

Washington, Wednesday, July 1, 1953

TITLE 3—THE PRESIDENT REORGANIZATION PLAN NO. 5 OF 1953

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, April 30, 1953, Pursuant to the Provisions of the Reorganization Act of 1949, Approved June 20, 1949, as Amended 1

THE EXPORT-IMPORT BANK OF WASHINGTON

Section 1. The Managing Director. There is hereby established the office of Managing Director of the Export-Import Bank of Washington, hereinafter referred to as the Managing Director. The Managing Director shall be appointed by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$17,500 per annum.

SEC. 2. Deputy Director. There is hereby established the office of Deputy Director of the Export-Import Bank of Washington. The Deputy Director shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate of \$16,000 per annum, shall perform such functions as the Managing Director may from time to time prescribe, and shall act as Managing Director during the absence or disability of the Managing Director or in the event of a vacancy in the office of Managing Director.

SEC. 3. Assistant Director. There is hereby established the office of Assistant Director of the Export-Import Bank of Washington. The Assistant Director shall be appointed by the Managing Director under the classified civil service, shall receive compensation at the rate now or hereafter fixed by law for Grade GS-18 of the general schedule established by the Classification Act of 1949, as amended, and shall perform such

¹ Effective June 30, 1953, under the provisions of section 6 of the act; published pursuant to section 11 of the act (63 Stat. 203; 5 U. S. C. Sup. 133z).

functions as the Managing Director may from time to time prescribe.

SEC. 4. Functions transferred to the Managing Director. All functions of the Board of Directors of the Export-Import Bank of Washington are hereby transferred to the Managing Director.

SEC. 5. General policies. The National Advisory Council on International Monetary and Financial Problems shall from time to time establish general lending and other financial policies which shall govern the Managing Director in the conduct of the lending and other financial operations of the Bank.

SEC. 6. Performance of transferred functions. The Managing Director may from time to time make such provisions as he deems appropriate authorizing the performance of any of the functions of the Managing Director by any other officer, or by any agency or employee, of the Bank.

Sec. 7. Abolitions. The following are hereby abolished: (1) The Board of Directors of the Export-Import Bank of Washington, including the offices of the members thereof provided for in section 3 (a) of the Export-Import Bank Act of 1945, as amended; (2) the Advisory Board of the Bank, together with the functions of the said Advisory Board; and (3) the function of the Chairman of the Board of Directors of the Export-Import Bank of Washington of being a member of the National Advisory Council on International Monetary and Financial Problems. The Managing Director shall make such provisions as may be necessary for winding up any outstanding affairs of the said abolished boards and offices not otherwise provided for in this reorganization plan.

SEC. 8. Effective date. Sections 3 to 7, inclusive, of this reorganization plan shall become effective when the Managing Director first appointed hereunder enters upon office pursuant to the provisions of this reorganization plan.

[F. R. Doc. 53-5835; Filed, June 30, 1953; 9:47 a. m.]

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(For use during 1953)

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REORGANIZATION PLAN NO. 6 OF 1953

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, April 30, 1953, Pursuant to the Provisions of the Reorganization Act of 1949, Approved June 20, 1949, as Amended 1

DEPARTMENT OF DEFENSE

SECTION 1. Transfers of functions. (a) All functions of the Munitions Board, the Research and Development Board, the Defense Supply Management Agency and the Director of Installations are hereby transferred to the Secretary of Defense.

(b) The selection of the Director of the Joint Staff by the Joint Chiefs of Staff, and his tenure, shall be subject to the approval of the Secretary of Defense.

(c) The selection of the members of the Joint Staff by the Joint Chiefs of Staff, and their tenure, shall be subject to the approval of the Chairman of the Joint Chiefs of Staff,

(d) The functions of the Joint Chiefs of Staff with respect to managing the Joint Staff and the Director thereof are hereby transferred to the Chairman of the Joint Chiefs of Staff.

SEC. 2. Abolition of agencies and functions. (a) There are hereby abolished the Munitions Board, the Research and Development Board, and the Defense Supply Management Agency.

(b) The offices of Chairman of the Munitions Board, Chairman of the Research and Development Board, Director of the Defense Supply Management Agency, Deputy Director of the Defense Supply Management Agency and Director of Installations are hereby abolished.

(c) The Secretary of Defense shall provide for winding up any outstanding affairs of the said abolished agency, boards, and offices, not otherwise provided for in this reorganization plan.

(d) The function of guidance to the Munitions Board in connection with strategic and logistic plans as required by section 213 (c) of the National Security Act of 1947, as amended, is hereby abolished.

SEC. 3. Assistant Secretaries of Defense. Six additional Assistant Secretaries of Defense may be appointed from civilian life by the President, by and with the advice and consent of the Senate. Each such Assistant Secretary shall perform such functions as the Secretary of Defense may from time to time prescribe and each shall receive compensation at the rate prescribed by law for assistant secretaries of executive departments.

SEC. 4. General Counsel. The President may appoint from civilian life, by and with the advice and consent of the Senate, a General Counsel of the Department of Defense who shall be the chief legal officer of the Department, and who shall perform such functions as the Secretary of Defense may from time to time prescribe. He shall receive compensation at the rate prescribed by law for assistant secretaries of executive departments.

SEC. 5. Performance of functions. The Secretary of Defense may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Defense of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

Sec. 6. Miscellaneous provisions. (a) The Secretary of Defense may from time to time effect such transfers within the Department of Defense of any of the records, property, and personnel affected by this reorganization plan, and such transfers of unexpended balances (available or to be made available for use in connection with any affected function or agency) of appropriations, allocations, and other funds of such Department, as he deems necessary to carry out the provisions of this reorganization plan.

(b) Nothing herein shall affect the compensation of the Chairman of the Military Liaison Committee (63 Stat. 762).

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¹ Effective June 30, 1953, under the provisions of section 6 of the act; published pursuant to section 11 of the act (63 Stat. 203; 5 U. S. C. Sup. 133z).

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AUTHORITY: §§ 571.325 to 571.389 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

GENERAL

§ 571.325 General statement. In order to encourage the sale and exportation by commercial exporters of wheat produced in the United States and flour processed in the United States from such wheat and in order to exercise the rights, obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement, the Secretary of Agriculture, (referred to in this subpart as the Secretary) pursuant to the authority conferred by section 32, Public Law 320, 74th Congress, as amended, offers to make payments to exporters under the terms and conditions stated in this subpart. Information pertaining to the operation of this program and forms prescribed for use thereunder can be obtained upon request directed to the address shown in § 571.375, or from the Director, PMA Commodity Office; U. S. Department of Agriculture, located in the cities listed in § 571.363.

ELIGIBILITY FOR PAYMENT BY THE SECRETARY

§ 571.330 General conditions of eligibility. (a) Payment under this subpart will be made to an exporter in connection with the net quantity of wheat or flour exported to a designated country from the United States and the net quantity of wheat or flour in customs bond in Canada exported to a designated country from Canadian ports, excluding West Coast Canadian ports, pursuant to a sale for which he has received a confirmation by the Director, Grain Branch, Production and Marketing Administration (referred to in this subpart as the Director), in accordance with § 571.348, subject to the additional conditions set forth in this subpart. Payment also will be made to an exporter for wheat or flour exported prior to sale and for which the exporter has received a confirmation by the Director subject to the conditions contained in § 571.338.

(b) No export payment will be made for wheat or flour exported in a mixture which is partly derived from wheat produced outside the United States.

(c) In any case where the Wheat Council, subsequent to confirmation by the Director, determines that a sale, or any part thereof, is ineligible to be, or to remain, recorded because of non-compliance with the applicable regulations of the importing country governing purchase and importation under the International Wheat Agreement, pay-ment may be withheld or required to be refunded if already made.

§ 571.331 Time of sale. Sales entered into after the date of this subpart and not later than June 30, 1954, for recording against the 1953-54 Wheat Agreement year quotas, are eligible for payment under this subpart. Sales must be entered into during periods in which an announced rate is in effect, and in reliance thereon, in order to be eligible for payment. Under no circumstances shall a sale be considered as entered into until the purchase price has been established. The time of sale shall be the earliest date on which a firm contract exists between buyer and seller and on which a firm price has been established. In order to receive payment at the announced rate in effect at the time of sale, it is important that the exporter give timely Notice of Sale as required by § 571.355 (a) and present documentary evidence that the sale was consummated at such time.

§ 571.332 Date of exportation. (a) Wheat or flour sold for recording against the 1953-54 Wheat Agreement guaranteed quantities must be exported during the period August 1, 1953 and July 31, 1954, inclusive, unless approval is obtained from the Director to export either prior to or subsequent to that period.

(b) Wheat or flour sold for export in a specified export rate period must be exported before the end of that period in order for the exporter to obtain the export payment rate applicable to that sale, unless an extension is obtained changing the export date to a later period. In the event that export takes place after the specified rate period and the exporter has not obtained an extension to change the export date to a later period, the export payment rate will be that which was in effect at time of sale, or time of giving Notice of Sale, whichever is lower, for the period in which actual export takes place. It will be the policy to grant an extension if it can be shown that exportation under the contract has been delayed by circumstances beyond the exporter's and importer's control and is not due to intentional violation of the contract.

§ 571.333 Exports to designated countries. Exports of wheat or flour under this subpart shall be made only to the country named in the Notice of Sale and the Declaration of Sale, and to a buyer identified with the Declaration of Sale and supporting evidence of sale unless:

(a) The buyer identified with the Declaration of Sale directs that shipment be made to another designated country.

(b) The Government of the country named in the Notice of Sale and Declaration of Sale or the Government of the country to which shipment is directed consents to the recording of the sale against its guaranteed quantity, and

(c) The exporter obtains, prior to export, authority from the Director to export to a designated country other than the purchasing country named in the Notice of Sale and Declaration of Sale.

§ 571.334 Excess quantities exported. Payment will not be made on quantities loaded on vessels or exported by rail or

truck which exceed by more than 1 percent the quantity shown on the Declaration of Sale, or, in the case of bulk wheat, a loading tolerance as specified in the contract but which shall not exceed 5 percent of the contract quantity, unless clearance is obtained from the Director, in which case a new Declaration of Sale and a new confirmation of sale for the additional quantity is required. Payment will be made without additional clearance where, in the case of flour or bagged wheat, the loaded quantity does not exceed the contract quantity by more than 1 percent, and in the case of bulk wheat the loaded quantity does not exceed the contract quantity by more than 1 percent or a loading tolerance as specified in the contract but not to exceed 5 percent.

§ 571.335 Reports. The exporter shall submit the reports and documents specified in §§ 571.355 to 571.358, inclusive.

§ 571.336 Proof of export. Proof of export and submission of specified supporting documents must have been made in accordance with § 571.362.

§ 571.337 Reentry or diversion. If any quantity of wheat or flour exported under this subpart is unloaded in the United States or Canada prior to being imported into some country other than the United States or Canada, or because of the exporter's action or with his consent is at any time unloaded in the United States or Canada or diverted to another country while en route, payment may be withheld, or if payment has already been made, the exporter may be required to make such refund or other adjustment as deemed appropriate by the Administrator, Production and Marketing Administration (referred to in this subpart as the Administrator): Provided, That if the wheat or flour with respect to which payment may be withheld or refund required under this section is lost, destroyed or damaged, the amount of the payment withheld or refund required shall not exceed the amount realized or which might reasonably be realized by the exporter over the price at which it was sold to the designated country. The exporter shall notify the Director immediately upon becoming cognizant of any unloading or diversion of wheat or flour with respect to which payment may be withheld or refund required under this section and furnish information as to the condition of such wheat or flour and any claim he may have in connection with any damage or loss thereto or destruction thereof.

§ 571.338 Wheat and flour exported prior to sale. (a) In connection with the quantity of wheat and flour exported prior to sale, payments will be made only on that portion thereof which has been reported in accordance with paragraph (b) of this section and only on sales made by the actual exporter of such wheat or flour, and not to any other party who buys such wheat or flour and re-sells it to a designated country.

(b) In order to receive export payment the exporter must have reported the exportation of such wheat or flour to the Director within one week after the date of such exportation as defined in § 571.386, unless additional time for reporting is granted by the Director. This report, which will be considered as a certification by the exporter, must include the following information:

(1) Date of exportation,

(2) Port of exportation.

(3) Country and port of original destination of wheat and flour.

(4) Name of ocean vessel upon which loaded.

(5) Quantity:(i) Wheat in bushels.

(ii) Flour in net hundredweight.

(6) Class and grade of wheat; or type and extraction of flour.

(7) The report shall also contain a statement that the vessel contains wheat or flour sold to a designated country under the terms of the Wheat Agreement by the exporter filing the report, as provided in paragraph (c) of this sec-

(c) Only wheat or flour which is loaded on a vessel which also carries wheat or flour which has been sold by the same exporter to a designated country as provided in this subpart shall be reported in paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In the case of part cargo lots the unsold portion shall not exceed 2,000 metric

(d) At such time as the wheat or flour is sold to a designated country, the exporter shall report the sale to the Director as provided in § 571.355, and shall submit all other reports and documents as required by this subpart. In reporting the sale the exporter must state that the wheat or flour sold was reported to the Director, as provided in paragraph (b) of this section. This may be done by the use of the code word "Abroad."

(e) The export rate applicable to such sale shall be that rate in effect at time of sale, or time of giving Notice of Sale, whichever is the lower for the current export rate period, which applies (1) to the port from which the wheat or flour was exported, and (2) to the designated country shown in the Notice of Sale and the Declaration of Sale, or the country of final destination, whichever is lower.

(f) In addition to the documents required under § 571.362, the exporter will be required in the case of flour to submit with Public Voucher Form FDA-564 a document which carries a description of such flour. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of wheat or flour exported.

(g) All other conditions of this subpart, execpt as modified by paragraphs (a), (b), (c), (d) and (e) of this section are applicable to sales described by this

§ 571.339 Restriction on use of U.S. Government funds. In connection with any sales of wheat or flour for recording against the 1953-54 guaranteed quanti-

(a) The foreign purchaser must not use funds made available by the United States to carry out the provisions of the Mutual Security Act of 1951 which were appropriated under Title 3 of the act making supplemental appropriations for the fiscal year ending June 30, 1953, and for other purposes, or funds allocated from any appropriations to the Director of Mutual Security, or the Mutual Security Agency, or the Department of State, to pay for such wheat or flour, and any such funds must not be used to pay for wheat or flour under any subsequent resale. If any such such funds are used by the foreign purchaser or any subsequent purchaser to pay for wheat or flour, and the exporter has received a payment on such wheat or flour hereunder, the exporter shall refund such payment.

(b) If wheat or flour is exported to a country which has obtained any funds referred in paragraph (a) of this section which could be used for the purchase of wheat or flour, the exporter must have submitted to the Director, a certified statement by an authorized representative of the Government agency of such country having control over the allocation of such funds that such funds have not been used and will not be used by the foreign purchaser to pay for wheat or flour purchased under the Wheat Agreement and that such funds have not been used and will not be used to pay for such wheat or flour under any subsequent resale of the wheat or flour.

EXPORT PAYMENT RATES AND ANNOUNCE-

MENTS

§ 571.340 Announcement of rates. Export payment rates will be announced from Washington, D. C., daily or at Intervals of up to 7 days. Announcement of rates will be released at approximately 3:30 p. m., e. s. t. (see § 571.389), and will remain in effect until 3:30 p. m., e. s. t., on the expiration date stated in the announcement at which time a new announcement will be made. No rates will be announced on Saturday, and rates effective after 3:30 p. m., e. s. t., on Friday will be considered as in effect until 3:30 p. m., e. s. t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcement will be available through a press release, ticker service, and through PMA Commodity Offices at Portland (Oregon), Minneapolis, Kansas City (Missouri), Dallas, Chicago and New Orleans, Different rates of payment based upon export ports or areas, destinations, period of exportation, or other factors, may be announced for the same period.

§ 571.341 Determination of rates. The rate in effect at the time of sale or the time of giving Notice of Sale as required by § 571.355 (a), whichever rate is the lower, shall be the rate applicable to the sale. In the case of resales of wheat or flour, the export rate for such sales will be that applicable to the original purchasing country or the country of final destination, whichever is lower. The supporting evidence as proof of sale submitted by the exporter. in form prescribed in § 571.356 (d), will be the basis for determining the time of sale. The following are factors which may be determinative of the time of

(a) Time of filing by the exporter of a cablegram or other written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance by the foreign buyer of a definite offer

by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or other written confirmation of the booking of a shipment or shipments to be made pursuant to an open offer of the exporter to sell or a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter is empowered by the terms of the open offer or standing order to firm the contract by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) If export is wholly by truck or rail and the time of sale cannot be determined on the basis of the factors set forth in paragraphs (a), (b) or (c) of this section, the sale will be deemed to have been made at the time of issuance of inland bill of lading, or if none is issued, at the time of clearance through United States customs. If export is by ocean carrier and time of sale cannot be determined as outlined above, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the wheat or flour is loaded on board ocean carrier.

