consumer in utilizing the concentrated milk may add a quantity of water equal to that which was removed in its manufacture to prepare it for fluid use. Concentrated milk differs from evaporated milk in that it is not sterilized and packaged under pressure nor is it a grade A product. Plain condensed milk used for manufacture (In ice cream, etc.) is not included in this definition.

Concentrated milk has not yet been distributed or offered for sale in the Topeka market, although it is now being sold in a number of other markets throughout the country. Should it be sold in the Topeka market, it would compete with Class I products in both the supply side of the market and in the various sales outlets wherein fluid milk and cream products are sold. It appears that milk meeting the same quality standards and subject to the same seasonal distribution of production as is required for Class I milk would be required to make concentrated milk.

(b) Cream used to produce aerated cream products should be classified as Class III.

At present the order provides a Class II classification for cream used in aerated cream products. Such aerated cream as is made locally from Grade A milk must compete in the Topeka market with aerated cream products which are manufactured some distance from Topeka, and which is made from cream purchased at the manufacturing price in another market. Conversely, aerated cream made in the Topeka market is distributed over wide areas and must compete with the same product made by handlers from cream purchased at manufacturing prices, which are nearer the level of the Class III than the Class II price under the Topeka order.

(c) The provisions which determine the classification of milk, skim milk and cream moved from approved plants to unapproved plants should be clarified to Topeka and Kansas City handlers that is likely to arise under the present provisions. The provisions should also be modified to permit classification of cream moved more than 100 miles to be the classification of milk. If such cream is moved without Grade A certification. Cream can move economically considerable distances for manufacturing use. The provisions adopted are essentially those proposed at the hearing by producers with a modification to safeguard classification of movements to the unapproved plant which a handler operates himself. Such a modification was approved on the record by the handler affected.

4. The levels of prices for Class I and Class II milk. The price for Class I milk should be established under Federal Order No. 13 for the nearby Greater Kansas City market. The price per hundredweight for Class II milk should be 25 cents less than the Class I price.

The Topeka market draws a major portion of its milk supply from areas from which the Greater Kansas City market is the basis for such supplies. Since there is consequently considerable competition for producer milk between the Topeka and Greater Kansas City markets. The points of greatest competition are in the areas from which producers supplying Greater Kansas City deliver milk to receiving stations at Lawrence and Tonganoxie, Kansas. Since first issued in December 1948 the Topeka order has provided for a Class I price 15 cents per hundredweight less than that of the Greater Kansas City order, which was subject to a location differential of 5 cents per hundredweight at receiving stations. Kansas City handlers paid their producers without deducting the location differential and it is no longer included in the Kansas City order. Since early in 1949 Topeka handlers have consistently paid premiums over the minimum prices of the order so that they might compete with Kansas City. The Kansas City order has provided 13.74 cents per hundredweight of Class I and Class II milk.

A hearing was held in Kansas City on February 18-19, 1952, on proposals to change Class I prices in the Kansas City market. This record indicated the necessity for official notice of the decision with respect to the proposals in Kansas City. In a separate decision it has been concluded that the differentials added to basic formula prices in the Kansas City order should be increased 12.5 cents on the annual average, and that an increase of 15 cents be made for the months of March and August, and an increase of 15 cents in the differentials for April, May, June and July. It has also been concluded that the Class I prices in the Kansas City market should be adjusted automatically in response to changes in the ratio of producer receipts to Class I sales in that market.

The supply situation in the Topeka market is currently quite similar to that of the Kansas City market. Furthermore, the competitive situation between the two markets is such that changes in Kansas City prices will affect changes in Topeka prices either through movement to the order or by premiums paid by handlers. Producers and handlers are in agreement that the Class I price in Topeka should be the same as that of the Kansas City order. With identical Class I prices in the two markets any differences in the level of supply of producer milk as related to sales will be reflected in the uniform producer prices of the orders, and producers may be expected to shift to the market with the higher uniform top price. Topeka should be maintained at a level of short milk unless Kansas City is also short of milk, then the Kansas City market is considered an unnecessary price-in the Topeka market.

5. Fall production incentive plan. The rate of deduction or take-out under the fall production incentive plan should be 40 cents per hundredweight on all milk received from producers during the months of April through July. The order currently provides for a rate of 20 cents during the months of May, June and July.

The need for increasing the amount of take-out was uncontroversial on the hearing record. Production of more milk in the fall months is needed in the Topeka market. An increase in returns from producers for the production through the fall production incentive plan would be an incentive for producers to level their production.

A recent take-out of 75 cents per hundredweight on all Class I and Class II milk instead of computing the take-out on all milk received from producers as now provided for in the order. Using Class I and Class II sales
instead of production as a basis for the take-out was not shown to be of advantage to the handlers.

On the basis of Class I and Class II sales in the take-out months of 1951, a 75-cent take-out would have been the equivalent of 59.4 cents per hundredweight on all milk received from producers during those months. The Class I and Class II prices substantiated by the record, and discussed in Issue No. 4, do not represent an increase to make available such funds for a take-out. However, the recommended increase in the Class I and Class II prices approximates the recommended increase in the take-out in the spring months.

Adding April to the take-out months as proposed by producers would have four months in the take-out period and three months in the pay-back. April is generally associated with the months of flush production in the Topeka market. The take-out in this month will contribute significantly toward increasing the seasonality of production with regard to the supply of milk for the fall months. The proposed take-out months set forth would, as a result of adding April to the take-out months together with increasing the rate of take-out, result in correspondingly larger payments to producers for milk delivered in the fall months of October, November, and December. This will accentuate in a desired manner the seasonality of uniform prices returned to producers.

Administrative changes. The following changes, which are largely of an administrative nature, should be made in the order:

(a) Provisions should be added with respect to the period of time within which handlers are required to retain records and with respect to termination of obligations arising under the order. The provisions adopted are those common to other orders and their usefulness was established on the record.

(b) An amended order should be issued with the sections, paragraphs, and subparagraphs numbered in sequence in accordance with the codification of the Federal Register. In connection with this revision some re-arrangement and rewriting of the present provisions has been included without any substantive change.

Definitions


§ 980.2 Secretary. "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

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

§ 980.4 Cooperative association. "Cooperative association" means any cooperative association of producers which the Secretary determines: (a) To have its entire activities under the control of its members; and (b) To have and to be exercising full authority in the sale of milk of its members.

§ 980.5 Topeka, Kansas, marketing area. "Topeka, Kansas, marketing area" hereinafter called "marketing area" means the city of Topeka and all the territory in Shawnee County, Kansas.

§ 980.6 Approved dairy farmer. "Approved dairy farmer" means any person who (a) Holds a permit or rating issued by the health authority of any municipal or State government for the production of milk to be disposed of as Grade A milk; or
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(b) Produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type I, Type II, No. 1, or Type III, No. 1; which milk is received at an approved plant, or supplies Class I or Class II milk products to such an institution or base in the marketing area.

§ 980.7 Producer. "Producer" means any approved dairy farmer (except a producer-handler) whose milk is:
(a) Received at a pool plant; or
(b) Diverts the milk of a producer-handler who operates a pool plant or a cooperative association to a non-pool plant for the account of such handler or cooperative association.

§ 980.8 Approved plant. "Approved plant" means any milk plant or portion thereof which is:
(a) Approved by the health authority of any municipal or State government for the handling of milk for consumption as Grade A milk from which Class I milk or Class II milk is disposed of within the marketing area, or
(b) Supplying Class I or Class II milk products to approved plants of the United States Government located within the marketing area.