(e) If the time of day at which the sale was consummated is not established and two payment rates are in effect on the day established in accordance with paragraphs (a), (b), (c) or (d) of this section, the time of consummation of sale will be deemed to be at the time the

§ 571.342 Conversion factors. (a) If a single per bushel payment rate applicable to both wheat and flour is in effect, the following conversion factors shall be used to determine the wheat equivalent (in bushels) of flour:

lower of the two rates was in effect.

Bushels per 100 pounds flour

3.0.0	D4+8
Whole wheat flour	1.67
Patents and straight grade flour (up	
to 72 percent extraction)	2.33
Flour clears	2.33
80 percent extraction flour	2.17
Semolina and Farina	2.33

(b) If a separate per hundredweight payment rate for flour is in effect, the following conversion factors shall be applied to the announced rate to determine the rate applicable to a particular type of flour.

	Factor
Patents and straight grade flour (up to	
72 percent extraction)	1.000
Flour clears	1.000
Semolina and Farina	1.000
80 percent extraction flour	
Whole wheat flour	.717

If sales are made at any other extraction rates between 72 and 100 percent, a conversion factor will be furnished upon request.

§ 571.343 Statement of status of purchases and sales. PMA will issue not less often than weekly, a statement as to the progress of purchases and sales by individual importing and exporting countries against their guaranteed quantities. Any exporter upon request will be furnished with such information as a available as to the status of the fulfillment of guaranteed quantities under the Wheat Agreement.

§ 571.344 Maximum and minimum prices. Maximum prices at which wheat may be sold under the Wheat Agreement will be announced from time to time by PMA. The Wheat Agreement provides that to such maximum prices may be added such marketing costs and carrying charges as may be agreed between buyer and seller, and that such carrying charges may accrue for the buyer's account only after an agreed date specified in the contract under which the wheat is sold. (See § 571.355 (b) (3) (i).) PMA also will announce minimum prices when appropriate.

CONFIRMATION OF SALE

§ 571.348 Confirmation of sale. (a) Upon receipt of the Notice of Sale required by § 571.355 the Director will confirm the sale by telegram and specify that the transaction, or any part thereof, is eligible for payment upon proof that the conditions set forth in this subpart have been met, unless he determines that the transaction is ineligible for entry in the records of the Wheat Council under the provisions of the Wheat Agreement or unless he determines that the transaction would not obtain for the U.S. the maximum benefits under the Wheat Agreement. Accordingly, it may be to the exporter's advantage in some instances to ascertain from the Director prior to making a sale whether the sale may be confirmed. It shall be the responsibility of the exporter to protect himself (for example, by inserting an appropriate provision into his sales contract) against the possibility that the transaction will not be confirmed. shall not be the duty or responsibility of the Director to guarantee that a transaction which appears to the exporter prior to sale to be eligible for recording in the Council's records, will be confirmed.

(b) Assigning of numbers: Each confirmation will be assigned a number which shall be called the PMA Sales Number. This number will be included in the confirmation of sale, and thereafter shall be shown on the Declaration of Sale (See § 571.356), the Notice of Export, and Voucher Form FDA-564, and in all correspondence with reference to the transaction.

§ 571.349 Eligibility for entry in the Wheat Council's records. The Wheat Agreement provides that:

(a) Wheat. A transaction or part of a transaction in wheat-grain between a participating exporting and importing country is eligible for entry in the Wheat Council's records against guaranteed quantities of those countries for a crop

(1) Provided, That (i) it is at a price (determined to be the equivalent price at port of export to No. 1 Manitoba Northern bulk wheat in store Fort William-Port Arthur, Canada), not higher than the maximum nor lower than the minimum in effect during the crop year in which the loading period specified in the transaction falls and (ii) the exporting and importing countries have not agreed that it shall not be entered against their guaranteed quantities, and

(2) To the extent that (i) both the exporting and importing countries concerned have unfilled guaranteed quantities for the crop year, and (ii) that the loading period specified in the transaction falls within that crop year.

(b) Flour. If a commercial contract or governmental agreement on the sale and purchase of flour contains a statement, or if the exporting country and the importing country concerned inform the Wheat Council that they are agreed that the price of such flour is consistent with the maximum or minimum price in effect during the crop year in which the loading period specified in the transaction falls, the wheat-grain equivalent of such flour shall, subject to the conditions prescribed in paragraph (a) (1) and (2) of this section, be entered in the Wheat Council's records against the guaranteed quantities of those countries. If there is not such statement or agreement as specified in this paragraph, either country involved in the transaction may request the Wheat Council to decide whether the quantity sold should be entered in its records and the Wheat Council shall decide whether the price at which the flour was sold justified the entry of the transaction in the

DESIGNATED COUNTRIES

§ 571.353 Designated countries. A designated country shall be any one of the following signatory countries, including territories, which has been designated by announcement issued in connection with export payment rates provided for in § 571.340:

Austria. Belgium. Bolivia. Brazil. Ceylon. Costa Rica. Cuba. Denmark. Dominican Republic. Ecuador. Egypt. El Salvador. Germany. Greece. Guatemala. Haiti. Honduras. Iceland. Indonesia. Ireland.

Italy. Japan. Lebanon. Liberia. Mexico. Netherlands. New Zealand. Nicaragua. Norway. Panama. Peru. Philippines. Portugal. Saudi Arabia. Spain. Sweden. Switzerland. Union of South Africa. Venezuela.

The foregoing list may be amended from time to time. Nothing in this subpart shall be deemed to authorize the exportation of wheat or flour in violation of any statute, order or regulation now in existence or hereafter established.

§ 571.355 Notice of sale—(a) Time. (1) Notice of the consummation of a sale of wheat or flour for export shall be given to the Director within the time stated in the rate announcement as the final time for filing such notices, unless such time is extended by the Director.

(2) The order in which transactions are reported (time of filing telegraphic notice or time of giving telephonic notice) assumes importance when guaranteed quantities are near to being filled. Notices of Sale should normally be filed by telegraph or by telephone. Telephone notices should be confirmed immediately by telegraph.

(3) If notice is not given by telephone, and the exporter desires to take advantage of the current rate of payment, the telegram reporting sale must be filed by 3:30 p. m., e. s. t., on the expiration date shown in the rate announcement.

(4) A Notice of Sale may include all sales made to any one designated country during any 24-hour period ending at 3:30 p. m., e. s. t. It shall be normal practice when such multiple sales are submitted on one telegraphic Notice of Sale to assign one PMA Sales Number to apply to all sales to a particular country shown on that telegram. Sales made to any one designated country during any 24-hour period which are reported on separate telegrams will be assigned individual PMA Sales Numbers.

(b) Information required. In giving Notice of Sale the exporter must report the following information:

(1) Date and time of sale. (2) Contract quantity: (i) Wheat in bushels.

(ii) For bulk wheat the contract loading tolerance, if any, in percentage, but not in excess of five percent.

(iii) Flour in net hundredweight.

(3) Sale price:

(i) In the case of wheat, the sale price must be shown on an f. o. b. vessel bulk basis, except that on exports from West Coast ports price may be given on an in-store basis. In addition, the cost of export must be shown. If, because of marketing costs and carrying charges as provided for in § 571.344, the sales price exceeds the maximum price, the Notice of Sale must show the total price and the amount thereof included as charges for marketing costs and carrying charges, each shown separately. The f. o. b. or the in-store price shown shall include all charges and commissions necessary to the sale and moving of the wheat to the f. o. b. or the in-store position. For example a selling agent's commission shall be included, whereas guaranteed out-turn insurance shall not be included.

(ii) In case of flour, the sales price need not be shown but the notice must contain a certification that buyer and seller agree that the price of the flour is consistent with the prices specified in the Wheat Agreement. This may be reported by the code word "Akord."

(4) Purchasing country.

(5) Name of purchaser. (Where the sale involves more than one purchaser, the Notice of Sale should contain the name of one purchaser and the word "others.")

(6) The Number of the import license, buying permit, or similar authorization applicable to the sale, for those countries where such is required for IWA transactions, unless otherwise authorized by the Director. (Where the sale involves more than one purchaser, the Notice of Sale should contain one license number and the word "others.")

(7) Delivery period specified in con-

(8) Class and grade of wheat.(9) The word "Abroad" for wheat or flour exported prior to sale. (See § 571.338 (d).)

(10) Such additional information in individual cases as may be requested by the Director.

§ 571.356 Declaration of sale and evidence of sale-(a) Time of submission and required copies. (1) The exporter shall prepare a Declaration of Sale (Wheat Agreement Form No. 1) and mail it to the Director normally within two days after receipt of the Confirmation of

(2) The Declaration of Sale must be submitted in triplicate where there is only one buyer, and in quadruplicate where there is more than one buyer. The original and all copies shall be signed in an original signature by the exporter or his authorized representative and forwarded to the Director. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) One Declaration of Sale normally should be submitted by the exporter for each sale identified by a PMA number assigned in the Confirmation of Sale (see § 571.348 (b)), although this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to the PMA Sales Number on the respective declara-

(b) Information required. The information to be entered on the Wheat Agreement Form No. 1, Declaration of Sale, is as follows:

(1) The PMA Sales Number as assigned in the Confirmation of Sale.

(2) Date and time of sale.

(3) Name of purchaser, or purchasers. (4) The Number of each import license, buying permit, or similar authorization applicable to the sale, for those countries where such are required for IWA transactions. The applicable number(s) shall be entered following each buyer's name. All applicable numbers shall be so entered even though such numbers were reported in the Notice of

(5) Quantity sold:

(i) Wheat in bushels. If, in the case of bulk wheat, the sales contract provides for a loading tolerance, the amount of such tolerance, but not to exceed five percent, given in percentage figures shall be entered directly following the quantity sold.

(ii) Flour in net hundredweight.

(6) Purchasing country. (If the country of final destination is other than

the purchasing country, the country of final destination shall be shown on a parenthetical entry following the name of the purchasing country.)

(7) Delivery period specified in the

contract.

(8) Class and grade of wheat or type and extraction of flour. In the case of flour, the class of wheat from which the flour was milled must be shown where possible. For example, "Hard Spring."

(9) Price and basis upon which price

is determined:

(i) The sales price in the case of wheat must be given on an f. o. b. vessel bulk basis on exports from Gulf and East Coast ports and on an in-store or f. o. b. vessel, bulk, basis on exports from the West Coast ports. If, because of marketing costs and carrying charges as provided for in § 571.344, the sales price of wheat exceeds the maximum price, the Declaration shall show the total price and the amount thereof included for marketing costs and carrying charges. each shown separately. The f. o. b. or the in-store price shown shall include all charges and commissions necessary to the sale and the moving of the wheat to the f. o. b. or the in-store position. For example, a selling agent's commission shall be included, whereas guaranteed out-turn insurance shall not be included.

(ii) The price for flour must be given

as stated in the sales contract.

(10) Export rate per bushel of wheat of per hundredweight of flour in effect as determined by § 571.341.

(11) Coastal area from which it is anticipated exportation will be made.

(12) Such additional information in individual cases as may be requested by the Director.

(c) Name in which filed. The Declaration of Sale must be filed in the name of the exporter who has sold the wheat or flour to a foreign buyer. Persons or firms selling wheat or flour to others who resell such wheat or flour to foreign buyers are not exporters. If a sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all other documents to it, such as:

American Milling Company (Trade name) U. S. Milling Company (s) John Smith, Secretary

(d) Evidence of sale. Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certifled true copies of offer and acceptance or other documentary evidence of sale including contracts exchanged between exporter and buyer. In the case of flour the exporter must also furnish a signed statement or other acceptable evidence. such as an exchange of cables, to the effect that buyer and seller agree that the price of the flour is consistent with prices specified in the Wheat Agreement.

§ 571.357 Notice of export—(a) Time of submission and required copies. Only one Notice of Export, Wheat Agreement Form No. 2, is required in connection with any one Declaration of Sale. Such

Notice of Export must be filed by the exporter normally within three days after date of export of the last shipment against the quantity shown as sold on the applicable Declaration of Sale, unless such time of filing is extended by the Director.

(b) Information required. The Notice of Export shall contain the following

information:

(1) PMA sales number.

(2) Date of export of final shipment.

(3) Country of destination.

(4) Total quantity actually loaded on all shipments made in connection with applicable Declaration of Sale:

(i) Wheat in bushels, excluding dock-

age.

(ii) Flour in net hundredweight.

(5) The U. S. coastal area or areas from which the wheat or flour was exported. If more than one coastal area is involved, the quantity exported from each should be shown. This information should be entered on Wheat Agreement Form No. 2 even though not specifically called for on the form.

(6) Such additional information in individual cases as may be requested by

the Director.

§ 571.358 Additional reports. The exporter shall file such additional reports as may be required from time to time by the Director, subject to the approval of the Bureau of the Budget.

APPLICATION FOR PAYMENT

§ 571.360 Application for payment. The exporter shall file application for payment under this subpart in the manner set forth in §§ 571.361 and 571.363.

§ 571.361 Public Voucher Form FDA-564. An original and two (2) copies of Form FDA-564 must be prepared and submitted together with the evidence of exportation set forth in § 571.362. Supplies of Form FDA-564 and detailed instructions regarding the preparation and submission of Form FDA-564 and supporting documents may be obtained from the PMA Commodity Offices listed in § 571.363 or from the office indicated in § 571.375.

§ 571.362 Documents required to evidence exportation by exporters—(a) Bills of lading or Shipper's Export Declaration. Each voucher must be supported by one copy of the applicable onboard ocean carrier bill of lading signed by an agent of the ocean carrier which shows that the wheat or flour is destined for the buyer identified with the Declaration of Sale and supporting evidence. Where loss, destruction or damage occurs subsequent to loading on board ocean carrier but prior to issuance of on-board bill of lading, one copy of a Loading Tally Sheet or similar document may be submitted in lieu of such bill of lading; or if exported wholly by rail or truck, one authenticated copy of the Shipper's Export Declaration authenticated by the appropriate United States Customs official, which identifies the shipment(s) and shows date of clearance into the foreign country. In the case of wheat, the voucher must also be supported by one copy of an Export Grain Inspection Certificate issued by an inspector hold-

ing a license under the United States Grain Standards Act. Where shipment is exported from a Canadian port, the voucher also must be supported by one copy each of the following documents:

(1) For wheat:

(i) A signed or certified true copy of the bill of lading or other document covering the movement of the wheat from the United States to Canada, and

(ii) A signed or certified true copy of document evidencing the holding of the wheat in customs bond in Canada.

(2) For flour:

(i) A signed or certified true copy of the bill of lading or other document covering the movement of the flour from the United States to Canada, and

(ii) A statement by the exporter, certified as being a true and correct statement, that the flour for which export payment is claimed is the same flour covered by the bill of lading or other document as required by subdivision (i) of this subparagraph. If the final destination of the shipment is a designated country not shown on the ocean bill of lading, the exporter also shall furnish an authenticated copy of Shipper's Export Declaration showing country of final destination.

(b) Shipper or consignor other than exporter. If the shipper or consignor named in the on-board ocean bill(s) of lading or the Shipper's Export Declaration(s), covering wheat or flour exported, is other than the exporter named in the Notice of Sale and Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the onboard ocean bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Notice of Sale and Declaration of Sale, nor the consignee identified with the Declaration of Sale and supporting evidence of sale, the exporter must submit, in addition to the waiver, a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as buyer and seller of the wheat or flour shown on the documents submitted to evidence exportation.

(c) Statements evidencing resale. In connection with the sale of wheat or flour under the Wheat Agreement to a designated country which is resold for export to another designated country, the following additional documents must be included with the voucher:

(1) A statement by appropriate government authority of the original purchasing country, or the government of the designated country to which shipment is directed, to the effect that the sale may be recorded against the Wheat Agreement guaranteed quantity of that country. A copy also should be submitted to the Director. (In some cases this statement may be furnished directly to the Director at the discretion of the appropriate authority of the purchasing country instead of being submitted with the voucher, in which event appropriate notation should be made on the voucher.)

(2) A statement from the buyer directing shipment to the second designated country if the contract or supporting evidence of sale does not provide for such shipment.

(d) In the event of export prior to sale such additional documents as required by § 571.338 (f) must also ac-

company the voucher.

§ 571.363 Submission of vouchers for payment. Exporters should submit vouchers and required supporting documents to the offices listed below which service the States in which the exporters' invoicing office is located.