§ 980.9 Pool plant. "Pool plant" means any approved plant other than that of a producer-handler during:
(a) Any of the periods of January, February, March, April, May, June, July, August, September, October, November, or December within which such plant produces or through plant stores as Class I or Class II milk in the marketing area not less than 15 percent of such plant's receipts of milk from approved dairy farmers; and
(b) Each of the preceding delivery periods of August, September, October, and November, such plant:
(1) Was a pool plant during each such delivery period; and
(2) Disposed of as Class I and Class II milk in the marketing area a total amount of milk equal to 50 percent or more of such plant's receipts of milk from approved dairy farmers during such delivery periods. Provided, That an approved plant which was not an approved plant during any of the preceding delivery periods of August, September, October, and November shall be a pool plant during any of the delivery periods of March, April, May, and June, within which such plant disposed of Class I and Class II milk in the marketing area an amount of milk equal to 40 percent or more of such plant's receipts of milk from approved dairy farmers.

For the purpose of definition, milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted, and milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

§ 980.10 Handler. "Handler" means any person in his capacity as the operator of an approved plant, or any cooperative association with respect to the milk of any producer which such association has an interest in, shall be deemed to have been received by such cooperative association at a pool plant.

§ 980.11 Producer-handler. "Producer-handler" means any person who produces milk, operates an approved plant, and receives no milk from producers or from other sources than pool plants.

§ 980.12 Producer milk. "Producer milk" means all milk produced by a producer, other than a handler, which is received by a handler either directly from such producers or from other handlers.

§ 980.13 Other source milk. "Other source milk" means all milk and milk products other than producer milk.

§ 980.14 Milk product. "Milk product" means any product manufactured from milk, raw shell milk, or raw shell cream except those products which are included in the definition of Class III milk pursuant to § 980.41 (e) and which is disposed of in the form in which received without further processing or packaging by the handler.

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

MARKET ADMINISTRATOR

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

§ 980.21 Powers. The market administrator shall:
(a) Administer the terms and provisions hereof;
(b) Report to the Secretary complaints of violations of the provisions hereof;
(c) Make rules and regulations to effectuate the terms and provisions hereof; and
(d) Recommend to the Secretary amendments hereto.

§ 980.22 Duties. The market administrator shall:
(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety therein satisfactory to the Secretary;
(b) Pay out of the funds provided by § 980.88 the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 980.88; 
(c) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;
(d) Publicly disclose, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the performance of such acts, has not made reports pursuant to §§ 980.30 through 980.32, or payments pursuant to §§ 980.50 and 980.84; and
(e) Promptly verify the information contained in the reports submitted by handlers.

REPORTS, RECORDS AND FACILITIES

§ 980.30 Reports of receipts and utilization. On or before the 5th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator the detail and forms prescribed by the market administrator with respect to receipts within such delivery period, as follows:
(a) The receipts at each plant of milk from each producer, the butterfat content thereof, and the number of days on which milk was received from each producer who did not receive milk during the entire delivery period;
(b) The receipts from each handler's own farm production and the butterfat content thereof;
(c) The receipts of milk, cream, and milk products from handlers who receive milk from producers and the butterfat content thereof;
(d) The receipts of other source milk;
(e) The respective quantities of milk and milk products and the butterfat content thereof which were sold, distributed, or used, including sales to other handlers, for the purpose of classification pursuant to § 980.40;
(f) The disposition of Class I and Class II products outside the marketing area;
(g) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 980.31 Payroll reports. On or before the 20th day of each delivery period, each handler operating a pool plant shall submit to the market administrator his producer payroll for reports during the preceding delivery period which shall show:
(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association;
(b) The amount of payment to each producer and cooperative association; and
(c) The nature and amount of any deductions or charges involved in such payments.

§ 980.32 Other reports. Each handler who is not required to submit reports pursuant to § 980.30 shall submit such reports with respect to his handling of milk or milk products at the time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

§ 980.33 Verification of reports and payments. The market administrator shall verify all reports and payments of each handler by audit of such handler's
records and the records of any other handler or person upon whose disposition of milk the classification depends.Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator such records and facilities as will enable the market administrator to:

(a) Verify the receipts and disposition of all milk and milk products and in the case of invoices or omissions, ascertain the correct figures;
(b) Weigh, sample, and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and
(c) Verify payments to producers.

§ 980.44 Computation of milk in each class. For each delivery period each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class as defined in § 980.41 as follows:

(a) Determine the total pounds of milk received at approved plants from producers, other handlers and other sources.
(b) Determine the total pounds of butterfat in milk received at approved plants from producers, other handlers and other sources; and add together the resulting amounts.

The market administrator may verify the necessary records such milk, skim milk, or cream, shall be classified as follows:

(1) Class I milk shall be all milk and skim milk:
   (a) Converted to pounds the quantity of butterfat received, and subtract the weight of any flavoring material included.
   (b) Multiply the result by the average butterfat test of such milk and (c) If the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to paragraphs (d) (2) and (e) of this section is less than current pounds of butterfat received computed in accordance with paragraph (b) of this section, an amount equal to the difference shall be divided by 3.3 percent and added to the quantity of milk determined pursuant to subparagraph (1) of this paragraph.
   (d) Determine the total pounds of butterfat in milk as follows: (1) Multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (2) add together the resulting amounts, and (3) divide the

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Thursday, April 10, 1952

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(b) Determine the total pounds of butterfat in milk received at approved plants from producers, other handlers and other sources; and add together the resulting amounts.

The market administrator may verify the necessary records such milk, skim milk, or cream, shall be classified as follows:

(1) Class I milk shall be all milk and skim milk:
   (a) Converted to pounds the quantity of butterfat received, and subtract the weight of any flavoring material included.
   (b) Multiply the result by the average butterfat test of such milk and (c) If the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to paragraphs (d) (2) and (e) of this section is less than current pounds of butterfat received computed in accordance with paragraph (b) of this section, an amount equal to the difference shall be divided by 3.3 percent and added to the quantity of milk determined pursuant to subparagraph (1) of this paragraph.
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(a) Determine the total pounds of milk received at approved plants from producers, other handlers and other sources.

(b) Determine the total pounds of butterfat in milk received at approved plants from producers, other handlers and other sources; and add together the resulting amounts.

The market administrator may verify the necessary records such milk, skim milk, or cream, shall be classified as follows:

(1) Class I milk shall be all milk and skim milk:
   (a) Converted to pounds the quantity of butterfat received, and subtract the weight of any flavoring material included.
   (b) Multiply the result by the average butterfat test of such milk and (c) If the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to paragraphs (d) (2) and (e) of this section is less than current pounds of butterfat received computed in accordance with paragraph (b) of this section, an amount equal to the difference shall be divided by 3.3 percent and added to the quantity of milk determined pursuant to subparagraph (1) of this paragraph.
   (d) Determine the total pounds of butterfat in milk as follows: (1) Multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (2) add together the resulting amounts, and (3) divide the
such handler. The total utilization of milk the receipts of milk from producers and the amount equal to the difference between the lowest class use of such handler an

by paragraph (f) of this section, and (d) divide the resulting sum by 3.3 percent.

The amount of butterfat to be allowed as plant shrinkage shall be the smaller of the following amounts: (1) 3 percent of the total receipts of butterfat by the handler, exclusive of receipts from other handlers, or (2) the amount, if any, by which the sum of the pounds of butterfat computed pursuant to subparagraphs (c), (d), (e), and (f) of this section is less than the total receipts of butterfat by the handler.

§ 980.45 Allocation of milk classified. Determination of amount of milk received from producers: (a) Subtract from the total pounds of milk in each class, determined pursuant to § 980.44 the pounds of other source milk allocated to such class pursuant to the following:

Receipts of other source milk shall be allocated to Class III except that other source milk may be allocated to Class II to the extent that the total amount of Class II milk exceeds the amount of all producer milk classified as Class II milk, and other source milk may be allocated to Class I only to the extent that the total amount of the Class I milk of the handler exceeds the total amount of producer milk received by such handler.

(b) Subtract from the remaining pounds of milk in each class the pounds of producer milk which were received from other handlers and used in such class.

§ 980.46 Reconciliation of utilization of milk by classes with receipts of milk from producers. Every event of difference between the total quantity of milk used in the several classes as computed pursuant to § 980.45 and the quantity of milk received from producers, except for the reported quantity of butterfat equivalent of butterfat pursuant to § 980.64, such difference shall be reconciled as follows:

(a) If the total utilization of milk in the various classes for any handler, as computed pursuant to § 980.45, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(b) If the total utilization of milk in the various classes for any handler, as computed pursuant to § 980.45, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk for such handler by an amount equal to the lowest class use of such handler an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

§ 980.50 Class prices. Subject to the butterfat differential set forth in § 980.51, each handler shall pay producers at the time and in the manner set forth in § 980.60 the following prices per hundredweight of milk received during each delivery period from producers:

(a) Class I milk. The price of Class I milk for each delivery period shall be the same as the Class I price for that delivery period provided for in Order No. 13, regulating the handling of milk in the Greater Kansas City marketing area.

(b) Class II milk. The price of Class II milk shall be the Class I price minus 25 cents.

(c) Class III milk. The price of Class III milk shall be the average price ascertained by the market administrator to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received during such delivery period at the following plants: The Jensen Creamery Company at its plant at Topeka, Kansas, the Beatrice Foods Company at its plant at Topeka, Kansas, and the Mayer-Sanitary Milk Company, at its plant at Valley Falls, Kansas.

§ 980.51 Butterfat differential. If the average butterfat content of milk received from producers by any handler during any delivery period is more or less than 3.8 percent, there shall be added or subtracted per hundredweight of such milk for each one-tenth of 1 percent above or below 3.8 percent an amount equal to the Class III price for such delivery period, divided by 25.

APPLICATION OF PROVISIONS

§ 980.60 Producer-handlers. Sections 980.40 through 980.45, 980.50, 980.51, 980.53, 980.65, 980.66, 980.67, 980.70, 980.71, and 980.89 through 980.99 shall not apply to a producer-handler.

§ 980.61 Handler operating an approved plant which is not a pool plant. Each handler who operates an approved plant which is not a pool plant during any delivery period shall in lieu of the payments required pursuant to § 980.64 pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such delivery period, the amount resulting from the computations of either paragraphs (a) or paragraph (b) of this section, whichever is less:

(a) The sum of (1) the product of the quantity of milk received by such handler which was disposed of in the marketing area as Class I milk during the delivery period multiplied by the difference between the price for Class I milk pursuant to § 980.50 (a) and the price for Class III milk pursuant to § 980.50 (e), and (2) the product of the quantity of milk received by such handler which was disposed of in the marketing area as Class II during the delivery period multiplied by the difference between the price for Class II milk pursuant to § 980.50 (f) and the price for Class III milk pursuant to § 980.50 (c).

(b) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 980.70 for such handler for such delivery period if such handler operated a pool plant. Deduct the gross payments made by such handler for milk received by farmers for milk received during such delivery period.

§ 980.62 Handlers subject to other orders. In the case of any handler who the Secretary determines is subject to another marketer or for processing purposes, the market administrator, in determining the net pool obligation of the handler pursuant to § 980.70 shall subtract the gross payments made by such handler for milk received by farmers for milk received during such delivery period.

§ 980.63 Other source milk. If a handler has received other source milk, has dispose of a greater quantity of his milk for such purposes, the market administrator shall add an amount equal to the difference between the price for such milk as Class III milk, if the receiving handler sells or disposes of such milk for other than Class III purposes, the market administrator shall add an amount equal to the difference between the value of such milk as computed pursuant to paragraphs (a) and (b) of § 980.50, and its value as determined pursuant to the order to which he is subject for milk which would be classified as Class I milk or Class II milk under this part, less than the respective prices provided pursuant to this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk or Class II milk within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to paragraphs (a) and (b) of § 980.50, and its value as determined pursuant to the other order to which he is subject for milk which would be classified as Class I milk or Class II milk.

§ 980.64 Excess milk. If a handler, after subtracting receipts from other handler and receipts of other source milk, has disposed of a greater quantity of milk than that which, on the basis of his reports, has been credited to his producers as having been delivered by, the market administrator, in determining the net pool obligation of the handler pursuant to § 980.70, shall add an amount equal to the difference between the value of such milk according to its utilization by the handler.

§ 980.65 Diversion. Milk which is caused to be diverted by a handler directly from producers' farms to the pool plant of another handler for processing, or more than 15 days during any delivery period shall be considered an inter-han-
drier transfer of milk, and shall be considered as having been received by the handler who caused the milk to be diverted.

**Determination of Uniform Prices**

§ 980.70 Net pool obligation of handlers. The net pool obligation of each handler for milk received during each delivery period shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 980.45 by the class prices set forth in § 980.50 and add together the resulting values;

(b) Divide the average butterfat content of all milk received from producers by the total value of the butterfat differential applicable pursuant to § 980.51 and add an amount equal to the total values pursuant to § 980.63 and § 980.64.

§ 980.71 Computation and announcement of uniform price. The market administrator shall compute and announce the uniform price per hundredweight for milk received from producers during each delivery period in the following manner:

(a) Combine into one total the net pool obligation computed pursuant to § 980.70 of all handlers who made the reports prescribed in § 980.30 and who made the payments prescribed in § 980.60 and § 980.64 for the previous delivery period;

(b) For each of the delivery periods of April, May, June, and July, subtract an amount equal to 40 cents per hundredweight of the total amount of milk received by handlers from producers and included in these computations to be retained by the producer-settlement fund until distributed pursuant to § 980.85;

(c) Add not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Deduct, if the average butterfat content of all milk received from producers is more than 3.3 percent, and add, if the average butterfat content of milk received from producers is less than 3.3 percent, the total value of the butterfat differential applicable pursuant to § 980.83;

(e) Divide by the hundredweight of milk received by handlers from producers and included in these computations;

(f) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform delivery period net pool obligation of the milk of producers containing 3.8 percent butterfat; and

(g) On or before the 5th day after the end of the delivery period, mail to all handlers (1) such of these computations as do not disclose information confidential pursuant to the act; (2) the uniform price per hundredweight computed pursuant to paragraph (f) of this section; (3) the prices for Class I milk, Class II milk, and Class III milk; and (4) the butterfat differentials computed pursuant to § 980.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 980.80 Time and method of payment. On or before the 12th day after the end of each delivery period, each handler, after deducting the amount of the payment made pursuant to § 980.61 and subject for the preceding delivery period set forth in § 980.82, shall make payment to each producer at not less than the uniform price for all milk received from such producers: Provided, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this section.

§ 980.81 Half Delivery Period Payments. On or before the 25th day of each delivery period, each handler shall make payment to each producer for milk received from him during the first 15 days of the delivery period at not less than the Class III price for the preceding delivery period: Provided, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this section.

§ 980.82 Producer butterfat differential. In making payments pursuant to § 980.60, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.3 percent, and such amount computed by adding 4 cents to the simple interest as computed by the market administrator of the daily wholesale selling price (using the midpoint of any price range as one price) of Grade A (D-score) bulk creamery butter per pound at Chicago, as reported by the U. S. Department of Agriculture during the delivery period, divided by the hundredweight of producer milk received during the delivery period involving the producer-settlement fund, the result to be rounding to the nearest one-tenth of a cent.

§ 980.83 Producer-settlement fund. (a) 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 §§ 980.60, 980.62, 980.82 and 980.84 and out of which he shall make all payments to producers pursuant to §§ 980.60 and 980.82: Provided, That the market administrator shall offset any such payment to any handler against payments due from such handler.