OFFICE

Director, PMA Commodity Office, U. S. Department of Agriculture, Wirth Building, 120 Morais Street, New Orleans 16, La.: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi North Carolina, South Carolina, Tennessee.

Director, PMA Commodity Office, U. S. Department of Agriculture, 623 South Wabash Avenue, Chicago 5, Ill.: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Director, PMA Commodity Office, U. S. Department of Agriculture, 1114 Commerce Street, Dallas 2, Tex.: New Mexico, Okla-

homa, Texas.

Director, PMA Commodity Office, U. S. Department of Agriculture, Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Director, PMA Commodity Office, U. S. Department of Agriculture, Gamble-Skogmo Building, 15 North Eighth Street, Minneapolis 3, Minn.; Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Director, PMA Commodity Office, U. S. Department of Agriculture, 515 Southwest Tenth Avenue, Portland 5, Oreg.: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

OBLIGATION AND DEFAULT

§ 571.365 Exporter's agreement with the Secretary. The Notice of Sale by the exporter, and the Confirmation of Sale by the Director, shall constitute an agreement by the exporter to export the quantity of wheat or flour within the prescribed period stated in the Notice of Sale and in accordance with this subpart, in consideration of the undertaking of the Secretary to make an export payment.

§ 571.366 Cancellation of sale or failure to export. (a) The exporter shall notify the Director promptly in every case where, after giving Notice of Sale as required in § 571.355, a sale is canceled by the exporter or by the importer, and he must state the reason for such cancellation. The exporter also shall notify the Director promptly when, for any reason, it becomes apparent to him that he will not be able to fulfill his obligation under this subpart by making shipment within the prescribed period.

(b) If the Administrator determines that any exporter due to the cancellation of a sale or failure to export or for other reasons, has failed to discharge fully any obligation assumed by him under this subpart such exporter may be denied the right to continue participating in this or any subsequent program for such period as the Administrator may

determine or until the exporter has complied with such terms as the Administrator may prescribe. Such terms, among other things, may

(1) Require the refund of payments previously made to the exporter in an amount equivalent to twenty (20) percent of the payment applicable to the quantity of wheat or flour with respect to which the exporter has failed to fulfill his obligation, or

(2) Require the making of future shipments not in excess of such quantity at a payment rate which is reduced by an amount equivalent to twenty (20) percent of the payment rate applicable to such quantity, or

(3) Require a combination of subparagraphs (1) and (2) of this paragraph.

MISCELLANEOUS PROVISIONS

§ 571.370 Records and accounts. Each exporter shall maintain accurate records showing sales and deliveries of wheat or flour exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

§ 571.371 Assignments. No exporter shall, without the written consent of the Director, assign any right of the exporter under this subpart. The exporter may, however, name a joint payee on Voucher Form FDA-564.

§ 571.372 Good faith. If the Administrator determines that any exporter has not acted in good faith in connection with any transaction under this subpart, such exporter may be denied the right to continue participating in this program or the right to receive payment under this subpart in connection with any sales previously made under this program, or

§ 571.373 Amendment and termination. This subpart may be amended or terminated at any time by public announcement of such amendment or termination. Any such amendment or termination shall not be applicable to sales for export (which otherwise comply with the terms of this subpart) made before the effective time and date of such amendment or termination.

§ 571.374 Persons not eligible. No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 571.375 Submission of reports. The Notice of Sale, Declaration of Sale, Notice of Export, and related reports required under this subpart to be submitted to the Director should be addressed as follows:

Chief, Wheat Agreement Division, Grain Branch, Production and Marketing Administration (In telegrams: "PMA"), U. S. Department of Agriculture, Washington 25, approved by the Bureau of the Budget in

DEFINITIONS

§ 571.380 Administrator. "Administrator" means the Administrator of the Production and Marketing Administration (referred to in this subpart as PMA).

§ 571.381 Director. "Director" means the Director of the Grain Branch, Production and Marketing Administration.

§ 571.382 Wheat Agreement. "Wheat Agreement" means the Agreement Revising and Renewing the International Wheat Agreement signed in Washington, D. C., during the period April 13 to April 27, 1953.

§ 571.383 Wheat Council. "Wheat Council" means the International Wheat Council established by Article XIII of the Wheat Agreement.

§ 571.384 Wheat. "Wheat" means wheat grøwn in the United States and as defined in the Official Grain Standards of the United States. The quantity of wheat exported which is eligible for export payment shall be determined by deducting from the total weight of the shipment, the weight of any dockage indicated on the inspection certificate issued at time of loading for export.

§ 571.385 Flour. "Flour" means flour processed in the United States from wheat as defined in § 571.384, including semolina and farina, but shall not include wheat products produced during a continuing process of manufacturing processed wheat products other than flour or flour mixes which are composed principally of wheat flour.

§ 571.386 Export. Wheat or flour shall be deemed to have been "exported" when loaded on board an ocean carrier, or, if shipment to the designated country is wholly by truck or rail, when the shipment clears United States Customs.

§ 571.387 Ocean carrier. "Ocean carrier" means the vessel on which final shipment from the United States or Canada, other than shipments between such countries, is intended to be made pursuant to a sale confirmed under this subpart.

\$ 571.388 "United United States. States" means the continental United States except that as used in § 571.337, Reentry or Diversion, the term "United States", includes the territories and possessions of the United States.

§ 571.389 3:30 e. s. t. "3:30 e. s. t." as used in this subpart, means 3:30 eastern standard time, except that when Washington, D. C., is on daylight saving time 3:30 e. s. t., means 3:30 eastern daylight saving time (2:30 e. s. t.).

Effective time and date. This offer shall be effective on June 30, 1953, at 3:30 p. m. e. s. t.; however, sales may not be made for recording against the 1953-54 Wheat Agreement guaranteed quantity of any importing country until authorized in the daily export payment rate announcement (see § 571.340).

Note: The record keeping and reporting requirements contained herein have been accordance with the Federal Reports Act of

Issued this 25th day of June 1953.

HOWARD H. GORDON. Administrator, Production and Marketing Administration.

[F. R. Doc. 53-5789; Filed, June 30, 1953; 8:55 a. m.]

TITLE 7-AGRICULTURE

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

[Fresh Pea Order 1-1953]

PART 910-FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CO-NEJOS, COSTILLA, AND SAGUACHE COUN-TIES IN COLORADO

LIMITATION OF SHIPMENTS

§ 910.318 Fresh Pea Order 1-1953-(a) Findings. (1) Pursuant to Marketing Agreement No. 67 and Order No. 10, as amended (7 CFR Part 910), regulating the handling of fresh peas and cauliflower grown in Alamazo, Rio Grande, Conejos, Costilla, and Saguache Counties in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Administrative Committee, established pursuant to said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure. and postpone the effective date of this section until 30 days after publication in the Federal Register (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of fresh peas, in the manner set forth in this section, on and after the effective date of this section. (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) Order. (1) During the period from July 6, 1953, to September 6, 1953, both dates inclusive, no handler shall handle any fresh peas unless such peas

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grade at least U. S. No. 1 and are of a minimum pod length of three (3)

(2) The terms used in this section shall have the same meaning as when used in Order No. 10, as amended (§§ 910.1 to 910.76), and the grades and sizes used in this section shall have the same meaning assigned to these terms in the U. S. Standards for Fresh Peas (14 F. R. 564), including the tolerances set forth therein.

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

Done at Washington, D. C., this 26th day of June 1953 to become effective July 6, 1953.

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

[F. R. Doc. 53-5786; Filed, June 30, 1953; 8:54 a. m.]

PART 973—MILK IN THE MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS OF ORDER, AS AMENDED, REGULATING HAN-DLING

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended (7 CFR Part 973), regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(a) The provisions of § 973.51 providing that the Class II price be used as an alternative formula for pricing Class I milk will not tend to effectuate the declared policy of the act during the months of July and August 1953.

(b) Notice of proposed rule making, public procedure thereon, and 30 days prior notice of the effective date hereof are found to be impracticable, unnecessary, and contrary to the public interest in that (1) this suspension order relieves handlers from paying a Class I price based upon a butter-nonfat dry milk solids formula which would dislocate the normal price relationships between this and other federally regulated markets during the months of July and August 1953; (2) the producers' association supplying approximately 90 percent of the fluid milk requirements of the market has requested such suspension; (3) present conditions in the market are such that unless relief of an emergency nature is granted the market will be demoralized; (4) use of the Class II price as an alternative formula for pricing Class I milk during the months of July and August 1953 will not tend to effectuate the declared policy of the act; (5) this suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and (6) the time intervening between the date of this suspension order and its effective date affords persons affected a

reasonable time to prepare for its effec-

It is therefore ordered, That the following provisions of § 973.51 be and hereby are suspended for the months of July and August 1953: "for Class II milk computed pursuant to § 973.50 (b) or that * * *".

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

Done at Washington, D. C., this 25th day of June 1953.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-5785; Filed, June 30, 1953; 8:54 a.m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS REQUIRED RESERVES

1. Effective as to member banks not in reserve and central reserve cities at opening of business on July 1, 1953, and as to member banks in reserve and central reserve cities at opening of business on July 9, 1953, § 204.5 (Supplement to Regulation D) is amended to read as follows:

§ 204.5 Supplement: Reserves required to be maintained by member banks with Federal Reserve Banks. Pursuant to the provisions of section 19 of the Federal Reserve Act and paragraph (a) of § 204.2, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

6 percent of its time deposits plus: 13 percent of its net demand deposits if not in a reserve or central reserve city;

19 percent of its net demand deposits if in a reserve city, except as to any bank located in an outlying district of a reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain 13 percent reserves against its net demand deposits;

22 percent of its net demand deposits if in a central reserve city, except as to any bank located in an outlying district of a central reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System is permitted to maintain 13 percent or 19 percent reserves against its net demand deposits.

2. This amendment is issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act with primary regard to the general credit and business situation. The notice and public procedure described in sections 4 (a) and 4 (b) of the

Administrative Procedure Act, and the prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment reducing reserve balances of member banks of the Federal Reserve System for the reasons and good cause found as stated in paragraph (e) of \$ 262.2 of the Board's Rules of Procedure (Part 262), and especially because such notice, procedure and prior publication would prevent the action from becoming effective as promptly as necessary, and would serve no useful purpose.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interprets or applies secs. 11, 19, 38 Stat. 261, 270, as amended; 12 U. S. C. 248 (c), (e), 461, 462, 462a-1, 462b, 464, 465)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, [SEAL] S. R. CARPENTER,

Secretary.

[F. R. Doc. 53-5735; Filed, June 30, 1953; 8:45 a.m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5892]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ROYAL SEWING MACHINE CORP. ET AL.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 3.1860 Imported products or parts as domestic. In connection with the sale of sewing machine heads or sewing machines in commerce, offering for sale, selling or distributing foreign-made sewing machine heads or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof; prohibited,

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order. Royal Sewing Machine Corporation et al., Brooklyn, N. Y., Docket 5892, May 5, 1953]

In the Matter of Royal Sewing Machine Corporation, a Corporation, and Jacob Schneider, Jacob Epstein, and Selia Epstein, Individually and as Officers of Said Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on June 27, 1951, issued and subsequently served its complaint in this proceeding, upon the respondents named in the caption hereof, charging them with the use of unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of the said complaint and the filing of respondents' answer thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter the proceeding regularly came on for consideration by said hearing examiner on the complaint, the answer thereto and the testimony and other evidence, and said hearing examiner on September 15, 1952, filed his initial decision.

Within the time permitted by the Commission's Rules of Practice, counsel supporting the complaint filed with the Commission an appeal from said initial decision, and thereafter this proceeding regularly came on for final consideration by the Commission upon the record herein, including briefs in support of and in opposition to said appeal, no oral argument having been requested: and the Commission, having issued its order denying said appeal, but being of the opinion that the initial decision of the hearing examiner should be modified in certain respects, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom and order, the same to be in lieu of the initial decision of the hearing examiner.

Findings as to the Facts

Paragraph One. Respondent Royal Sewing Machine Corporation is a corporation organized and existing under and by virtue of the laws of the State of New York with its office and principal place of business located at 1801 Pitkin Avenue, Brooklyn, New York. Respondents, Jacob Schneider, Jacob Epstein and Selia Epstein are President, Vice-President and Secretary-Treasurer, respectively, of corporate respondent and, acting as such officers, formulate, direct and control the policies, acts and practices of said corporation. The address of the individual respondents is the same as that of the corporate respondent.

Par. Two. Respondents are now, and have been for several years last past, engaged in the sale of sewing machine heads imported from Japan and completed sewing machines of which said heads are a part to retailers who in turn sell to the purchasing public. In the course and conduct of their business respondents cause their said products, when sold, to be transported from their place of business in the State of New York to the purchasers thereof located in various other States and maintain and at all times mentioned herein have maintained a course of trade in said products in commerce among and between the various States of the United States. Their volume of trade in said commerce has been and is substantial.

Par. Three. The sewing machine heads imported from Japan by respondents during 1949 and a part of 1950 usually bore the phrase "Made in Japan" or "Made in Occupied Japan" stenciled or printed on the back of the vertical arm. Respondents generally sold these heads "as is" but a substantial number were sold equipped with accessories to retail dealers. Before a completed sewing machine, of which one of these heads formed a part, was offered to the purchasing public, respondents, or the dealers to whom the heads were sold, at-

tached an electric motor, usually made in the United States and so marked, to the head on the back of the vertical arm so that the aforesaid words of origin were effectively concealed by the motor. During 1950 and 1951 some of the heads when received by and when sold by respondents had affixed to the front of the vertical arm small gilt or bronze colored metal bands upon which "Made in Japan" or "Made in Occupied Japan' or "Japan" appeared. These words indicating origin, however, were of such a size and the band on which they were placed so located as to be wholly inadequate as a disclosure of the Japanese origin of the machine.

Par. Four. When articles of merchandise, including sewing machines, are exhibited and offered for sale by retailers to the purchasing public and such articles are not marked or are not adequately marked to show that they are of foreign origin or if marked and the markings are covered or otherwise concealed, such purchasing public understands and believes such articles to be of domestic origin.

There is among the members of the purchasing public a substantial number which has a decided preference for products, including sewing machines, manufactured in the United States over products manufactured in foreign countries.

Par. Five. Respondents, by placing in the hands of dealers their said sewing machine heads and completed sewing machines, have provided said dealers with means and instrumentalities whereby they may mislead and deceive the purchasing public as to the place of origin of said heads and the sewing machines of which said heads are essential elements.

Par. Six. The failure of respondents to disclose adequately on the sewing machine heads, sold by them as aforesaid, that they are manufactured in Japan, has the capacity and tendency to lead members of the purchasing public into the erroneous and mistaken belief that the said heads and the sewing machines of which they are an essential element are of domestic manufacture, and to induce members of the purchasing public to purchase said sewing machines because of such erroneous and mistaken belief.

Par. Seven. The complaint alleges that respondents by the use of the name "Royal" for their machines have falsely represented that they were manufactured by the Royal Typewriter Company, and that they have misrepresented the status of the corporate respondent as a manufacturer. The evidence does not sustain the first allegation, nor does it disclose any basis for a finding that the public interest requires corrective action concerning the second.

Conclusion. The acts and practices of respondents as found in paragraphs three, five, and six hereof are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

It is ordered, That the respondent Royal Sewing Machine Corporation, a

corporation, and its officers, agents, representatives and employees, and the respondents Jacob Schneider, Jacob Epstein and Selia Epstein, as officers of said corporation, directly or through any corporate or other device, in connection with the sale of sewing machine heads or sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Offering for sale, selling or distributing foreign made sewing machine heads or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated. the country of origin thereof.

It is further ordered. That with respect to the issues raised by the complaint other than those to which this order relates, the complaint be, and the same hereby is, dismissed.

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

Issued: May 5, 1953.

By the Commission.

[SEAL]

D. C. DANIEL, Secretary.

[F. R. Doc. 53-5764; Filed, June 30, 1953; 8:50 a. m.]

[Docket 6014]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JAPAN AMERICA TRADING AGENCY, INC., ET AL.

Subpart—Neglecting, unjairly or deceptively, to make material disclosure: § 3.1860 Imported products or parts as domestic. In connection with the sale of sewing machine heads or sewing machines in commerce, offering for sale, selling or distributing foreign-made sewing machine heads, or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such a manner that it cannot readily be hidden or obliterated; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Japan America Trading Agency, Inc., et al., Los Angeles, Calif., Docket 6014, April 30, 1953]

In the Matter of Japan America Trading Agency, Inc., a Corporation, and Fred I. Wada, Eijui Sasajima, Fred T. Kobayashi, and George L. Eastman, Individually and as Officers of Said Corporation

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

It was disposed of, as announced by the Commission's "Notice", dated May 7, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as fol-

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on April 30, 1953, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

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

It is ordered, That the respondents, Japan America Trading Agency, Inc., a corporation, and its officers, and Fred I. Wada, Eijui Sasajima, Fred T. Kobayashi, and George L. Eastman, individually and as officers of said corporation, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign-made heads, or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such a manner that it cannot readily be hidden or obliterated.