(b) Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid by handlers pursuant to § 980.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 980.84 Payments to the producer-settlement fund. On or before the 10th day after the end of each delivery period, each handler shall pay to the market administrator all amounts otherwise payable to the market administrator through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 980.80.

§ 980.85 Payments out of the producer-settlement fund. (a) 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 of the net pool obligation of such handler pursuant to § 980.80 is greater than the net pool obligation of such handler.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 12th day after the end of the delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of § 980.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(c) On or before the 15th day after the end of each of the delivery periods of October, November, and December, the market administrator shall make a determination of the amount held pursuant to the producer-settlement fund to each producer an amount computed as follows: divide one-third of the total amount held pursuant to the producer-settlement fund purchased by the market administrator by the hundredweight of producer milk received during the delivery period involved (October, November or December, as above) and apply the resulting amount per hundredweight of milk of each producer for such delivery period: Provided, That payment under this paragraph due any producer who has given authority to a cooperative association to receive payments for his milk shall be made to such cooperative association if such cooperative association requests receipt of such payment.

§ 980.85 Adjustment of errors in payment. Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to §§ 980.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 4 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 § 980.85, the market administrator shall, within 6 days, make such payment to such handler, for milk received by such handler; provided, however, that any such payment due any handler against payments due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer, for milk received by such handler, discloses payment to such producer of less than is required by § 980.80, the handler shall make up such payment to the producer not later than the time of making payments to producers next following such disclosure.

§ 980.87 Statements to producers. In making payments to producers as prescribed in § 980.80, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer which shall show:

(a) The delivery period and the identity of the handler used of the producer.
(b) The total pounds of milk delivered by the producer and the average butterfat test thereof, and the pounds per shipment if such information is not furnished with such report.
(c) The minimum rate or rates at which payment to the producer is required pursuant to §§ 980.80 and 980.82;
(d) The rate which is used in making the payment if such rate is other than the applicable minimum rate;
(e) The amount or the rate of each deduction claimed by the handler, including any deduction made pursuant to §§ 980.81 and 980.83 together with a description of the respective deductions; and
(f) The net amount of payment to the producer.

§ 980.88 Marketing services.—(a) Deductions for marketing services. Except as set forth in paragraph (b) of this section, each handler shall deduct 3 cents per hundredweight from the payments made to each producer other than himself pursuant to § 980.80, with respect to all milk of each producer purchased or received by such handler during the delivery period and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be expended by the market administrator for marketing information and for the verification, weight, sample, and testing of milk received from said producers.

(b) Producers' Cooperative Association. In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make deductions from the payments to be paid to such producer other than himself pursuant to § 980.80, with respect to all milk of each producer purchased or received by such handler during the delivery period and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be expended by the market administrator for the account of the association of which such producers are members.

§ 980.89 Expense of administration. As his pro rata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 12th day after the end of each delivery period, 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to all milk received during such delivery period from approved dairy farmers.

MISCELLANEOUS PROVISIONS

§ 980.90 Termination of obligation. The provisions of this section shall apply to any obligation under this order for the payment of money if the obligation is payable to the producer(s) or association of producers, or the market administrator to, and on or before the 12th day after the end of each delivery period, pay such deduction claimed 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.

(a) The amount of the obligation;
(b) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
(c) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association, or if the obligation is payable to the market administrator the account for which it is to be paid.

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 order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the matter is not so resolved, the handler, 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.

(2) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative, the name of such producer(s) or association of producers, or the market administrator to, and on or before the 12th day after the end of each delivery period, pay such deduction claimed 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.

(3) 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.

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

§ 980.91 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 § 980.92.

§ 980.92 Suspension or termination. Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 980.93 Continuing power and duty of the market administrator. (a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part including suspension or termination and the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination. Provided, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time make available to all funds held by the market administrator, or such person, to such person full title to all funds, and accounts in which such funds are held, if so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person, and (3) if so directed by the Secretary shall, by and through the market administrator, or such other person or agency as the Secretary may designate.

§ 980.94 Liquidation after suspension or termination. Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidation of the business of his office, shall be distributed to the contributing handlers and producers in an equitable manner.
§ 980.95 *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.

§ 980.96 *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 8th day of April 1952.

[SEAL] ROY W. LERNARIONI, Assistant Administrator.

[F. R. Doc. 82-4149; Filed, Apr. 9, 1952; 10:11 a.m.]

**FEDERAL COMMUNICATIONS COMMISSION**

[47 CFR Parts 7, 8]

[Docket No. 10167]

**NOTICE OF PROPOSED RULE MAKING**

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands 14,250-14,400 kc and 20,000-25,000 kc.

1. Notice is hereby given of proposed rule making in the above-mentioned matter.

2. In accordance with the agreement reached at the Extraordinary Administrative Radio Conference (Geneva, 1951) the Commission has instituted proceedings to implement the recommendations of certain stations operating in the 14,350-14,400 kc band of frequencies and in the 20-25 Mc band and of frequencies so as to bring all authorizations in those bands into conformity with the Atlantic City Table and Article 9 of the Radio Regulations of Atlantic City (1947). The proposed amendments to the Commission's rules and regulations, effective May 1, 1952, by deleting the provisions authorizing Coast Stations in the Maritime Mobile Service to operate on currently assignable frequencies in the 22,000-22,720 kc band and in the 24,000-24,720 kc band; and by deleting the provisions authorizing Ship Stations and Aircraft Stations operating in the Maritime Mobile Service to operate on frequencies in the 22,000-22,720 kc band and on the frequency 23,000 kc. It should be noted in the latter connection, however, that no change is being proposed at this time in the status of 22,600 kc as a calling frequency for ship telegraph stations.

3. Fifteen copies of each brief or written statement or brief setting forth his comments. Persons desiring to support the amendments may also file comments by the same date. The Commission will consider all comments and briefs presented before taking final action with respect to the proposed amendments.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements and briefs filed shall be furnished the Commission.


Released: April 4, 1952.

[SEAL] T. J. SLOWE, Secretary.

[F. R. Doc. 82-4149; Filed, Apr. 9, 1952; 8:51 a.m.]
### PROPOSED RULE MAKING

In addition to the foregoing, other frequencies within bands allocated under international agreement for use of coast stations, telegraphy or telephony respectively, shall be available for assignment if such assignment is found to be in the public interest.

5. It is further proposed to amend §§ 7.132, 8.321, 8.351, and 8.2 (0) of the Commission's rules and regulations to authorize Ship Stations and Aircraft Stations operating in the Maritime Mobile Service to operate commencing May 1, 1952, on particular frequencies (in particular geographic areas) in the band 22,000–22,070 kc when using telegraphy, certain frequencies in the band 22,070–22,105 kc by Ship Stations and Aircraft Stations using telegraphy, certain frequencies in the band 22,400–22,650 kc by Coast Stations in particular geographic areas using telegraphy, and certain frequencies in the band 22,650–22,720 kc by Coast Stations in particular geographic areas using telephony; amendment of §§ 7.132 and 7.124 of the Commission's rules and regulations for authorization of the authorized emission and power, respectively, of Coast Stations operating in the 22,400–22,720 kc band; and amendment of § 8.132 of the Commission's rules and regulations to change the authorized emission of Station WHL, N. Y. to 10 kw, and Station WJY, N. Y. to 20 kw. In addition to the foregoing, the proposal is further made to permit ship stations on board passenger ships, and aircraft stations for communications with stations of the Maritime Mobile Service, to use frequencies herein designated for ship stations using telegraphy except 22,000, 22,100, 22,110, 22,120, and 22,140 kc which would continue to be licensed without change until further order. In accordance with an appropriate procedure to be determined by the Commission so that the ultimate objective of this assignment to mobile stations pursuant to the applicable provisions of Article 33 of the Atlantic City Radio Regulations (1947) will be attained as soon as is practicable.

6. It is proposed to license the frequencies herein designated for ship stations using telegraphy (except 22,000, 22,100, 22,110, 22,120, and 22,140 kc) which would continue to be licensed without change until further order) in accordance with an appropriate procedure to be determined by the Commission so that the ultimate objective of this assignment to mobile stations pursuant to the applicable provisions of Article 33 of the Atlantic City Radio Regulations (1947) will be attained as soon as is practicable.

7. The proposed amendments to the rules are issued under the authority of Sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, and the provisions of the final acts of the International Telecommunications and Radio Conference, 1947, and the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

8. Any interested person who is of the opinion that the proposed amendments should not be adopted may file with the Commission on or before April 17, 1952, a written statement or brief setting forth his comments. Persons desiring to support the amendments may also file comments by the same date. The Commission will consider all comments and briefs presented before taking action with respect to the proposed amendments.

9. Fifteen copies of each brief or written statement shall be filed as required by § 1.104 of the Commission's rules and regulations.


Released: April 4, 1952.

FEDERAL COMMUNICATIONS COMMISSION.

[Seal] T. J. Slowie.

Secretary.

[F. R. Doc. 52-4106; Filed, Apr. 9, 1952; 2052. 8:32 a.m.]
SECURITIES AND EXCHANGE COMMISSION
[17 CFR Part 240]

EXEMPTION OF CERTAIN TRANSACTIONS FROM SECTION 16 (b)

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt an exemption from the statutory definition of stock incident to such a merger. See Blau'v. Hudgkinson, 100 F. Supp. 361 (S. D. N. Y. 1951). It would seem to follow from this decision that the policy of section 16 (b) to discourage short swing trading by insiders seems highly relevant to purchases or sales within six months of a merger if the merger involves a significant change in the character of the enterprise carried on by an issuer which is subject to section 16 (b). Thus a purchase on the eve of the merger may well be motivated by advance information and the receipt by merger of a new security having different economic characteristics from that purchased involves elements of speculation and profit.

The proposed rule would exempt from the operation of section 16 (b) certain transactions pursuant to a plan of merger or consolidation (1) in which the assets acquired represent more than 5 percent of the book value of the combined assets of the companies involved and the gross revenues of the smaller company were less than the 5 percent of the combined gross revenues as of a date immediately preceding the merger or consolidation and (2) between parent and subsidiary. The proposed rule would exempt the acquisition or disposition of the stock of the larger corporation only. The acquisition or surrender of stock in the smaller company would still be subject to the liabilities of section 16. In determining whether a given plan falls within the exemption, the fact that the larger corporation may have assumed the name of the smaller corporation is irrelevant, for the rule looks through the form of the transaction and the essential determination is whether the enterprise is materially different in character from what it was prior to the merger or consolidation.

In order to prevent the rule from being used to insulate from liability insiders who purchase or sell stock in connection with a merger or consolidation, the proposed rule would provide that the merger or consolidation must be with a company which, (1) prior to said merger or consolidation, owned 5 percent or more of the equity securities of the other company involved in the merger or consolidation, and (2) in the aggregate, such securities owned by insiders would be less than 15 percent of the gross revenues of all the companies undergoing merger or consolidation for the year in which the acquisition or disposition of stock in the smaller company occurred.

The proposed rule would exempt from the operation of section 16 (b) certain transactions pursuant to a plan of merger or consolidation (1) in which the assets acquired represent no more than 5 percent of the book value of the combined assets of the companies involved and the gross revenues of the smaller company were less than the 5 percent of the combined gross revenues as of a date immediately preceding the merger or consolidation and (2) between parent and subsidiary. The proposed rule would exempt the acquisition or disposition of the stock of the larger corporation only. The acquisition or surrender of stock in the smaller company would still be subject to the liabilities of section 16. In determining whether a given plan falls within the exemption, the fact that the larger corporation may have assumed the name of the smaller corporation is irrelevant, for the rule looks through the form of the transaction and the essential determination is whether the enterprise is materially different in character from what it was prior to the merger or consolidation.

SECURITIES AND EXCHANGE COMMISSION

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The proposed rule would exempt from the operation of section 16 (b) certain transactions pursuant to a plan of merger or consolidation (1) in which the assets acquired represent more than 5 percent of the book value of the combined assets of the companies involved and the gross revenues of the smaller company were less than the 5 percent of the combined gross revenues as of a date immediately preceding the merger or consolidation and (2) between parent and subsidiary. The proposed rule would exempt the acquisition or disposition of the stock of the larger corporation only. The acquisition or surrender of stock in the smaller company would still be subject to the liabilities of section 16. In determining whether a given plan falls within the exemption, the fact that the larger corporation may have assumed the name of the smaller corporation is irrelevant, for the rule looks through the form of the transaction and the essential determination is whether the enterprise is materially different in character from what it was prior to the merger or consolidation.

The purpose of section 16 (b) is to encourage by eliminating the possibility of profit, short swing speculation in equity securities by insiders. Profits are required to be surrendered to the issuer irrespective of profit motive. Short swing speculation may involve manipulative activity or abuse of inside information. The act permits the insider to make long term invest-
(4) The disposition of a security, pursuant to a merger or consolidation, of a company which (i) prior to said merger or consolidation, held over 50 percent of the combined assets, of all the companies undergoing merger or consolidation, computed according to their book values prior to the merger or consolidation, and (ii) had gross revenues in excess of 55 percent of the gross revenues of all the companies undergoing reorganization or merger, computed by reference to their most recent financial statements for a twelve month period prior to the merger or consolidation.

(b) Notwithstanding the foregoing, if an officer, director or stockholder shall make any purchase (other than a purchase exempted by this section) of a security in any company involved in the merger or consolidation and any sale (other than a sale exempted by this section) of a security in any other company involved in the merger or consolidation within any six month period during which the merger or consolidation took place the exemption provided by this section shall be unavailable to such officer, director or stockholder.

The Commission invites all interested persons to submit their comments upon the proposed rule on or before April 30, 1953.

By the Commission.

[Seal]

Orval L. DeBois,
Secretary.

April 3, 1952.

[F. R. Doc. 62-4064; Filed, Apr. 9, 1952; 3:47 a.m.]

NOTICES

DEPARTMENT OF DEFENSE
Office of Public Information

MANUFACTURERS HOLDING CONTRACTS AWARDED BY ARMY, NAVY OR AIR FORCE

PUBLIC INFORMATION SECURITY GUIDANCE

1. Supersede. This notice supersedes and cancels the previous notice on the same subject published in 16 F. R. 10041, October 1, 1951.

2. Purpose. It is the purpose of this notice to provide public information security guidance governing the public release of information by manufacturers holding Army, Navy or Air Force contracts.

3. Applicability. This notice is applicable to all agencies of the Department of Defense and the Departments of the Army, Navy and Air Force to manufacturers who receive from the Departments of the Army, Navy and Air Force awards of classified or unclassified contracts, letters of intent or supplemental agreements for production of military equipment or supplies.