It is further ordered, That the respondents, Japan America Trading Agency, Inc., a corporation, and Fred I. Wada, Eijui Sasajima, Fred T. Kobayashi, and George L. Eastman, individually and as officers of said corporation, shall within sixty days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 7, 1953.

By direction of the Commission.

[SEAL]

D. C. DANIEL, Secretary.

[F. R. Doc. 53-5765; Filed, June 30, 1953; 8:51 a. m.l

TITLE 26-INTERNAL REVENUE

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

Subchapter A-Income and Excess Profits Taxes [T. D. 6024; S. Regs. 111, 130]

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

PART 40-EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

DISALLOWANCE OF SURTAX EXEMPTION AND MINIMUM EXCESS PROFITS CREDIT

On January 3, 1953, notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 81) to conform Regulations 111 (26 CFR Part 29) and Regulations 130 (26 CFR Part 40) to section 15 (c) of the Internal Revenue Code, as

Act of 1951, approved October 20, 1951. After consideration of all such relevant matter as was presented by interested persons relating to the rules proposed, the amendments to Regulations 111 and 130 set forth below are hereby adopted.

PARAGRAPH 1. The following is inserted immediately after § 29.15-1:

SEC. 121. INCREASE IN RATE OF CORPORATION NORMAL TAX (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(f) Amendment of section 15. Section 15 (relating to surtax on corporations) is hereby amended to read as follows:

SEC. 15. SURTAX ON CORPORATIONS.

(c) Disallowance of surtax exemption and minimum excess profits credit. If any corporation transfers, on or after January 1, 1951, all or part of its property (other than money) to another corporation which was created for the purpose of acquiring such property or which was not actively engaged in business at the time of such acquisition, and if after such transfer the transferor corporation or its stockholders, or both, are in control of such transferee corporation during any part of the taxable year of such transferee corporation, then such transferee corporation shall not for such taxable year (except as may be otherwise determined under section 129 (b)) be allowed either the \$25,-000 exemption from surtax provided in subsection (b) or the \$25,000 minimum excess profits credit provided in the last sentence of section 431, unless such transferee corporation shall establish by the clear preponderance of the evidence that the securing of such exemption or credit was not a major purpose of such transfer. For the purposes of this subsection, control means the ownership of stock possessing at least 80 per centum of the total combined voting power of all classes of stock entitled to vote or at least 80 per centum of the total value of shares of all classes of stock of the corporation. In determining the ownership of stock for the purpose of this subsection, the ownership of stock shall be determined in accordance with the provisions of section 503, except that constructive ownership under section 503 (a) (2) shall be determined only with respect to the individual's spouse and minor children. The provisions of section 129 (b), and the authority of the Secretary under such section, shall, to the extent not inconsistent with the provisions of this subsection, be applicable to this subsection. This subsection shall not apply to any taxable year with respect to which the tax im-posed by subchapter D of this chapter is not in effect.

SEC. 125. EFFECTIVE DATE (REVENUE ACT OF

1951, APPROVED OCTOBER 20, 1951).
The amendments made by this part (sections 121 to 125, inclusive) shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951 * * * For treatment of taxable years (other than the calendar year 1951) beginning before April 1, 1951, and ending after March 31, 1951, see section 131.

§ 29.15-2 Disallowance of surtax exemption and minimum excess profits credit-(a) In general. If one corporation transfers after December 31, 1950, all or part of its property (other than money) to another corporation, neither the \$25,000 exemption from surtax provided in section 15 (b) nor the \$25,000 minimum excess profits credit provided

added by section 121 (f) of the Revenue in section 431 shall be allowed the transferee if:

(1) The transferee was created for the purpose of acquiring such property;

(2) The transferee was not actively engaged in business at the time of the acquisition; and

(3) After such transfer the transferor or its stockholders, or both, are in control of the transferee during any part of the taxable year of the transferee;

(4) The transferee establishes by the clear preponderance of the evidence that the securing of either such exemption or such credit or both was not a major purpose of such transfer; or

(5) The Commissioner allows such exemption or such credit pursuant to the authority provided in section 15 (c)

and section 129 (b).

- (b) Purpose of section 15 (c). The purpose of section 15 (c) is to prevent avoidance or evasion of the surtax on corporation surtax net income imposed by section 15 (b) or of the excess profits tax imposed by section 430. It is not intended, however, that section 15 (c) be interpreted as delimiting or abrogating any principle of law established by judicial decision, or any existing provisions of the Internal Revenue Code. such as sections 45 and 129, which have the effect of preventing the avoidance or evasion of income or excess profits taxes. Such principles of law and such provisions of the Code, including section 15 (c), are not mutually exclusive, and in appropriate cases they may operate together or they may operate separately.
- (2) The provisions of section 129 (b) and the authority of the Commissioner thereunder, to the extent not inconsistent with the provisions of section 15 (c), are applicable to cases covered by section 15 (c). Pursuant to the authority provided in section 129 (b), the Commissioner may allow to the transferee any part of a surtax exemption or minimum excess profits credit for a taxable year for which such exemption or credit would otherwise be disallowed under section 15 (c): or he may apportion such exemption or credit among the corporations involved (see § 29.129-4). For example, Corporation A transfers on January 1, 1952, all its property to Corporations B and C in exchange for all the stock of such corporations. Immediately thereafter, Corporation A is dissolved and its stockholders become the sole stockholders of Corporations B and Assuming that Corporations B and C are unable to establish by the clear preponderance of the evidence that the securing of the surtax exemption provided in section 15 (b) or the minimum excess profits credit provided in section 431, or both, was not a major purpose of the transfer, the Commissioner, nevertheless, has authority under sections 15 (c) and 129 (b) to allow one such exemption and credit and to apportion such exemption and credit between Corporations B and C.
- (3) For the purpose of section 15 (c) and this section, a corporation maintaining an office for the purpose of preserving its corporate existence is not con-

Filed as part of original document.

sidered to be "actively engaged in business" even though such corporation may be deemed to be "doing business" for other purposes. Similarly, for the purpose of section 15 (c) and this section, a corporation engaged in winding up its affairs, prior to an acquisition to which section 15 (c) is applicable, is not considered to be "actively engaged in business".

(c) Meaning and application of the term "control". (1) For the purpose of section 15 (c) and this section, the term "control" means the ownership of stock possessing either (i) at least 80 percent of the total combined voting power of all classes of stock entitled to vote, or (ii) at least 80 percent of the total value of shares of all classes of stock of the corporation. In determining whether stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote is owned, all classes of such stock shall be considered together; it is not necessary that 80 percent of each class of voting stock be owned. Likewise, in determining whether stock possessing at least 80 percent of the total value of shares of all classes of stock is owned, all classes of stock of the corporation shall be considered together; it is not necessary that 80 percent of the value of shares of each class be owned. The fair market value of a share shall be considered as the value to be used for the purpose of this computation.

(2) The ownership of stock shall be determined in accordance with the provisions of section 503 and the regulations thereunder, except that constructive ownership under section 503 (a) (2) shall be determined only with respect to the individual's spouse and minor children. For example, in addition to stock held directly or under an option to purchase, an individual is deemed to own stock held directly or indirectly by or for his spouse or minor children, and also to own a proportionate part of the stock owned by a corporation, partnership, estate, or trust in which he holds an interest as a shareholder, partner, or beneficiary.

(3) Disallowance of the exemption and credit under section 15 (c) is not limited to the taxable year of the transferee corporation in which the transfer of property occurs. Section 15 (c) provides for the disallowance of the exemption and credit for any taxable year, whether the taxable year in which the transfer of property occurs or any subsequent taxable year of the transferee corporation, if, during any part of such year, the transferor corporation or its stockholders, or both, are in control of the transferee corporation. Thus, if Corporation D on January 1, 1951, transfers a part of its property to Corporation E, a corporation not actively engaged in business at the time of the acquisition of such property, in exchange for 60 percent of the voting stock of Corporation E, and, thereafter, during a later taxable year with respect to which section 15 (c) is applicable, acquires an adidtional 20 percent of the voting stock of Corporation E, Corporation D, by reason of such later acquisition, is considered to be in control of Corporation E as of the time of such

acquisition for the purpose of section 15 (c). Accordingly, Corporation E will be disallowed the surtax exemption and minimum excess profits credit for the taxable year in which the later acquisition of stock occurred and for each taxable year thereafter in which the requisite control continues, unless Corporation E establishes by the clear preponderance of the evidence that the securing of such exemption or credit, or both, was not a major purpose of the transfer of the property in 1951.

(4) In determining, for the purpose of section 15 (c), whether a corporation, its stockholders, or both, are in control of a transferee corporation, it is not necessary that the stock be acquired on or after January 1, 1951. Thus, if Corporation F on June 1, 1950, owns 70 percent of the voting stock of Corporation G, and thereafter, on January 2, 1951, Corporation F acquires an additional 10 percent of such stock, control within the meaning of section 15 (c) is acquired by Corporation F on January 2, 1951.

(d) Nature of transfer. A transfer made by any corporation of all or part of its assets, whether or not such transfer qualifies as a reorganization under section 112 (g), is within the scope of section 15 (c), except that section 15 (c) does not apply to a transfer of money only. For example, the transfer of cash for the purpose of expanding the business of the transferor corporation through the formation of a new corporation is not a transfer within the scope of section 15 (c), irrespective of whether the new corporation uses the cash to purchase from the transferor corporation stock in trade or similar property.

(e) Purpose of transfer. In determining, for the purpose of section 15 (c). whether the securing of the exemption from surtax or the minimum excess profits credit constituted "a major purpose" of the transfer, all circumstances relevant to the transfer shall be considered. For disallowance of the surtax exemption and minimum excess profits credit under section 15 (c), it is not necessary that the obtaining of either such credit or exemption or both have been the sole or principal purpose of the transfer of the property. It is sufficient if it appears, in the light of all the facts and circumstances, that the obtaining of such exemption or credit, or both, was one of the major considerations that prompted the transfer. Thus, the securing of the surtax exemption or the minimum excess profits credit may constitute "a major purpose" of the transfer, notwithstanding that such transfer was effected for a valid business purpose and qualified as a reorganization within the meaning of section 112 (g). The taxpayer's burden of establishing by the clear preponderance of the evidence that the securing of either such exemption or credit or both was not "a major purpose" of the transfer may be met, for example, by a showing that the obtaining of such exemption, or credit, or both, was not a major factor in relationship to the other consideration or considerations which prompted the transfer.

(f) Taxable years to which applicable. Section 15 (c) and this section are appli-

cable to a taxable year which is the calendar year 1951 and to taxable years beginning after March 31, 1951; and are also applicable in the computation of the tax for certain fiscal years; however, such sections do not apply to any taxable year with respect to which the excess profits tax imposed by subchapter D of chapter 1 of the Internal Revenue Code is not in effect. For treatment of taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108-6. For treatment of taxable years beginning before April 1, 1954, and ending after March 31, 1954, see § 29.108-9. For computation of the excess profits tax for certain fiscal years, see § 40.430-2 (b) (2) and (c) of this subchapter.

Par. 2. Section 29.15–1, as amended by Treasury Decision 5950, approved December 2, 1952, is further amended by adding at the end of paragraph (b) (3) of the section the following: "See, however, § 29.15–2, as to the circumstances under which the \$25,000 exemption from surtax for the calendar year 1951 and certain taxable years beginning after March 31, 1951, may be disallowed in whole or in part."

Par. 3. Section 29.204-1, as amended by Treasury Decision 5950, is further amended by adding after the seventh sentence of paragraph (c) of the section the following: "For the circumstances under which the \$25,000 exemption from surtax for the calendar year 1951 and certain taxable years beginning after March 31, 1951, may be disallowed in whole or in part, see § 29.15-2."

Par. 4. Section 29.231-1, as amended by Treasury Decision 5950, is further amended by adding at the end of paragraph (b) (3) of the section the following: "See, however, § 29.15-2, as to the circumstances under which the \$25,000 exemption from surtax for the calendar year 1951 and certain taxable years beginning after March 31, 1951, may be disallowed in whole or in part."

PAR. 5. Section 40.431-1 is amended by adding at the end thereof the following: "See, however, section 15 (c) and the regulations thereunder, as to the circumstances under which the \$25,000 minimum excess profits credit may be disallowed in whole or in part in the case of transfers of property (other than money) on or after January 1, 1951, between related corporations. For treatment of taxable years beginning before April 1, 1951, and ending after March 31. 1951 (other than the calendar year 1951). see § 40-430-2 (b) (2). For treatment of taxable years beginning before July 1, 1953, and ending after June 30, 1953, see § 40.430-2 (c)."

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

[SEAL] T. COLEMAN ANDREWS, Commissioner of Internal Revenue.

Approved: June 25, 1953.

M. B. Folsom,
Acting Secretary of the Treasury.

[F. R. Doc. 53-5776; Filed, June 30, 1953; 8:53 a. m.]

TITLE 32-NATIONAL DEFENSE

Chapter I-Munitions Board

ABOLITION

EDITORIAL NOTE: For order abolishing the Munitions Board and transferring functions to the Secretary of Defense, see Title 3, Reorganization Plan 6 of 1953, supra.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-80, Amdt. 1 of June 30, 1953]

M-80—IRON AND STEEL—ALLOYING MA-TERIALS AND ALLOY PRODUCTS

REMOVAL OF RESTRICTIONS ON CERTAIN
ALLOYING MATERIALS

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

NPA Order M-80, as last amended June 15, 1953 (18 F. R. 3441), is hereby amended in the following respects:

1, Section 3 is amended to read as follows:

SEC. 3. Restrictions on melt. melter, who melts during any calendar month a greater quantity of any alloying material than shown on List II of this order, shall melt any such alloying material into an alloy product, except in accordance with a melting schedule which has been duly authorized by NPA under section 5 of this order. For the purpose of the preceding sentence, any nickel procured from scrap (except when present as residual contamination) shall be considered an alloying material. Whenever an allocation authorization for the same period authorizes the use of a lesser amount of any alloying material (which is a restricted alloying material) than permitted by the melting schedule, then the use of any such restricted alloying material shall be governed by the allocation authorization rather than by the melting schedule.

2. Section 6 is amended to read as follows:

SEC. 6. Restrictions on processing. No processor, who processes during any calendar month a greater quantity of any alloying material than shown on List II of this order, shall incorporate any such alloying material into any processed product, except in accordance with a processing schedule which has been duly authorized by NPA under section 8 of this order. For the purpose of the preceding sentence, any nickel procured from scrap (except when present as residual contamination) shall be considered an alloying material. Whenever an allocation authorization for the same period authorizes the use of a lesser amount of any alloying material (which is a restricted alloying material) than permitted by the processing schedule, then the use of any such restricted alloying material shall be governed by the allocation authorization rather than by the processing schedule.

Section 9 is amended to read as follows:

Sec. 9. Alloying material subject to complete allocation. Schedule 1 of this order continues complete allocation of nickel. This alloying material is termed "restricted alloying material."

4. Paragraph (b) of section 11 is amended to read as follows:

(b) Notwithstanding the provisions of sections 4 and 7 of this order, any melter or processor (except a supplier) who requires nickel anodes, nickel salts, chemicals, oxides, or catalysts, shall place, unless otherwise instructed by NPA, a purchase order therefor with his usual supplier, in lieu of filing Form NPAF-113, Form NPAF-114, and Form NPAF-60 or Form NPAF-102. The supplier shall then make application to NPA, pursuant to section 4 or 7 of this order, on the applicable forms for allocation of the total quantity of nickel anodes, nickel salts, chemicals, oxides, or catalysts, represented by such purchase orders received from all of his melter and processor customers, together with his own requirements. Whenever such an application is approved by NPA, the supplier shall then allot among his melter or processor customers (in all cases, however, within the limit of the quantity approved by NPA, on Form GA-35 or Form GA-41, for melting or processing purposes by each such customer) the nickel anodes, nickel salts, chemicals, oxides, or catalysts, as the case may be, in the same proportion that the total quantity of such nickel anodes, nickel salts, chemicals, oxides, or catalysts, as the case may be, allocated to such supplier by NPA on Form NPAF-114, bears to the total quantity of such nickel anodes, nickel salts, chemicals, oxides, or catalysts, as the case may be, approved by NPA for melting or processing purposes on Form GA-35 or Form GA-41. Each melter or processor who, during any calendar month, obtains any restricted alloying material from his supplier pursuant to the provisions of this paragraph, shall be deemed to have received an approved melting or processing schedule and allocation authorization, for such month, from NPA covering the quantity of such material allotted to him by his supplier, and he shall use the restricted alloying material so acquired only in conformance with the provisions of this order and the schedules thereto.