4. Releasable and non-releasable information. A. Manufacturers who receive from the Departments of the Army, Navy, and Air Force awards of classified or unclassified contracts, letters of intent or supplemental agreements for production of military equipment or supplies or for increased production of materials now being produced may release to the public information of the following general nature concerning any individual contract without further specific clearance by the Department of Defense:

1. A statement that a contract (or letter of intent) has been received.
2. Type of item in general terms (i.e., aircraft of standard type, tanks, trucks, ammunition, clothing, etc.) provided that the designation of the item or equipment itself is not classified.
3. In the case of unclassified negotiation or formally advertised contracts, releases may include the name of the purchasing office, a brief description of the commodity or service, quantity, and dollar amount of the contract.
4. A statement that workers in certain fields are required. Number of additional personnel needed by the plant may be announced.
5. Subject to restrictions listed in this Guidance, a contractor may advertise for bids from prospective subcontractors for component parts or onites in those cases where the subsequent contract itself will be unclassified.
6. Information previously officially approved for release.
7. Contract will not release to the public information of the following nature concerning such contracts, unless specifically approved and cleared by the Security Review Branch, Office of Public Information, Office of the Secretary of Defense:
   a. Production schedules, future planning on production schedules, or rates of delivery.
   b. Information on sources of supply, quantities and qualities of strategic or critical supplies and movements, assembly or storage of supplies or material.
   c. Information on sabotage attempts or plant security measures.
   d. Information on any research or development contracts.
   e. Information, including any photograph, sketch, or plan, concerning first models of weapons or equipment, outstanding production achievements, or performance of weapons or equipment.
   f. Information on material for shipment to allied governments under MDAP, etc.
   g. Movement of military aircraft. (This restriction is applicable to all cases, including those where actual movement order is unclassified. This action is to reduce unauthorized disclosure of aircraft deliveries, modification and conversion programs.
   h. Movement of naval vessels, unless approved by the responsible commander.
   i. Classified information.
   j. A subcontractor or branch plant involved in military production programs may release information subject to paragraphs A and B above, provided he does not:
      1. Indicate he is the sole supplier.
      2. Indicate the percentage of the total contract or sub-contract requirements he provides in terms of quantity or dollar value.
      3. Reveal rates of production or delivery.
   k. Manufacturers outside the Continental United States may, after initial public release by the Secretary of Defense, release to the public information subject to the provisions of this guidance. For initial release the contracting agency should forward pertinent information regarding the contract, together with the manufacturer's proposed release, through the Department of the Navy, Army, or Air Force, as the case may be, to the Secretary of Defense. The Office of Public Information will make the final release if appropriate.
   l. In order that manufacturers holding classified contracts may make state of business reports to stockholders, stock exchange, etc., the total company-wide dollar value of backlog may be released provided:
      1. That only the Department of Defense total is used and not broken down by individual military service or item.
      2. That the release does not reveal the quantity or volume of individual orders.
      3. That the report is not made for periods of less than three months.
   m. In case of doubt as to the releasability of information, contractors, factories, subcontractors, etc., may contact the Security Review Branch for advice, or may refer to the contracting agency.

For the Assistant to the Secretary for Public Information.

JOSEPH S. EDEGERTON,

[Seal]

April 3, 1952.

[3:48 a.m.]

DEPARTMENT OF THE INTERIOR
Bureau of Land Management

ALASKA

SHORESPACE RESTORATION NO. 490

April 2, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1050, 49 U. S. C. 372a), and pursuant to § 223 (a) (8), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8825), it is hereby determined that the lands described below are not needed for harborage uses and purposes and that no shore space reserve in such lands shall now or hereafter be created under the act of May 14, 1928 (16 U. S. C. 449), as amended by the act of March 3, 1933 (49 Stat. 1282, 48 U. S. C. 371), by the initiation of claims under the public land laws:

[Seal]

ORVAL L. DuBois,
Secretary, 

April 3, 1952.

[F. R. Doc. 62-4060; Filed, Apr. 9, 1952; 3:47 a.m.]
Thursday, April 10, 1952

All lands abutting or lying within 90 rods of the shores of unsurveyed Snowshoe Lake, Alaska, located at approximate latitude 62°02'30" N., longitude 146°41'00" W.

HAROLD T. JORGENSEN, Chief, Division of Land Planning.

[For R. Doc. 32-4654; Filed, Apr. 9, 1952; 8:45 a.m.]

ALASKA SMALL TRACT CLASSIFICATION ORDER No. 52
NOTICE OF CANCELLATION
APRIL 2, 1952.

Alaska Small Tract Classification Order No. 52 of February 5, 1952 (17 F. R. 1989) is hereby canceled.

HAROLD T. JORGENSEN, Chief, Division of Land Planning.

[For R. Doc. 32-4655; Filed, Apr. 9, 1952; 8:45 a.m.]

FEDERAL POWER COMMISSION
[Project No. 1651]
STAR VALLEY POWER AND LIGHT CO.
NOTICE OF APPLICATION FOR AMENDMENT TO LICENSE
APRIL 3, 1952.

Public notice is hereby given that Star Valley Power and Light Company, of Afton, Wyoming, has filed application under the Federal Power Act (16 U. S. C. '791a-825c) for amendment of the license for powerplant Project No. 1651 located on Swift Creek, in Lincoln County, Wyoming, to provide for the construction of a wing to the upper powerhouse of the project and the installation therein of a 400 kw hydroelectric unit.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before May 10, 1952, to the Federal Power Commission, Washington 25, D. C.

[Seal] LEON M. FOGAU, Secretary.

[For R. Doc. 32-4657; Filed, Apr. 9, 1952; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation
SALES OF CERTAIN COMMODITIES AT FIXED PRICES
APRIL 1952 DOMESTIC AND EXPORT PRICE LISTS

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (16 F. R. 1883), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

No. 71–6

FEDERAL REGISTER
APRIL 10, 1952

Commodity and approximate quantity available (subject to prior sale)

<table>
<thead>
<tr>
<th>Commodity and approximate quantity available (subject to prior sale)</th>
<th>Domestic and export price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dried whole eggs, 100 pack</td>
<td>15.50 per pound (in store) at location and at various markets throughout the country, at various markets throughout the country.</td>
</tr>
<tr>
<td>Liquid eggs, 100 pack</td>
<td>15.50 per pound (in store) at location and at various markets throughout the country, at various markets throughout the country.</td>
</tr>
<tr>
<td>Flour, 1000 pack</td>
<td>15.50 per pound (in store) at location and at various markets throughout the country, at various markets throughout the country.</td>
</tr>
<tr>
<td>Baby lum, 1000 pack</td>
<td>15.50 per pound (in store) at location and at various markets throughout the country, at various markets throughout the country.</td>
</tr>
<tr>
<td>Prices</td>
<td>15.50 per pound (in store) at location and at various markets throughout the country, at various markets throughout the country.</td>
</tr>
</tbody>
</table>

1These same lots are also available at export sales prices announced today.

2The price paid CCC does not exceed the highest bidding price it could pay any of its usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

3These same lots are available at domestic sales prices announced today.
ECONOMIC STABILIZATION AGENCY
Office of Price Stabilization

Statement of considerations. Special Order 13 established a schedule of prices and charges pursuant to section 3 of Ceiling Price Regulation 93 for sellers of new passenger automobiles and factory installed equipment manufactured by the Ford Motor Company. Since the issuance of Special Order 13 the Ford Motor Company has introduced new items of factory installed extra, special or optional equipment on its automobiles. Special Order 13 is, therefore, amended, to include charges for the new items of factory installed extra, special or optional equipment. In addition several items of extra, special or optional equipment which are no longer available as factory installed equipment are deleted from Special Order 13 by this amendment.

1. The following charges for factory installed extra, special or optional equipment are added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 13.