5. Section 18 is amended to read as follows:

Sec. 18. Limitation on inventories of alloying materials. No melter or processor, notwithstanding any allocation authorization received by him, shall place an order for any nickel calling for delivery of, and no such person shall accept delivery of, any such nickel at a

time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, 60 calendar days' requirements at his then scheduled rate and method of operation. Any melter or processor who at any time has outstanding orders for any nickel calling for delivery earlier than, or in quantities greater than, he would be permitted to receive under this section, shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and such orders shall be adjusted accordingly. Imported as well as domestic nickel is subject to this order and is to be included in computing inventory: Provided, That any nickel acquired prior to landing may be imported even though a person's inventory thereby becomes in excess of the amount herein permitted, but, that in such event, such person may not receive further deliveries from domestic sources until his inventory is reduced to permitted levels. Any nickel which has been processed to any degree, but has not yet been actually incorporated into a finished or partially finished product is likewise to be included in computing inventory.

6. List I and List II of the order are amended to read as follows:

LIST I-DEFINITIONS OF ALLOYING MATERIALS

1. Columbium and tantalum mean ferro-

columbium and ferro-columbium tantalum.

2. Nickel means only the following forms of primary nickel: electrolytic nickel, ingots, pigs, rondelles, cubes, and pellets, rolled and cast anodes, shot, oxides, salts, and chemicals and residues derived directly from new nickel, including residues containing nickel derived as a byproduct from copper refinery operations.

LIST II—QUANTITIES OF CONTAINED METALS IN ALLOYING MATERIALS EXEMPTED PER MONTH

1. Nickel-100 pounds.

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

This amendment shall take effect June 30, 1953.

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

[F. R. Doc. 53-5862; Filed, June 30, 1953; 11:08 a. m.]

[NPA Order M-80, Schedule 1, as amended June 30, 1953]

M-80—Iron and Steel—Alloying Material and Alloy Products

SCHEDULE 1-NICKEL

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

This schedule, as amended, affects Schedule 1 as last amended March 4, 1953 (18 F. R. 1246), to NPA Order M-80, by amending section 4 to clarify the provisions of small user exemption.

1. Definitions.

- Nickel subject to allocation.
- Applications for allocation. Exceptions to allocation requirements.
- Certification required. Products prohibited.
- Exceptions.
- Records.
- Communications.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 15, T. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 15, T. C. 1050, Sept. 9, 1950, 15 F. R. 6105; 15, T. C. 1050, Sept. 9, 1950, 15 F. R. 6105; 15, T. C. 1050, Sept. 9, 1050, 15 F. R. 6105; 15, T. C. 1050, Sept. 9, 1050, 15 F. R. 6105; 15 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. Definitions. (a) All definitions contained in NPA Order M-80, including the definition of "nickel" in List I of that order, are applicable to this schedule.

(b) As used in this schedule:
(1) "Nickel" means only the following forms of primary nickel: electrolytic nickel, ingots, pigs, rondelles, cubes, and pellets, rolled and cast anodes, shot, oxides, salts, and chemicals and residues derived directly from new nickel, including residues containing nickel derived as a byproduct from copper refinery operations.

(2) "Nickel-plating" means all methods of nickel-plating regardless of plat-

ing procedure.

SEC. 2. Nickel subject to allocation. Nickel is subject to complete allocation by NPA.

Sec. 3. Applications for allocation, Section 10 of NPA Order M-80 prohibits deliveries or use of an alloying material made subject to complete allocation, except in accordance with an allocation authorization. Application for allocation authorizations for deliveries of nickel during the month of October 1951 may be made to NPA on or before September 7, 1951, on Form NPAF-114. Thereafter, such applications may be made on or before the first day of any month for delivery in the succeeding month.

SEC. 4. Exceptions to allocation requirements. The provisions of sections 2 and 3 of this schedule shall not apply to deliveries to any person whose total receipts from all sources during any calendar month are not thereby made to exceed 100 pounds of nickel and who delivers a signed certificate to his supplier as follows:

The undersigned, subject to statutory penalties, certifies that acceptance of delivery and use in his own plant by the undersigned of the nickel herein ordered will not be in violation of NPA Order M-80 or of Schedule 1 of that order.

This certification constitutes a representation by the purchaser to the seller and to NPA that delivery of the nickel ordered may be accepted by the purchaser under NPA Order M-80 and this schedule, and that such nickel will be used in his own plant and will not be used by the purchaser in violation of that order or this schedule.

SEC. 5. Certification required. Any person who orders any nickel from a supplier pursuant to the provisions of section 11 (b) of NPA Order M-80 shall endorse on his purchase order, or deliver with such purchase order, the following certification which shall be signed as provided in section 8 of NPA Reg. 2:

Certified under Schedule 1 to NPA Order M-80

This certification constitutes a representation by the purchaser to the supplier and to NPA that he will accept delivery of the nickel ordered for consumption by him only in accordance with the provisions of NPA Order M-80 or of any schedule thereto.

SEC. 6. Products prohibited. No person shall consume any nickel, secondary nickel, or nickel-bearing scrap containing 6 percent or more nickel for nickelplating any product included in the list at the end of this schedule except products specifically excepted therein. No person shall consume in nickel-plating any product, whether or not included in that list, including any component parts of any product, a greater quantity of nickel, secondary nickel, or nickel-bearing scrap containing 6 percent or more nickel, than is necessary for the functional or operational purposes of such product. No person shall consume any nickel, secondary nickel, or nickel-bearing scrap containing 6 percent or more nickel in nickel-plating any product for decorative or ornamental purposes, and no nickel-plated product shall be used for decorative or ornamental purposes. No person shall use any nickel-plated material in the production, manufacture, or assembly of any product included in the list at the end of this schedule, except products specifically excepted therein.

SEC. 7. Exceptions. (a) The prohibitions contained in section 6 of this schedule with respect to products included in subheading A of the list at the end of this schedule shall not apply to the use of nickel anodes in nickel plating if (1) such nickel anodes were in the inventory of the person doing the nickel plating on March 1, 1951, and (2) such anodes cannot be used by such person on a commercially feasible basis for nickel-plating items other than those prohibited by section 6 of this schedule.

(b) The prohibitions contained in section 6 with respect to products included in subheading B of the list shall not apply to the use of nickel anodes in nickel plating if (1) such nickel anodes were in the inventory of the person doing the nickel plating on April 15, 1951, and (2) such anodes cannot be used by such person on a commercially feasible basis for nickel-plating items other than

those prohibited by section 6.

(c) Any unassembled component parts produced prior to the effective date of this schedule, or in conformity with this schedule of products subject to the prohibitions of section 6 may be sold at any time, and the purchaser thereof may assemble such component parts into products subject to the prohibitions of section 6 at any time, provided such

component parts are wholly unsuitable for use in the production, manufacture, or assembly of any products not subject to such prohibitions.

(d) The prohibitions contained in section 6 of this schedule, with respect to all products included in the list at the end of the schedule, shall not apply to the use of nickel anodes and nickel chemicals in the application of a nickel strike of not more than an average of 0.00005 inch thick, to any item of any product prior to chromium plating.

SEC. 8. Records. Every person who relies on the provisions of paragraphs (a), (b), or (c) of section 7 of this schedule shall prepare a detailed record showing: (a) the quantity of nickel-plated materials, or component parts made therefrom, which were in his inventory on December 1, 1950, January, February, March, and April, 1951, which were wholly unsuitable for use by him in the production, manufacture, or assembly of any product not included in the list at the end of this schedule, and (b) the quantity of such nickel-plated materials wholly unsuitable for such use by him which were delivered to him on or after March 1, 1951, with reference to sub-heading A of that list, or April 15, 1951. with reference to subheading B of that list, the names and addresses of the suppliers thereof, and the dates and acceptances covering such materials. Such records shall be retained for at least 2 years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 9. Communications. munications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-80, Schedule 1.

This schedule, as amended, shall take effect June 30, 1953.

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

SCHEDULE 1-LIST OF PROHIBITED PRODUCTS

NICKEL-PLATING

Communications: Escutcheon plates. Knobs. Name plates.

Radio and television, decorative trim.

Speaker grilles. Hardware:

Bells. Boat trim and accessories.

Builders' finishing hardware (except half trim for bathroom and toilet side of door)

Casket hardware. Chimes.

Curtain hooks. Door catches. Door knobs.

Door knockers. Drawer pulls. Harnesses. Hinges.

Kick plates. Leashes. Letter boxes.

Locks. Luggage hardware. Nails.

Picture frames.

Picture hangers.

Push plates. Screen door and window hardware exclusive of screen.

Screws.

Switch plates.

Tacks.

Valve handles (except for bathroom and

kitchen fixtures). Household appliances (except parts subject to abrasion or heat, and except the strike prior to silver-plating or vitreous enameling) including but not limited to:

Food mixers.

Heaters.

Polishers.

Refrigerators (except shelving and door handles).

Washing machines.

Waxers

Vacuum cleaners (except runners).

Jewelry-clocks:

Alarm clocks (except for internal parts). Clocks (except for internal parts)

Costume jewelry (except for 0.0001 inch thickness or less as an undercoating for gold, silver, or platinum-group metals).

Trim and optical glasses (except frames).

Metal furniture and fixtures:

Commercial furniture, all decorative parts.

Electrical fixtures.

Home furniture, all decorative parts.

Napkin dispensers.

Store display cases.

Store fixtures,

Straw dispensers. Motor vehicles:

Accessories.

Dash panels (including instruments, controls, and appearance items mounted in or on dash panels).

Escutcheon plates.

Gas caps.

Gravel guards.

Grilles.

Horns.

Interior trim. Lamp housing.

License frames.

Name plates.
Ornamental trim around windows.

Radiator trim.

Trim rings.

Wheel discs. All other parts (except for window frames and slide channels, external and internal door handles, ventilator and regulator handles for windows and doors, the bumpers, bumper guards, bumper bolts, rear deck handles, windshield wiper assemblies, hub caps, and exposed screws where no satisfactory substitutes are practicable. The nickel employed for protection of bumper guards and bumpers should not exceed that amount equivalent to an average thickness of 0.001 inch on outside surfaces).

Novelties:

Ash trays. Coasters.

Cocktail shakers and accessories. Clothing ornamentation.

Cosmetic containers.

Hair curlers.

Handbag trim.

Humidors.

Ornamental buttons.

Smoking stands.

Plumbing:

Basin supports. Cabinet trim.

Soap dishes.

Shower curtain rods and rings. Shower doors and trim. Tooth brush holders.

Towel racks.

Tumbler holders.

Sheet, strip, and wire products:

All decorative parts fabricated from plated sheets, strips, or wire.

Bird cages. Clothes hangers. Display stands. Lamp shades.

Shopping carts.

Tools:

Drills

Flexible metal tapes (except measuring

tape) Hammers.

Office machines and business machines,

decorative trim. Planes.

Pliers.

Power tools (except for functional parts).

Punches. Rules.

Saws.

Screw drivers.

Wrenches.

Toys

Mechanical toys. Pistols.

Toys.

Trains.

Tricycles.

Wagons.

Utensils (except the strike necessary prior to silver plating or vitreous enameling):

Flatware.

Hollow ware (except for hotel, restaurant, institution, or ecclesiastical use).

Serving dishes.

Serving utensils.

Racks. Travs.

Miscellaneous: Bicycles (except handlebars, sprockets, spokes, and hubs).

Electric fans.

Gambling equipment.

Lighters.
Ornamentation on musical instruments.
Pin ball machines.

Slot machines.

Sporting goods.

Tonsorial equipment (except tools).

Vending machines.

B

Hardware:

Collars and tags for pets.

Bolts, washers, and similar fastening devices.

Household appliances (except parts subject to abrasion or heat, and except the strike prior to silver plating or vitreous enameling), including but not limited to:

Cooking stoves and ranges (except door and drawer handles).

Electric housewares including:

Heating and cooking appliances. Motor-driven appliances.

Personal appliances.

Home and farm freezers.

Laundry equipment including:

Clothes driers.

Ironing machines.

Sewing machines.

Metal furniture and fixtures:

Commercial furniture. Home furniture.

Motor vehicles:

Hub caps.

Miscellaneous:

Bicycle handlebars, sprockets, spokes, and hubs.

Juke boxes.

Insignia, buttons, buckles, decorations, awards, and badges (except military).

[F. R. Doc. 53-5865; Filed, June 80, 1953; 11:08 a. m.]

INPA Order M-80, Schedules 2 and 4-Revocation]

M-80-Iron and Steel-Alloying Materials and Alloy Products

SCHEDILE 2-CORALT

SCHEDULE 4-MOLYBDENUM

REVOCATION

Schedule 2 (18 F. R. 2588) and Sched-ule 4 (16 F. R. 8181) to NPA Order M-80 are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Schedules 2 and 4 to NPA Order M-80, as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said schedules prior to the effective date of this revocation.

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

This revocation is effective June 30,

NATIONAL PRODUCTION AUTHORITY, By George W. Auxier, Executive Secretary.

[F. R. Doc. 53-5864; Filed, June 30, 1953; 11:08 a. m.]

[Dir. 1 to NPA Order M-80 and to Scheds. 2, 4, and 5—Revocation]

M-80-IRON AND STEEL-ALLOYING MATE-RIALS AND ALLOY PRODUCTS

DIR. 1-MODIFICATION OF FILING REQUIRE-MENTS FOR ALLOCATION APPLICATIONS

REVOCATION

Direction 1 to NPA Order M-80 and to Schedules 2, 4, and 5, as amended June 15, 1953 (18 F. R. 3445), is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Direction 1 to NPA Order M-80 and to Schedules 2, 4, and 5, as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revoca-

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50

U. S. C. App. Sup. 2154) This revocation is effective June 30,

1953.

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

[F. R. Doc. 53-5863; Filed, June 30, 1953; 11:08 a. m.]

[NPA Order M-80, Schedule 5 as amended June 30, 1953]

M-80-IRON AND STEEL-ALLOYING MA-TERIALS AND ALLOY PRODUCTS

SCHEDULE 5-COLUMBIUM AND TANTALUM

This schedule as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended schedule, consultation with industry representatives has been rendered impracticable due to the need for immediate action. This amended schedule is issued under NPA Order M-80 and is made a part of that order.

This amended schedule revises Schedule 5 as amended August 25, 1952 (17 F. R. 7785), to NPA Order M-80 in order to (1) remove columbium and tantalum from complete allocation and (2) exempt melters and processors using columbium and tantalum from filing report Forms NPAF-60, NPAF-102, NPAF-113, and NPAF-114 with NPA.

- 1. Definitions.
- 2. Use of substitutes.
- 3. Authorized controlled material orders required.
- 4. Restrictions. 5. Exceptions.
- 6. Certification required.
- 7. Reports. 8. Conservation of scrap.
- 9. Communications.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, or apply sec. 101, 64 Stat. 199, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. Definitions. All definitions contained in NPA Order M-80, including the definition of columbium and tantalum contained in List I of that order, are applicable to this schedule. "Columbium and tantalum" means ferro-columbium and ferro-columbium tantalum.

SEC. 2. Use of substitutes. No columbium- or columbium-tantalum-bearing steel shall be used or incorporated in any product or material where a non-columbium- or non-columbium-tantalumbearing steel will meet the requirements for the use to be made of the product or material. No columbium-bearing steel shall be used or incorporated in any product or material if columbium-tantalum-bearing steel will meet the requirements for the use to be made of the product or material.

SEC. 3. Authorized controlled material orders required. (a) Except as may be otherwise directed by MPA, columbium- or columbium-tantalum-bearing steels shall be produced, sold, delivered, or purchased only pursuant to authorized controlled material orders placed by the Department of Defense, the Atomic Emergy Commission, or manufacturers of Class A and/or Class B products which are to be made, in whole or in part, of columbium- or columbiumtantalum-bearing steels, and required by Department of Defense or Atomic Energy Commission programs.

(b) Authorized controlled material orders for columbium- or columbiumtantalum-bearing steels in support of the aircraft program of the Department of Defense shall be valid for deliveries only when supported by a certification that delivery of the quantity specified as and authorized by the Aircraft Production Resources Agency. Such certification shall be as follows:

Certified as approved by APRA

Such certification shall constitute a representation by the purchaser to the supplier and to NPA that the purchaser has been duly authorized by the Aircraft Production Resources Agency to accept delivery of such steel, and is entitled to accept such delivery as permitted in this schedule. The certification required by this section shall be in addition to the certification required by DMS Regulation No. 1. This limitation shall not apply to those items of finished steel mill products which cannot be converted into other steel mill products and which were physically held in inventory prior to September 30, 1951.

SEC. 4. Restrictions. Subject to the exceptions of section 5 of this schedule, no person, in the production of any columbium- or columbium-tantalumbearing steels, shall use more columbium or columbium-tantalum than is reasonably required to assure a ratio between columbium or columbium-tantalum and carbon in such steels greater than 8 to 1 as a minimum: Provided, however, That in cases where the material specifications require corrosion testing of sensitized specimens, no person shall use more columbium or columbium-tantalum in such steel products than is reasonably required to assure that such steels meet the specific requirements with respect to corrosion testing: And provided further, That when practical melting schedules appropriate to achieve maximum production necessitate the inclusion in single heat lots of steels requiring corrosion testing with steels not requiring such testing, such amount of columbium or columbium-tantalum may be used as will assure steels which will meet the highest corrosion testing requirements of any such steels included in any such single heat lot.

SEC. 5. Exceptions. (a) This schedule shall not prohibit the completion of the production and the delivery of materials or products containing columbium or tantalum in any form ordered and accepted prior to April 6, 1951, which, by reason of the condition or nature of the materials or products, cannot, without excessive loss of yield, be used in connection with authorized controlled material orders; nor shall it prohibit the use, in filling authorized controlled material orders, of columbium- or columbium-tantalum-bearing steel held on or before April 6, 1951, in the inventory of a producer or fabricator of steel products.

(b) The restrictions of sections 2, 3, and 4 of this schedule shall not apply to the production and use of (1) welding rods for welding extra low carbon (0.03 maximum) austenitic stainless steels, or austenitic stainless steels stabilized with columbium, tantalum, titanium, or nonferrous nickel-base alloys, or (2) columbium-bearing steels in the power-generating and chemical-process industries which operate continuously in the temperature range of 800-1,600 degrees

and when ordered has been approved Fahrenheit where other stabilized compositions are not suitable.

> (c) Any authorized controlled material order for columbium- or columbium-tantalum-bearing steels, authorized by the Aircraft Production Resources Agency pursuant to section 3 of this schedule, is exempt from the restrictions of section 4 of this schedule to the extent required by the specifications contained in such APRA authorization.

> (d) Commencing August 25, 1952, the restrictions of sections 3 and 4 of this schedule shall not apply to the sale and the use of Type 347 stainless steel in the finished forms of structural shapes. plate, sheet, tube, strip, wire, or bar, if the particular item of such Type 347 steel to be sold or used, has, on the date of the sale or use, been in the inventory of a steel producer or a steel distributor for a period of 6 months or more: Provided, That the use of any such item of steel shall be subject to the restrictions of Schedule A to NPA Order M-80.

SEC. 6. Certification required. person who orders, or who has ordered but not received delivery of, and (a) columbium and tantalum, (b) columbium- and tantalum-bearing scrap, (c) pure metal columbium and tantalum when used as a source of columbium and tantalum in melting or processing, and (d) columbium- and tantalum-bearing ores and concentrates when used as a source of columbium and tantalum in melting or processing, shall endorse on his purchase order, or deliver with such purchase order or otherwise furnish to his supplier, the following certification which shall be signed as provided in NPA Reg. 2:

Certified under Schedule 5 to NPA Order M-80

This certification constitutes a representation by the purchaser to the alloying material supplier that the columbium and tantalum ordered will not be used by the purchaser in violation of any provision of NPA Order M-80 or of Schedule 5 thereto.

SEC. 7. Reports. Notwithstanding the provisions of sections 3, 4, 6, and 7 of NPA Order M-80, persons who melt or process columbium and tantalum shall not file Forms NPAF-60, NPAF-102, NPAF-113, or NPAF-114 with NPA.

SEC. 8. Conservation of scrap. No person shall dispose of or accept any scrap containing commercially recoverable columbium and tantalum which is fit for remelting, except for use in the melting or processing of products in which columbium and tantalum is required.

SEC. 9. Communications. All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-80, Schedule 5.

This schedule as amended shall take effect June 30, 1953.

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

[F. R. Doc. 53-5866; Filed, June 30, 1953; 11:08 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I-Bureau of Land Management, Department of the Interior

> Appendix—Public Land Orders [Public Land Order 900]

> > NORTH DAKOTA

REVOKING EXECUTIVE ORDER NO. 8658 OF FEBRUARY 3, 1941

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

Executive Order No. 8658 of February 1941, reserving all lands owned or controlled by the United States within the following-described area in North Dakota for the use of the Department of the Interior as the Prairie Lake National Wildlife Refuge, is hereby revoked:

FIFTH PRINCIPAL MERIDIAN

T. 152 N., R. 58 W., Sec. 26, NW¹/₄; Sec. 27, NE¹/₄.

The areas described aggregate 320 acres of privately-owned lands formerly controlled by the United States under a revocable easement.

> DOUGLAS MCKAY. . Secretary of the Interior.

JUNE 24, 1953.

[F. R. Doc. 53-5734; Filed, June 30, 1953; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 10122]

PART 139-STANDARD TIME ZONE BOUNDARIES

STANDARD TIME ZONE INVESTIGATION

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 23d day of June A. D. 1953.

It appearing, that by report and order dated October 24, 1918 (51 I. C. C. 273; 49 CFR 139), the Commission defined the limits of the time zones throughout the United States created by the act of Congress entitled "An Act to Save Daylight and to Provide Standard Time" approved March 10, 1918 (40 Stat. 450; 15 U.S. C. 261-5), and that said limits were restated and redefined in the sixteenth supplemental report and order in this investigation, dated May 19, 1928 (142 I. C. C. 279; 49 CFR 139), and were modified from time to time;

It further appearing, that a petition has been filed by the Union Pacific Railroad Company for a modification of the outstanding orders herein by the cancellation of operating exceptions in Utah south of Salt Lake City, Utah, and the authorization of operating exceptions in Nevada north of Las Vegas, Nev.;

And it further appearing, that a full investigation of the matters and things involved has been made, and that the

said division, on the date hereof, has made and filed its thirty-third supplemental report in the above-entitled proceeding containing its findings of fact and conclusions thereon, which said report, and the aforesaid reports, are hereby referred to and made a part hereof, and has found that the usual notice of rule-making and public procedure thereon are impracticable and unnecessary:

It is ordered. That the above-entitled proceeding be, and it is hereby, reopened for consideration of the matters raised

by the said petition;

It is further ordered. That the said order of October 24, 1918, as restated in the said order of May 19, 1928, as subsequently amended by order of March 31, 1948 (270 I. C. C. 15), and corresponding sections of the Code of Federal Regulations (49 CFR Part 139), are hereby amended by deleting from § 139.7 (d) (1) all operating exceptions heretofore authorized as to lines of the Union Pacific Railroad Company in Utah south of Salt Lake City and by adding to § 139.7 (d) (2) a new exception covering the lines of that railroad in Nevada north of Las Vegas.

As so amended, § 139.7 (d) will read as follows:

§ 139.7 Boundary line between mountain and Pacific zones.

(d) Operating exceptions—(1) Lines east of boundary excepted from mountain zone. Those portions of the lines of railroad, named in this subparagraph. located east of the zone boundary line above described, shall, for operating purposes only, be excepted from the United States standard mountain time zone and included within the United States standard Pacific time zone, viz:

Name of railroad	From-	То-
Great Northern	Troy, Mont	Montana-Idaho
Northern Pacific	Paradise, Mont.	State line.

(2) Lines west of boundary included in mountain zone. Those portions of the lines of railroad, named in this sub-paragraph, located west of the zone boundary line above described, shall, for operating purposes only, be excepted from the United States standard Pacific time zone and shall be included within the United States standard mountain time zone, viz.:

Name of railroad	From-	To-
Atchison, Topeka & Santa Fe.	Colorado River.	Southern limits of Needles, Calif.
Chicago, Milwau- kee, St. Paul & Pacific. ¹	Montana-Idaho State line.	Avery, Idaho.
Union Pacific 1	Malheur June- tion, Oreg.	Crane, Oreg.
Do.3 Do.3	Clearfield, Utah: Utah-Nevada State line (west of Uva- da, Utah).	Syracuse, Utah. Northern limits of Las Vegas, Nev.

¹ Formerly the Chicago, Milwaukee & St. Paul Ry. ² Previously authorized for the Oregon Short Line, now a part of the Union Pacific. ³ Not required to show Pacific time in published an-nouncements for operations at Callente, Nev., and points in Nevada north and east of Callente.

It is further ordered, That the changes and additions required hereby shall become effective at 2 o'clock ante meridian Pacific standard time, June 28, 1953.

And it is further ordered, That notice to the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal

(Secs. 1, 2, 4, 40 Stat. 450, 451, sec. 1, 41 Stat. 1446, 42 Stat. 1434; 15 U.S. C. 261-265)

By the Commission, Division 2.

[SEAL]

GEORGE W. LAIRD, Acting Secretary.

[F. R. Doc. 53-5749; Filed, June 30, 1953; 8:47 a. m.]

TITLE 50-WILDLIFE

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

> PART 17-LIST OF AREAS NATIONAL WILDLIFE REFUGES

EDITORIAL NOTE: For order affecting the tabulation in § 17.3, see Public Land Order 900 in the Appendix to Title 43, Chapter I, supra, revoking Executive Order 8658 of February 3, 1941. The Prairie Lake National Wildlife Refuge listed in the aforesaid section was established by Executive Order 8658.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue I 26 CFR Parts 140, 450 I

[Regs. 8]

TAXES ON TOBACCO, SNUFF, CIGARS, CIGA-RETTES, CIGARETTE PAPERS AND TUBES. AND PURCHASE AND SALE OF LEAF TOBACCO

SHIPMENTS OF TAX-FREE TOBACCO PRODUCTS. AND CIGARETTE PAPERS AND TUBES, FOR USE OF UNITED STATES

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in 53 Stat. 467; 26 U.S. C. 3791.

T. COLEMAN ANDREWS, Commissioner of Internal Revenue. 1. In order to facilitate the removal of tax-free manufactured tobacco, snuff, cigars and cigarettes from domestic factories for use of the United States, the proposed amendment will discontinue the requirement of Regulations 34 (26 CFR Part 450) for approval of an application and issuance of a permit to make a shipment prior to removal, and merely require the manufacturer to furnish a notice of shipment when actually removed from the factory.

2. The amendment will also cover the removal of tax-free cigarette papers and tubes for use of the United States, now authorized by section 3331 of the Internal Revenue Code, but which are not covered specifically by existing regulations. The amendment will require manufacturers, who ship such articles from their factories for this purpose, to furnish bond to cover such shipments since these manufacturers do not furnish bonds to cover the operation of their factories, as required of manufacturers of tobacco products.

3. The amendment will decentralize from the Bureau to the offices of Assistant District Commissioners, Alcohol and Tobacco Tax, the work of processing and closing of cases involving removals of tax-free tobacco products, also cigarette papers and tubes, for use of the United States, in order to facilitate

the disposition of such cases. 4. Regulations 34 (26 CFR Part 450) now prescribe the procedure for tax-free removals of tobacco products, as well as playing cards, for use of the United States. In order to reduce the number of regulations concerning tobacco and tobacco products, and due to the fact that under the reorganization of the Bureau the tobacco functions have been separated from those concerning playing cards, the provisions of Regulations 34 relating to tobacco products are being added to Regulations 8 (26 CFR Part 140) making such provisions under Regulations 34 inapplicable as of the effective date of the Treasury decision.

5. Regulations 8 (26 CFR Part 140) are amended by adding, immediately following § 140.211, a new Subpart P, Tax-Free Shipment of Tobacco, Snuff, Cigars, Cigarettes, and Cigarette Papers and Tubes For Use of United States, as

follows:

SUBPART P—TAX-FREE SHIPMENT OF TO-BACCO, SNUFF, CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES FOR USE OF UNITED STATES

Sec. 3331. Internal revenue code, exemption from tax of domestic goods purchased for the united states.

The privilege existing by provision of law on December 1, 1873 or thereafter of purchasing supplies of goods imported from foreign countries for use of the United States, duty free, shall be extended, under such regulations as the Secretary may prescribe, to all articles of domestic production which are subject to tax by the provisions of this subtitle.

§ 140.212 Shipments restricted. Manufacturers of tobacco, snuff, cigars, cigarettes, and cigarette papers and tubes, may ship such articles tax-free from their factories, in accordance with this subpart, to Federal agencies and

institutions for gratuitous distribution. Shipments of such articles for sale by Federal agencies or institutions are not within the meaning of the law authorizing the purchase of articles tax-free for use of the United States. Institutions owned or controlled by the Governments of the several States, Territories, or the District of Columbia, are not entitled to receive such articles tax-free.

§ 140.213 Federal requisition. Whenever manufactured tobacco, snuff, cigars, cigarettes, and cigarette papers or tubes, are purchased by a Federal agency or institution for the use of the United States, and it is proposed to ship such articles from the place of manufacture, tax-free, the agency or institution desiring the product shall prepare a requisition on Form 7996, in quadruplicate. All of the information called for by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this subpart, shall be furnished. Each of the four copies of the form must agree in every respect and shall be signed and approved by the head of the agency or institution or by a person duly authorized to sign and approve for such officer. The agency or institution shall retain one copy of the form and transmit the remaining three copies to the manufacturer concerned at the time of placing its order for the merchandise. The manufacturer shall forward two copies of such requisition with two copies of the notice of shipment, as required in this subpart, to the Assistant District Commissioner' for the district in which is located the factory from which the shipment described on the form is removed. The manufacturer shall retain the other copy of the requisition for the records of his factory and for presentation upon demand of any internal revenue officer.

BOND

§ 140.214 Manufacturer of tobacco products. A shipment of tax-free tobacco, snuff, cigars, or cigarettes, made by a manufacturer of such articles under this subpart, shall be charged against the bond, Form 40 or Form 71, furnished by the manufacturer to cover the operation of his factory from which the shipment is removed.

§ 140.215 Manufacturer of cigarette papers and tubes. A manufacturer of cigarette papers and tubes desiring to remove cigarette papers in packages, books, or sets, of more than 25 papers each, and any cigarette tubes, from his factory, tax-free, under this subpart, shall furnish to the Assistant District Commissioner for the district in which his factory is located, a bond on Form 7999, in triplicate, satisfactory to that officer. All of the information called for by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this subpart, shall be furnished. The penal

sum of the bond must be sufficient to cover the estimated amount of tax which may at any time constitute a charge against the bond, and in no case less than \$500. The liability under such bond will be a continuing one, subject to increase as successive withdrawals are made thereunder and to decrease as evidence of delivery, as required by this subpart, is received by the Assistant District Commissioner. When the limit of liability under the bond has been reached, no further shipments may be made under the bond. An additional or strengthening bond with the same surety as that on the original bond, or a new or superseding bond, must be filed to cover further shipments of such articles from the factory. The bond required by this subpart may be executed by a single corporate surety or by at least two individual or personal sureties. If given with personal sureties, the manufacturer shall furnish form each such individual surety an affidavit on Form 33, in triplicate, to show his justification to act as such surety, a copy of which affidavit shall be attached to each copy of the related bond when filed by the manufacturer. Upon receipt of the bond, in triplicate, the Assistant District Commissioner shall, if the bond meets with his approval, make endorsement to that effect on all three copies. He shall retain one copy, forward one copy promptly to the Commissioner of Internal Revenue, and transmit the remaining copy to the manufacturer as notice of approval of the bond and authority to make tax-free shipments under this subpart of the articles covered by the bond. The copy of the bond, also a copy of any necessary Form 33, returned to him, shall be retained by the manufacturer for the records of his factory and for presentation upon demand of any internal revenue

NOTICE OF SHIPMENT FROM FACTORY

§ 140.216 Notice of shipment. For each shipment of tax-free tobacco products, or cigarette papers or tubes, removed from his factory under this subpart, the manufacturer shall prepare a notice of shipment on Form 7997, in triplicate. All of the information called for by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this subpart, shall be furnished. The manufacturer shall assign to each notice of shipment a serial number, which shall begin with No. 1 with respect to the first shipment made under this subpart and begin again with No. 1 with respect to the first shipment made on July 1 of each year thereafter, which serial number shall be the same on all three copies of the notice. Two copies of such notice of shipment shall be forwarded to the Assistant District Commissioner for the district in which the factory is located. together with two copies of the related requisition from the Federal agency or institution desiring the merchandise, immediately after removal of the shipment from the factory. The other copy of the notice of shipment shall be retained by the manufacturer for the records of his factory and for presentation

¹Denotes the Assistant District Commissioner, Aicohol and Tobacco Tax, pursuant to Reorganization Plan No. 1 of 1952 (17 F. R. 2243).

upon demand of any internal revenue officer.