FORD AUTOMOBILES
Wheel cover, full (all lines and series).............................. $13.60

MERCURY AUTOMOBILES
Tires, 5 (7.10 x 16, 4 ply) white sidewall, 5 wheels (all lines and series except Station Wagons).......................... 31.64
Trim, all leather (Monterey Hard Top and Convertibles)........ 90.00

LINCOLN CONTINENTAL AUTOMOBILES
Tires, 5 (8.00 x 15, 4 ply) white sidewall, 5 tires (all lines and series except Convertibles).......................... 38.50
Trim, vinyl (2-door and Sport Coupe).......................... 29.88

LINCOLN CONTINENTAL AUTOMOBILES
Mirror, outside, rear view (all lines and series).................. $5.95

3. The following amendment is made in the list of factory installed extra, special or optional equipment contained in paragraph 2 of Special Order 13:
The item for Mercury Automobiles which reads,
Lights, back up (all lines and series).......................... $10.16
is amended to read as follows:
Lights, back up (all lines and series).......................... $7.50

(When delivered by the manufacturer subsequent to March 1, 1952).......................... 10.16

Effective date. This Amendment 3 to Special Order 13 shall become effective April 5, 1952.

ELLIS AIRNALL,
Director of Price Stabilization.
April 9, 1952.

F. R. Doc. 52-4184; Filed, April 9, 1952; 11:46 a. m.}

NOTICES
Subparagraph (v) is added to paragraph b as follows:

(v) After the Commission has determined that there has occurred a substantial default or a substantial breach, as defined in paragraphs 506 and 507, respectively, of the "Terms and Conditions Constituting Part Two of an Annual Contributions Contract between Local Authority and Public Utility Administration" to execute an agreement between the PHA and the Local Authority evidencing transfer of possession to the PEA of the Projects as then constituted, as provided in sections 501 and 502 of the said Terms and Conditions.

Date approved: April 3, 1952.


[F. R. Doc. 52-461; Filed, Apr. 9, 1952; 8:46 a.m.]

SEcurities AND EXCHANGE COMMISSION

[File No. 70-2353]

NIAGARA MOHAWK POWER CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO PROPOSED AMENDMENT TO CHARTER TO INCREASE NUMBER OF AUTHORIZED SHARES OF COMMON STOCK

APRIL 4, 1952.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a public utility company and an exempt holding company, of which The United Corporation, a registered holding company, owns 502 of the said Terms and Conditions.

It is stated that the proposed increase of the outstanding voting securities as of March 15, 1952, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("Act"), with respect to the following proposed transaction:

Niagara Mohawk proposes, at the forthcoming annual meeting of its stockholders to be held on May 6, 1952, to submit to the management in a flexible position with respect to the formulation of future financing programs. Niagara Mohawk states that it has no present plans for the sale of additional shares of common stock, and that in the immediate future.

As of March 15, 1952, Niagara Mohawk had issued and outstanding 9,073,887 shares of common stock and 1,352,533 shares of A stock.

Due to having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and, to the extent that the provision in paragraph 5 of the proposed transaction, the Commission finding that such provisions are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that the said declaration be permitted to become effective forthwith;

IT IS ORDERED, Pursuant to Rule U-23 and the applicable provisions of the Act, that the declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[Seal] Orval L. DeBois, Secretary.

[F. R. Doc. 52-461; Filed, Apr. 9, 1952; 8:46 a.m.]

NIAGARA MOHAWK POWER CORP.

NOTICE OF REQUEST TO AMEND ARTICLES OF ASSOCIATION TO CHANGE SHARES OF COMMON STOCK FROM NO PAR VALUE TO PAR VALUE; AND SOLICITATION OF STOCKHOLDERS

APRIL 4, 1952.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), by Central Vermont Public Service Corporation ("Central Vermont"), a public utility subsidiary of New England Public Service Company, a registered holding company.

Declarant has designated subsidiaries of New England Public Service Company as applicable to the proposed transaction, the provisions relating to the issuance of stock contained in the Articles of Association.

The solicitation material to be sent to stockholders has been filed as part of the declaration. It is represented that the company may, in addition to solicitation by mail and by regular employees or officers of the company, request banks and brokers to solicit beneficial owners, the cost of which is estimated not to exceed $100.

The declaration states that the adoption of the above proposals will require the affirmative vote of two-thirds of the outstanding shares of common stock.

It is further represented that the Public Service Commission of Vermont must certify that the amendment to the company's Articles of Association changing the shares of common stock from no par value to $5 par value will promote the general good of the State of Vermont, and such certificate, together with the amendment, must be recorded with the Secretary of State of the State of Vermont. It is stated that such certificate will be obtained and filed.

Declarant requests acceleration of the Commission's order herein and that it become effective upon the issuance thereof.

By the Commission.

[Seal] Orval L. DeBois, Secretary.

[F. R. Doc. 52-462; Filed, Apr. 9, 1952; 8:46 a.m.]

SOUTH JERSEY GAS CO.

NOTICE OF FILING REGARDING PROPOSED ACQUISITION OF COMMON STOCK OF PUBLIC UTILITY COMPANY; DISSOLUTION OF SUCH COMPANY; AND ENSUING GENERAL OF NOTES BY THE ACQUIRING COMPANY

APRIL 4, 1952.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public
Utility Holding Company Act of 1935 ("Act") by South Jersey Gas Company ("South Jersey"), a subsidiary of The United Corporation, a registered holding company. Applicant-declarant has designated certain facts and other matters described in the Act and Rule U-42 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 21, 1952, at 5:30 p.m., e.s.t., request the Commission in writing that a hearing be held on such matter, stating the reasons therefor, the nature of his interest and the issues of fact or law raised by said 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: Securities and Exchange Commission, 425 Second Street NW., Washington 5, D.C. After April 31, 1952, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-25 of the rules and regulations promulgated thereunder. In the event the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

South Jersey, a public utility company, proposes to acquire all of the outstanding 2,000 shares of common stock, of the par value of $100 per share, of the Cumberland County Gas Company ("Cumberland County") which is engaged in the business of distributing and selling natural gas in the vicinity of Millville, New Jersey. Such stock will be acquired from The Training School at Vineland, New Jersey, The Burlington County Hospital at Mount Holly, New Jersey, and Millville Hospital Corporation ("The Charities") jointly, 1,959 shares of such stock, and from four individual holders owning an aggregate of 41 shares of such stock.

It is proposed that the Charities will receive, in payment for the shares of common stock of Cumberland County sold by them, $195,900 principal amount of Five Year Serial Notes of South Jersey bearing interest at the rate of 3 percent per annum, dated as of the date of delivery of such common stock and payable in substantially equal annual installments beginning one year from the date of acquisition, to the four individual minority holders will receive cash in the amount of $100 per share for each of the shares of such common stock sold by them.

Upon the acquisition by South Jersey of all of the common stock of Cumberland County, South Jersey proposes to bring about the immediate dissolution and liquidation of Cumberland County. In addition to its investment of approximately $100 per share for each of the 41 shares of common stock owned jointly by the Charities, the balance being publicly held; $250,000 principal amount of income debentures owned jointly by the Charities; $45,000 principal amount of 4 Percent Demand Notes owned jointly by the Charities; $325,000 principal amount of 3 1/4 Percent Bank Notes due July 1, 1953, held by The Chase National Bank of the City of New York ("The Chase Bank"); $19,000 principal amount of 5 Percent Notes due July 1, 1952, held by The Chase Bank; and $50,000 principal amount of 4 Percent Demand Notes held by the Millville National Bank.

Upon the liquidation of Cumberland County each of the Charities has agreed to accept in exchange for the debt securities of Cumberland County jointly held by them, an equal principal amount of Five Year Serial Notes of South Jersey identical with the Five Year Serial Notes to be issued to them in payment for the common stock of Cumberland County.

South Jersey also proposes to acquire from the Utilco Company ("Utilco"), its business and certain of the assets of Utilco, consisting of approximately $47,311.26, in cash subject to certain adjustments. Utilco is a New Jersey corporation engaged in the business of selling bottled gas in the general service area served by Cumberland County. All of the outstanding capital stock of Utilco is owned jointly by the Charities.

In accordance with the terms of a Credit Agreement, South Jersey proposes to borrow an aggregate amount not in excess of $1,100,000 from the following banks in the following respective amounts:

- The Chase Bank
- The Philadelphia National Bank
- Boardwalk National Bank
- Guaranty Bank & Trust Co.

$710,600
341,600
34,600
14,700
1,100,000

Notes of South Jersey to be issued in evidence of such loans will bear interest at the rate of 5 1/2 percent per annum, dated as of the date of the Credit Agreement and will mature December 31, 1953.

South Jersey has agreed to pay the banks a commitment fee of one-half of 1 percent per annum on the average daily amount of any unused credit under the Credit Agreement during the period from February 21, 1952, to June 30, 1952.

The proceeds of such bank loans will be used by South Jersey for the payment of the remaining outstanding indebtedness of Cumberland County in the aggregate principal amount of $669,500; pay the purchase price of $4,100 for the 41 shares of additional common stock of Cumberland County held by the minority holders; purchase the assets of the Utilco company for a consideration of approximately $47,311; and the balance to be used for the construction, general corporate purposes and expenses of the proposed transactions.

South Jersey states that it deems it advisable and economical to finance the purchase of the shares of additional common stock of Utilco jointly owned by the Charities, in addition to short term obligations and to fund such obligations at or prior to maturity through the issuance of mortgage bonds.

South Jersey has filed an application with the Board of Public Utility Commissioners of the State of New Jersey with respect to the proposed issue of $1,100,000 of promissory notes and the order of said Commission will be filed by amendment.

By: the Commission.

[Seal]

[FILE NO. 812-778]

Graham-Paige Corp.

NOTICE OF APPLICATION

APRIL 4, 1952.

Notice is hereby given that Graham-Paige Corporation (G-P), a registered, management investment company under the Investment Company Act of 1940, has filed an application pursuant to Section 18 (1) of the act by the Commission permitting the applicant to issue a maximum of $426,787.5 shares of common stock, in accordance with the terms of an exchange offer to be made to all holders of 5 Percent Cumulative Preferred Stock A, and 5 Percent Convertible Preferred Stock, Cumulative. The following equity securities of the issuer are presently outstanding:

- 970 shares of Preferred Stock A, par value $50 a share, redemption premium $2,50 a share, 50 votes a share, accrued dividends $512.20 a share to December 31, 1951;
- 42,885 shares of Convertible Preferred, par value $25 a share, redemption premium $2,60 a share, one vote a share, accrued dividends $0.04 a share to December 31, 1951; and
- 5,351,614 shares of Common Stock, without par value, one vote a share.

It is proposed to invite tenders or a series of tenders for the exchange of from 17 to 18 shares of additional common stock (the number of common shares depending upon the closing market price for the common stock on the New York Stock Exchange on the day prior to the initial offering date) in exchange for each share of Preferred Stock A, and from 8.5 to 9.5 shares of additional common stock (determined as aforesaid) in exchange for each share of Convertible preferred without adjustment in either case for accrued dividends. No commission or other remuneration will be paid or given, directly or indirectly, to any person soliciting the exchange. Each such invitation for tenders will be open from three to four weeks and no offer under this application will commence after May 1, 1953.

The common stock is listed on the New York Stock Exchange and the Convertible Preferred Stock is listed on the New York Curb Exchange; no market quotations are available for the Preferred Stock A. At December 31, 1951, the Common Stock had a book value of $1.15 a share, computing the preferred stocks in liquidating values plus accrued dividends.

Section 18 (1), as it relates to this application, requires that stock issued after the effective date of the act by a registered management investment company be a voting stock having equal...
voting rights with every other outstanding voting stock, provided that this provision shall not apply to shares issued in accordance with any orders which the Commission may make permitting such issue. The common stock proposed to be issued, which has one vote a share, will not have equal voting rights with uncharged preferred stock A which has 50 votes a share.

All interested persons are referred to said application which is on file at the Washington, D. C., offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application in whole or in part upon such conditions as the Commission may see fit to impose may be issued by the Commission at any time after April 21, 1952, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than April 18, 1952, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York Office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 4th day of April 1952.

[SEAL]

DONN N. BENZ,
Secretary.

[F. R. Doc. 52-4090; Filed, Apr. 9, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 2:337]

OLIVES FROM SOUTHERN PORTS TO COLORADO AND WYOMING

APPLICATION FOR RELIEF

APRIL 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. M. Engdahl, Agent, for carriers parties to his tariff ICC No. 113.

Commodities involved: Olives, in packages, carloads.

From: Gulf ports.

To: Points in Kansas, Nebraska and Wyoming.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain port rate relations.

Schedules filed containing proposed rates: H. M. Engdahl, Agent, ICC No. 113, supp. 32.

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. 52-4076; Filed, Apr. 9, 1952; 8:47 a. m.]

COURI PETROLEUM FROM KANSAS AND OKLAHOMA TO POINTS IN PENNSYLVANIA, WEST VIRGINIA, OHIO, AND NEW YORK

APPLICATION FOR RELIEF

APRIL 7, 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 ICC No. 5851.

Commodities involved: Crude petroleum, having API gravity not to exceed 42 degrees Baumé, in tank-car loads.

From: Specified points in Kansas and Oklahoma.

To: Points in Pennsylvania, West Virginia, Ohio and New York.

Grounds for relief: Competition with rail carriers, circuitous routes.

[F. R. Doc. 52-4078; Filed, Apr. 9, 1952; 8:47 a. m.]
NOTICES

Schedule filed containing proposed rates: F. C. Kratzmeir, Agent; ICC No. 3951, supp. 283.

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. 52-4077; Filed, Apr. 9, 1952; 8:47 a. m.]

APPLICANT FOR RELIEF

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. 52-4078; Filed, Apr. 9, 1952; 8:47 a. m.]

APPLICANT FOR RELIEF

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. 52-4090; Filed, Apr. 9, 1952; 8:48 a. m.]

APPLICANT FOR RELIEF

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. 52-4097; Filed, Apr. 9, 1952; 8:48 a. m.]

Commodities involved: Magazines or periodicals, also magazine parts or sections, and newspaper supplements, carloads.

From: Sparta, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes.

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. 52-4098; Filed, Apr. 9, 1952; 8:48 a. m.]
IRON AND STEEL ARTICLES FROM POINTS IN ILLINOIS AND OFFICIAL TERRITORIES TO SOUTHERN VIRGINIA

APPLICATION FOR RELIEF

APRIL 7, 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: E. E. Boyle, Jr., Agent, for carriers parties to Agent L. C. Schulte's tariff ICC No. 3772.

Commodities involved: Iron and steel articles, manufactured, in carloads.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: L. C. Schulte, Agent, ICC No. 3772, Supp. 129.

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.

[F. R. Doc. 52-4053; Filed, Apr. 9, 1952; 8:48 a. m.]

[4th Sec. Application 29944]

DEPARTMENT OF JUSTICE
Office of Alien Property

ROBERT JEAN ACHILLE ROLLAND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (1) 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


Executed at Washington, D. C., on April 4, 1952.

For the Attorney General

[SEAL] HAROLD L. BAYTON, Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-4053; Filed, Apr. 9, 1952; 8:48 a. m.]

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (1) 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

Dr. Jan Lolkema

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (1) 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

Dr. Jan Lolkema, Jan Sangardaan 9, Hooge rand (Province of Groningen), The Netherlands; Claim No. 19443; property described in Vesting Order No. 291 (7 R. 9838, November 29, 1942) relating to Patent Application Serial No. 203,562 on which Reissue Patent No. 29443 was issued.
Margaret Palmer Soutter von Luettichau
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
Jean Émile François Gobin dit Daude,

Executed at Washington, D. C., on April 4, 1952.

For the Attorney General.
Harold I. Baynton,
Assistant Attorney General, Director, Office of Alien Property.

[SEAL]