PACKING AND LABELING

§ 140.217 Tobacco products. Manufactured tobacco, snuff, cigars and cigarettes shipped from a factory under this subpart, must be put up in packages of the same sizes prescribed by law for such articles removed taxpaid for domestic sale or consumption. Each package must show either the name of the manufacturer or the identity of his factory by number, district and State, which may appear in the form of the caution notice and/or factory brand required to be affixed to each stamped package removed from the factory for taxable purposes. There shall be affixed to each package a label or sticker, clearly distinguishable from an internal revenue stamp, on which shall be printed in legible letters the words "Free of Tax-Use of U.S. Not to be Sold."

§ 140.218 Cigarette papers and tubes. When cigarette papers and tubes are shipped by a manufacturer under this subpart, such articles may be put up in packages, books or sets of any sizes desired. Packages, books or sets containing more than 25 cigarette papers each, and all packages of cigarette paper tubes, must bear the name and address of the manufacturer and a label or sticker, clearly distinguishable from an internal revenue stamp, on which shall be printed in legible letters the words "Free of Tax—Use of U. S. Not to be Sold".

ENTRIES IN MANUFACTURER'S RECORDS

§ 140.219 Manufacturers of tobacco products. Entry of each shipment of tax-free tobacco, snuff, cigars, or cigarettes, actually removed from his factory under this subpart shall be made by the manufacturer in the proper column in the prescribed revenue book, Form 73, Part 1 or 2, or Form 74, as the case may be. Such shipment shall also be included in the revenue book in the recapitulation or account of manufactured tobacco and snuff, or cigars or cigarettes, for the month in which the shipment was removed.

§ 140.220 Manufacturers of cigarette papers and tubes. Appropriate entry of each shipment of cigarette papers and tubes actually removed from his factory under this subpart shall be made by the manufacturer in the revenue book required to be kept by him. Such entry shall carry a notation "For use of U. S." With respect to the manufacturer's return, Form 734, cigarette papers so shipped shall be reported in the appropriate column, under cigarette papers removed, with the notation "For use of U. S.", while cigarette tubes so shipped shall be reported on the return in the column covering tubes delivered tax-free. with a similar notation to appear through or across the columns headed "Factory No." and "District".

EVIDENCE OF DELIVERY REQUIRED

§ 140.221 Certificate of receipt. The officer responsible for receiving a shipment of tax-free tobacco products, or cigarette papers and tubes, delivered to a Federal agency or institution, for use

of the United States, shall, upon receipt of the shipment, inspect it in order that he may certify as to the quantity and class of product actually received and date of receipt. Such certificate shall be executed on Form 7998, to be prepared in triplicate. All of the informa-tion called for by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this subpart, shall be furnished. The receiving officer shall retain one copy of such certificate and transmit the other two copies promptly to the manufacturer who made the shipment. The manufacturer shall keep one copy of the certificate for the records of his factory and for presentation upon demand of any internal revenue officer, and shall forward the other copy immediately to the Assistant District Commissioner for the district in which the factory is located, in order that the manufacturer may be relieved of liability to tax on the product actually received by the agency or institution. Where there is a loss of goods in transit, or there is any difference between the quantity of product withdrawn from the factory as described on the notice of shipment and that certified by the receiving officer as having been delivered to the Federal agency or institution, the manufacturer making the shipment shall be liable for the tax on such shortage or difference.

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

6. These regulations shall be effective on the 31st day after publication in the FEDERAL REGISTER. The provisions of Regulations 34 (26 CFR Part 450) with respect to tobacco, snuff, cigars, and cigarettes are hereby rendered inapplicable as of the effective date of this Treasury decision.

[F. R. Doc. 53-5777; Filed, June 30, 1953; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR Parts 906, 929]

[Docket Nos. AO 210-A3 and A4, AO 228-A1 and A2]

HANDLING OF MILK IN TULSA AND MUSKO-GEE, OKLAHOMA, MARKETING AREAS

NOTICE OF RECOMMENDED DECISIONS AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER AMENDING ORDERS, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed

order amending the orders, as amended, regulating the handling of milk in the Tulsa, Oklahoma, and Muskogee, Oklahoma, marketing areas. 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 12th day after its publication in the Federal Register. Exceptions should be filed in quadruplicate.

Preliminary statement. Public hearings, on the records of which the proposed marketing agreement and order was formulated, were conducted at Tulsa, Oklahoma, on March 9, and March 10-11, 1953, pursuant to notices thereof which were issued on February 18, 1953 (18 F. R. 1043, 1044).

The major issues of record related to: 1. The merger of Orders, No. 6 and No. 29 regulating the handling of milk in the Tulsa, Oklahoma, and Muskogee, Oklahoma, marketing areas;

2. Further expansion of the marketing area to include additional territory not now under regulation;

3. The applicability of provisions of the present Tulsa order to an order with an enlarged marketing area; 4. The pricing of Class II milk; and

5. Other issues with respect to which decision has been made and action has been taken on the basis of the record of the hearing held March 9.

Findings and conclusions. The following findings and conclusions with respect to the material issues not heretofore decided are based on the evidence presented at the hearing and the record thereof:

1. Order No. 29 regulating the handling of milk in the Muskogee, Oklahoma, marketing area should be consolidated with Order No. 6 regulating the handling of milk in the Tulsa, Okla-

homa, marketing area. There is substantial overlapping and intermingling of Tulsa and Muskogee routes both for the procurement and distribution of milk. This overlapping and intermingling has developed to the point that there is no clearly defined break between the two areas. Uniform inspection requirements prevail for milk eligible for fluid distribution. A Muskogee handler has a permit for sale of milk in the City of Tulsa on the basis of his approval by the Muskogee health authorities. Milk approved by the Tulsa authorities is eligible for sale in Muskogee, and two Tulsa handlers are currently selling substantial quantities of milk in Muskogee. There is considerable interchange of milk between the plants of a handler who operates in both Tulsa and Muskogee. There is active competition for business between the two groups of handlers in the territory lying between and adjacent to the two marketing areas.

There are seven counties in Oklahoma and one county in Missouri from which both Tulsa and Muskogee draw milk supplies. These counties supply more than three-fourths of the total production for Muskogee and slightly less than half of that for Tulsa. Approximately one-third of the Muskogee supply comes from areas that are as readily accessible to Tulsa as to Muskogee, and in which

there is a considerable concentration of production for the Tulsa market.

The Class I prices of the Tulsa and Muskogee orders have been the same except for the months of September through December 1952 when a temporary increase due to drought conditions was in effect under the Tulsa order. For these months, however, Muskogee handlers paid an equivalent amount in premiums above order prices. As of January 1953 the Tulsa order contains a provision for "supply-demand" adjustment of Class I prices which is not now included in the Muskogee order. This provision has had no effect on the Tulsa price up to the time of the hearing.

The uniform producer prices of the two orders have not maintained such a close relationship. For the first six months (July-December 1951) for which the Muskogee order was in effect the Tulsa price exceeded the Muskogee price by only a few cents. The percentage of producer milk in Class I use was practically identical and the differences in uniform prices were due to a slightly lower Class II price in Muskogee and the establishment of a reserve in the producer settlement fund in the initial operation of the Muskogee order. For the last six months of 1952, however, the Muskogee producer price, including the premiums mentioned above, averaged 31 cents less than the Tulsa producer price. While producer receipts in both markets increased about 5 percent in July-December 1952 over the same period in 1951, Class I sales by Tulsa handlers increased 12 percent and those by Muskogee handlers declined 7 percent.

Muskogee handlers attribute this difference in sales trends to their lack of facilities for packaging milk in half gallon paper containers. Their routes cover an extensive territory outside the marketing area in which they compete with handlers who now have such facilities, If the Tulsa and Muskogee pools are combined, Muskogee handlers will be in position to have Tulsa plants provide them with milk in half gallon packages without question as to the particular group of producers who will share the benefits of the Class I sales they make. It also appears that recent changes in the operations of a Muskogee handler with respect to sales in the Fort Smith area will increase the Class I utilization of milk presently in the Muskogee pool.

In view of the common supply area and the common problems involved, the cooperative associations which formerly represented producers in Tulsa and Muskogee, respectively, have recently joined into a single association which now represents more than two-thirds of the producers in each market. This association is the principal proponent of the proposal for merger of the two orders. It contends that adoption of the proposal will assist it in fulfilling its responsibilities in supplying the needs of the entire market, and in its ability to shift producers to plants at which milk can best be utilized. The base-excess plans now provided in each order make such shifts between the markets impracticable on a short time basis at certain seasons of the year.

Individual Tulsa producers oppose the merger of the orders because they fear that their uniform price will be lowered It appears that over the long run producers in the common supply area would shift to the market with the higher blend price and that this process would result in about the same average price under each order as will result under a com-bined order. Testimony on the record indicates that unless the orders are merged there will be a substantial number of Muskogee producers shift to Tulsa in the near future. Under a single regulation the cooperative association can be expected to direct delivery of milk to the plants at which it is needed for Class I use.

To accomplish the merger effectively and most equitably the funds in the custody of the market administrator in the administrative, marketing service and producer-settlement funds under the Muskogee order should be combined with funds in the similar funds under the Tulsa order when the merger is effected. To distribute such funds under the Muskogee order to Muskogee producers and handlers would unduly burden handlers and producers now regulated by the Tulsa order, To distribute the funds under both orders and again accumulate the necessary reserves would entail considerable administrative detail for no good purpose.

The marketing area should not be expanded at this time to include additional territory not now under regulations.

It was proposed that in addition to the territory now under regulation, the marketing area be expanded to include all or significant portions of twelve counties in Northeastern Oklahoma. The area proposed is identical with that with respect to which evidence was received at a public hearing held July 29-31, 1952 (while a slightly larger area was proposed in the notice of such hearing, no evidence was then offered in support of territory other than that included in the notice of the hearing of March 10-11, 1953). Very little new evidence was introduced at the March hearing, as those supporting the proposal and most of those opposing it incorporated their previous evidence by reference, without offering additional evidence.

On the basis of the evidence received at the 1952 hearing the Secretary of Agriculture, in a decision issued December 29, 1952, concluded that the proposal should not be adopted at that time. A careful review of the evidence upon which such conclusion was based, and the additional pertinent evidence contained in the record, indicates that the previous conclusion and the findings made in connection therewith are still valid at this time.

3. The substantive provisions of Order No. 6 should be included in the order for the combined marketing area, except as noted below and elsewhere in this decision.

The provisions of the Tulsa and Muskogee orders are for the most part identical in their substantive effect. As indicated above the Class I pricing provisions are identical except for a "supplydemand" adjustment provision of the Tulsa order. This provision will be equally applicable in adjusting the Class I price applicable to the order for the combined marketing area. Specific proposals with respect to the pricing of Class II milk are discussed elsewhere in this decision. The classification provisions of the orders are very similar, and, except as noted below, those of the Tulsa order should be included in the order for the combined area.

The majority of the provisions of a milk order apply to the individual operations of handlers in determining the classification and minimum value of receipts of milk from producers by each handler. The effect of similar provisions of such nature in two separate orders are not changed when the two orders are combined into a single regulation.

Action has been taken on the basis of this record to classify as Class II milk skim milk dumped after prior notification to and opportunity for verification by the market administrator. The provision should be continued in the merged order. The classification and allocation treatment of inventories should be changed. Presently changes in inventories of milk, skim milk, cream and specified Class I products from the beginning to the end of the month serve to increase or decrease the total volume of milk classified as Class II milk, to which current receipts of other source milk are first allocated. This system does not give producer milk in inventory prior claim to Class I sales over current receipts of other source milk. In addition, confusing negative classification figures cause some confusion. These results will be avoided if all skim milk in the closing inventory in these forms is classified as Class II milk and the opening inventory is treated as a receipt to be allocated, in series beginning with Class II milk, to the uses remaining after prior allocation of receipts of other source milk to Class II uses. If this results in any of the opening inventory being allocated to Class I milk, it indicates that the handler has used for Class I purposes during the current month milk classified as Class II milk in inventory the previous month. If an equivalent volume of producer milk (other than allowable shrinkage) was paid for as Class II milk the previous month, the handler should pay the remainder of the Class I value as a reclassification charge. Provision should be made, however, that this system of revolving inventories should not apply to cream stored in flush production seasons for manufacturing use in the short season. This is accomplished by classifying as Class II milk cream frozen and stored. The cream so classified may be reclassified. but without priority over current receipts of other source milk, if used as Class I milk when removed from storage.

The allocation provisions of the order should be made more specific with respect to interhandler movements of products in forms other than milk, skim milk or cream. The classification of such products in the plant of the first handler are not determined by the rules determining the classification of milk,

skim milk or cream moved between handlers, and provision should be made for allocation at the class determined by other provisions of the order.

With respect to the classification of milk moved to unapproved plants some modifications are necessary in an order for the enlarged marketing area. The limits within which milk and skim milk may be moved to an unapproved plant and classified as Class II milk are not consistent. It is concluded that a limit of 250 highway miles from Tulsa will provide an area available to all handlers within which manufacturing facilities are available for the disposition of seasonal surpluses of milk. The provisions with respect to classification of cream moved to unapproved plants should be uniform without regard to distance. Presently the requirements to establish Class II classification on movements to distant plants appear to be less burdensome than to establish such classification on movements to nearby plants. Cream so moved should be Class I if the cream moves under Grade A certification, and be Class II if the handler establishes that the cream moved without such certification and with each container labeled to indicate that the contents were for manufacturing use only, and that the shipment was so invoiced.

Location adjustments to handlers and to producers are presently provided in each order. The Tulsa order provides such adjustments with respect to milk received at approved plants 35 miles or more from the City Hall in Tulsa. The Muskogee order provides for such adjustments at two specified locations, at only one of which there is presently a plant in operation. The provisions of the Tulsa order should be revised to provide that such adjustments apply to plants not located in the marketing area at distances measured from the nearer of the City Hall in Tulsa or the City Hall in Muskogee. This will not affect the rate of adjustment currently provided at any plants now in operation and should provide an equitable system of adjustments.

A proposal that receipts of other source milk classified as Class I milk under any other Federal order be allocated so as to give such milk prior claim to Class I sales over receipts of producer milk should not be adopted. Other source milk is presently allocated to Class I uses in a handler's plant when receipts of producer milk at such plant are less than Class I uses. Milk priced under another Federal order is so allocated if brought into the plant of a handler regulated by either the Tulsa or Muskogee orders. When distributed on routes in the marketing area by or for the handler subject to another Federal order the provisions of the present orders require that handler to pay any amount by which its value at the Class I price of the other order is less than that of the order involved. There is no basis on this record for changing such provisions. The proposal would provide a means whereby local handlers could have a competitive advantage over such handlers on distribution within the marketing area. It was also contended that the provision would limit the volumes of milk for which handlers pay producers the Class I price to the volume available when needed in periods when daily receipts and sales fluctuate within the monthly accounting period. No limit was proposed, however, which would limit the applicability of the provision to the times or volumes that might be associated with such fluctuation.

4. The administrative assessment should be continued at a maximum rate of 4 cents per hundredweight. This is the rate that has prevailed in each order. The question was raised as to whether the merging of the orders might not result in sufficient savings to warrant a reduction in the maximum rate. Since the two orders have been administered jointly from a single office with the same staff of employees, the economies of administration will not be great. The 4 cents is a maximum rate and the actual assessment can be reduced as operations prove that a lesser amount will provide sufficient revenue to administer the order

5. The price for Class II milk should be determined by the average paying prices of five manufacturing plants which purchase milk from dairy farmers in the area within which producers supplying the market are located.

Manufacturing milk plant prices presently determine the Class II price in each of the Tulsa and Muskogee orders. A list of four plants is named in each order; two plants are listed in both orders, so that a total of six plants are named. Various combinations of these plants and other plants were proposed as the list of plants whose paying prices should determine the Class II price. Five of these plants buy ungraded milk from dairy farmers located in the area from which producers supply the Tulsa and Muskogee markets, while the sixth plant is located at considerable distance from the supply area. One of the five plants is located in Tulsa and one in Muskogee. These five plants represent the principal outlets to which Class II milk in excess of that processed in handlers' plants has moved in the past. The plant located at Tulsa was at the time of the hearing part of a regulated handler's operations but since that date has become independently operated, a fact of which official notice is taken.

It is concluded that the average of the paying prices of these five plants for ungraded milk is representative of the value of Class II milk in the area. Two of these plants are principally engaged in the processing of evaporated milk, two make cheese as their principal product, and the fifth processes ice cream ingredients, non-fat dry milk solids and butter.

Proposals were made to provide for prices for certain milk at less than the regular Class II price. It was proposed that for the months of April through August 1953 butterfat used or disposed of for the manufacture of butter, and skim milk disposed of for livestock feed or not otherwise accounted for be priced at lower levels determined by the price of 90 score butter and non-fat dry milk solids sold for animal feed. It was also proposed that for the months of April

through August thereafter the order price "distress milk" at 40 cents per hundredweight below the regular Class II price. "Distress milk" was proposed to be defined as that shipped from a handler's plant after having been offered for sale without acceptance at the last announced Class II price plus 17 cents per hundredweight.

The use of the paying prices of local manufacturing plants as a basis for determining the Class II price would appear to provide a price which will vary directly with the prevailing price of manufacturing milk in the area. There appears to be no need for providing a lower price for the present season. The local plant prices of the two orders have decreased as rapidly as the values of manufactured dairy products. While the record indicates uncertainty as to whether normal outlets for manufacturing milk would be available to the extent of previous years, it does not appear that reduction of the Class II price of the order will have any effect in the situation. Instead it might accelerate decline in prices to producers of manufacturing milk.

The "distress milk" provisions proposed for permanent inclusion in the order appear to be such as to make it likely that a large proportion of all milk moved for manufacturing purposes from handlers' plants would be priced at the discount, of 40 cents per hundredweight regardless of market conditions. The proposal should not be adopted.

Proposed findings and conclusions. Briefs were filed on behalf of the producers' association, the handlers in the market and those affected by proposed amendments. The briefs contained proposed findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such sug-gested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

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

DEFINITIONS

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

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

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

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

§ 906.5 Cooperative association. "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

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

(b) To have full authority in the sale of milk of its members, and

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

§ 906.6 Tulsa-Muskogee, Oklahoma, marketing area. "Tulsa-Muskogee, Oklahoma, marketing area", hereinafter called the marketing area, means all territory within County of Tulsa, the City of Sapulpa, the township of Sapulpa in Creek County, that part of Black Dog township in 20 North, Ranges 10, 11, and 12 East in Osage County, and the Cities of Muskogee, McAlester and Tahlequah, all in the State of Oklahoma.

§ 906.7 Approved plant. "Approved plant" means:

(a) A milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including routes operated by vendors and disposition at plant stores);

(b) Any milk plant approved by any health authority having jurisdiction in the marketing area which serves as a receiving station by receiving, weighing, and commingling producer milk and from which such milk is normally transferred to a plant specified in paragraph (a) of this section.

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

§ 906.9 Handler. "Handler" means: (a) Any person in his capacity as the operator of an approved plant; or

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 906.10 Producer. "Producer" means any person, other than a producer-handler, who produces milk, under a dairy farm permit, permit authorization or rating, for the production of milk to be disposed of for consumption as Grade A milk, issued by any health authority having jurisdiction in the marketing area, which is received at an approved plant. Producer shall include any such person whose milk is caused by a handler to be diverted for the account of such handler from an approved plant to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include any person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal order and who is partially exempt from the provisions of this subpart pursuant to § 906.61.

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

§ 906.12 Other source milk. "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

Producer-handler. \$ 906.13 ducer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 906.14 Base milk. "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 906.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 906.15 Excess milk. "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 906.65.

MARKET ADMINISTRATOR

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

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

(a) To administer its terms and pro-

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

(c) To make rules and regulations to effectuate its terms and provisions; and, (d) To recommend amendments to

the Secretary.

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

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

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

provisions:

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

(d) Pay out of funds provided by § 906.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 906.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

retary may designate;

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

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

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

(1) Made reports pursuant to §§ 906.30

to 906.32, inclusive.

(2) Maintained adequate records and facilities pursuant to § 906.33, or

(3) Made payments pursuant to §§ 906.80 to 906.88, inclusive;

- (i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who are members of such cooperative association, to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class:
- (j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:
- (1) On or before the 12th day of each month the minimum price for Class I milk computed pursuant to § 906.51 (a) and the Class I butterfat differential computed pursuant to § 906.52 (a) both for the current month; and on or before

the 5th day of each month the minimum price for Class II milk pursuant to \$906.51 (b) and the Class II butterfat differential computed pursuant to \$906.52 (b), both for the previous month; and

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 906.71 or § 906.72, as applicable, and the butterfat differential computed pursuant to § 906.82, both for the previous month; and

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

REPORTS, RECORDS, AND FACILITIES

§ 906.30 Reports of receipts and utilization. On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk:

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handless.

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler):

(d) The utilization of all skim milk and butterfat required to be reported

pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area; and

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

§ 906.31 Reports of payments to producers. On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of April through June such producer's deliveries of base and excess milk;

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

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

§ 906.32 Other reports. (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

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

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

source milk;

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

(c) Payments to producers and coop-

erative associations; and

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

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

CLASSIFICATION

§ 906.40 Skim milk and butterfat to be classified. All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 906.30 shall be classified by the market administrator pursuant to the provisions of §§ 906.41 to 906.46, inclusive.

§ 906.41 Classes of utilization. Subject to the conditions set forth in §§ 906.43 and 906.44, inclusive, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section;

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

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

(2) Disposed of for livestock feed;

(3) In cream frozen and stored;

(4) In skim milk dumped, after prior notification to an opportunity for verification by the market administrator;

(5) In shrinkage up to 2 percent of

receipts from producers;

(6) In shrinkage of other source milk; and

(7) In inventory at the end of the month as milk, skim milk, cream (except frozen) or any product specified in paragraph (a) of this section.

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

(a) Compute the total shrinkage of skim milk and butterfat for each han-

dler; and

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

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

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous month pursuant to \$906.41 (b) (7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to \$906.46 (a) (4).

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

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producerhandler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: Provided, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 906.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: And pro-vided further, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer

(b) As Class I milk if transferred or diverted to a producer-handler in the form of milk, skim milk or cream.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 250 miles from Tulsa, Oklahoma by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant, or unless the handler claims classification as Class II milk and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are for manufacturing use only, and that the shipment was so invoiced;

(e) (1) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant located not more than 250 highway miles from Tulsa, Oklahoma, and from which fluid milk is disposed of on wholesale or retail routes or to other milk plants, unless all the following conditions are met:

(i) The market administrator is permitted to audit the records of such unapproved plant; and

(ii) Such unapproved plant received milk from dairy farmers who the market administrator determines constitute its regular source of supply for Class I milk.

(2) If these conditions are met the market administrator shall classify such milk as reported by the handler subject to verification as follows: (i) Determine the use of all skim milk and butterfat at such unapproved plant, and (ii) allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the unapproved plant direct from dairy

(f) As Class II milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 250 highway miles from Tulsa, Oklahoma, and from which fluid milk is not disposed of on wholesale or retail routes or to other milk plants.

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

§ 906.46 Allocation of skim milk and butterfat classified. After making the computations pursuant to § 906.45 the market administrator shall determine the classification of milk received from producers as follows:

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

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 906.41 (b) (5)

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 906.41;

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in receipt of other source milk;

(4) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream (except frozen) or any product specified

in § 906.41 (a);
(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 906,44 (a);

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

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage".

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

this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 906.50 Basic formula price to be used in determining Class I prices. The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 906.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

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

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 906.51 Class prices. Subject to the provisions of §§ 906.52 and 906.53, inclusive, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) Class I milk. The basic formula price plus \$1.45 during the months of April, May and June and plus \$1.85 during all other months: Provided. That for each of the months of September. October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this order pursuant to § 906.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I

utilization percentage;

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utilization percentage shown below:

Month for which price applies	Months used in computation	Standard utilization percentage
January	November-December	108
February	December-January	110
March	January-February	112
April	February-March	114
May	March-April	117
June	April-May	129
July	May-June	137
August	June-July	137
September	July-August	134
October	August-September	128
November	September-October	119
December	October-November	109

(3) For each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 3 cents in January, February, March, July and August; 2 cents in April, May and June; 4 cents in September, October, November and December; and for each plus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be decreased 3 cents in January, February, March, July and August; 4 cents in April, May and June: and 2 cents in September, October, November and December: Provided, That in no event shall an adjustment made pursuant to this subparagraph exceed 50 cents per hundredweight.

(b) Class II milk. The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

American Foods Co., Miami, Okla. Muskogee Dairy Products Co., Muskogee, Okla.

Page Milk Co., Coffeyville, Kans. Pet Milk Co., Siloam Springs, Ark. Real Test Foods Co., Tulsa, Okla.

Butterfat differentials to § 906.52 Butterfat differentials to handlers. If the average butterfat content of the milk of any handler allocated to any class pursuant to § 906.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 906.51, for each onetenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each onetenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

 (a) Class I milk. Multiply such price for the preceding month by 1.25;

(b) Class II milk. Multiply such price for the current month by 1.15.

§ 906.53 Location adjustment credit to handlers. For that portion of milk which is (a) received directly from producers at an approved plant located outside the marketing area and 35 or more miles from the nearer of City Hall in Tulsa or the City Hall in Muskogee by shortest hard-surfaced highway distance, as determined by the market administrator, and (b) is either (1) moved to and received at an approved plant located in the marketing area in the form of milk, skim milk or cream, or (2) is classified as Class I milk without such movement, the prices specified in § 906.51 shall be subject to a location adjustment credit to the handler, computed as follows:

APPLICATION OF PROVISIONS

§ 906.60 Producer-handlers. Sections 906.40 through 906.46, 906.65, 906.66, 906.50 through 906.53, 906.70 through 906.73, and 906.80 through 906.89, shall not apply to a producer-handler.

§ 906.61 Handlers subject to other orders. In the case of any handler who the Secretary determines disposes of a

greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF BASE

§ 906.65 Computation of daily average base for each producer. For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in \$ 906.65.

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

§ 906.66 Base rules. (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only during the period of April through June by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

DETERMINATION OF UNIFORM PRICES

§ 906.70 Computation of value of milk. The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices (adjusted pursuant to

§§ 906.52 and 906.53) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 906.46 (a) (7) by the applicable class price(s); and

(c) Add any plus amounts resulting from reclassification of skim milk and butterfat pursuant to § 906.43 (b), except that the quantity of skim milk and butterfat in inventory on which a reclassification charge is made shall not exceed the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month. The reclassification charge for such skim milk and butterfat shall be computed at the difference between its value at the Class I price of the current month and the Class II price of the month in which previously classified as Class II milk (the preceding month, with respect to skim milk and butterfat in inventory).

§ 906.71 Computation of aggregate value used to determine price(s). For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 906.70 for all handlers who made the reports prescribed in § 906.30 and who made the payments pursuant to §§ 906.80 and 906.84 for the preceding month.

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 906.81.

(c) Add not less than one-half of the cash balance on hand in the producersettlement fund less the total amount of the contingent obligations to handlers pursuant to § 906.85.

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to \$906.82 and multiplying the resulting figure by the total hundredweight of such milk.

§ 906.72 Computation of uniform price. For each of the months of July through March the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers as follows:

(a) Divide the aggregate value computed pursuant to § 906.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 906.73 Computation of uniform prices for base milk and excess milk. For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess

milk, each of 4.0 percent butterfat content, as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers.

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value of milk computed pursuant to § 906.71 and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 906.80 Time and method of payment. Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer to whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 906.72 and 906.73, adjusted by the butterfat differential computed pursuant to § 906.82, subject to location adjustments to producers pursuant to § 906.81, and less the amount of the payment made pursuant to paragraph (b) of this section: Provided, That if by such date such handler has not received full payment pursuant to § 906.85, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the last day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received from him during the first 15 days of the month at not less than the Class II price for the preceding month.

(c) On or before the 13th and 27th days of each month, in lieu of payments pursuant to paragraphs (a) and (b).

respectively, of this paragraph, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 906.81 Location adjustment to producers. In making payments to producers pursuant to § 906.80, each handler may deduct per hundredweight of milk received from producers at an approved plant, or diverted to an unapproved plant, either of which is located outside the marketing area and 35 or more miles from the nearer of the City Hall in Tulsa or the City Hall in Muskogee by shortest hard-surfaced highway distance, as determined by the market administrator, the applicable amounts set forth below:

Distance from nearer of the	Cents per
City Hall in Tulsa or the	hundred-
City Hall in Muskogee:	weight
35 to 50 miles	
50.1 to 65 miles	17
65.1 to 80 miles	19
80.1 to 95 miles	21
95.1 miles or over	23

§ 906.82 Producer butterfat differential. In making payments pursuant to § 906.80 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 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest onetenth of a cent.

§ 906.83 Producer-settlement fund. The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 906.84, 906.61 (b), and 906.86, and out of which he shall make all payments to handlers pursuant to §§ 906.85 and 906.86, inclusive.

§ 906.84 Payments to the producersettlement fund. On or before the 13th
day after the end of the month during
which the milk was received, each handler, including a cooperative association
which is a handler, shall pay to the market administrator the amount, if any,
by which the value of the milk received
by such handler from producers as determined pursuant to § 906.70 is greater
than the amount required to be paid
producers by such handler pursuant to
§ 906.80.

§ 906.85 Payment out of the producersettlement fund. On or before the 14th day after the end of the month during which the milk was received the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 906.70 is less than the amount required to be paid producers by such handler pursuant to § 906.80: Provided, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 906.86 Adjustments of accounts. Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting on moneys due (a) the market administrator from such handler (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 906.87 Marketing services. Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 906.80 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample. test, and check the weights of milk received from producers and to provide producers with market information.

(b) 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, in lieu of the deductions specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agree-ment or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 906.31. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 906.31.

§ 906.88 Expense of administration. As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundred-weight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 906.89 Termination of obligation. The provisions of this section shall apply to any obligation under this subpart for

the payment of money.

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

(1) The amount of the obligation;(2) The month(s) during which the

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

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

is to be paid.

- (b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.
- (c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.
- (d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (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 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 906.90 Effective time. The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 906.91.

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

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

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

MISCELLANEOUS PROVISIONS

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

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

Dated: June 25, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53-5744; Filed, June 30, 1953; 8:47 a. m.]

[7 CFR Part 992]

IRISH POTATOES GROWN IN WASHINGTON
NOTICE OF PROFOSED BUDGET AND RATE OF
ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S. C. et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice

in the FEDERAL REGISTER.

Section 992,205 is proposed to read as follows:

§ 992.205 Budget of expenses and rate of assessment. (a) The expenses necessary to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1954, will amount to \$20,620;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-half of one cent (\$0.005) per hundredweight of potatoes handled by him as the first handler thereof during

said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992).

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

Done at Washington, D. C., this 26th day of June 1953.

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

[F. R. Doc. 53-5787; Filed, June 30, 1953; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Economic Regs. Draft Release No. 59-B]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND OF FOREIGN AIR CARRIERS

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

JUNE 29, 1953.

By notice of proposed rule making dated March 11, 1953 (18 F. R. 1521) the Board circulated for public comment its proposed revision of Part 221. The return date for comment was extended to June 30, 1953 by Draft Release No. 59-A, dated April 22, 1953 (18 F. R. 2454). The Board has received requests from interested parties to further extend the return date for comment to July 15, 1953. In support of this request for extension it has been shown to the Board that many of the tariff experts upon whom the industry relies have necessarily been absent from the country to attend an

IATA meeting. In view of extensive detailed provisions contained in the Draft Release, the Board believes that the request for this further extension is reasonable and that the grant of additional time will be in the public interest.

Accordingly, the aforesaid notice, as amended, is further amended by changing the return date from June 30, 1953 to July 15, 1953. All material in communications received on or before such

latter date will be considered before taking action on the proposed rule.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 403, 52 Stat. 992; 49 U. S. C. 483)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, Secretary.

[F. R. Doc. 53-5813; Filed, June 30, 1953; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket No. DA-436]

IDAHO

RESTORATION ORDER UNDER FEDERAL POWER ACT

JUNE 19, 1953.

Pursuant to determination DA-436, Idaho, of the Federal Power Commission, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to location and entry under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S. C. sec. 818), as amended, and subject to the stipulation that if and when the lands are required in whole or in part for purposes of power development, any structures or improve-ments placed thereon which are found to interfere with such development shall be removed or relocated so as to eliminate interference, without cost or expense to the United States, its permittees or licensees.

IDAHO

BOISE MERIDIAN

T. 9 S., R. 14 E., Sec. 10, NW1/4 SE1/4, NE1/4 SW1/4.

The area described aggregates 80 acres. The subject lands occupy an elevation of 3,000 feet and are located within the area lying between the Upper Salmon Falls and the Shoshone Falls Power Projects on the Snake River. The lands constitute an isolated tract too rough for cultivation and they are classified as grazing in character and subject to disposal by public sale or private exchange. While any application that is filed will be considered on its merits, it is unlikely that any part of the restored (or opened) lands will be classified for any use or disposal other than that shown above.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for

the construction and maintenance of such highways subject to section 24 of the Federal Power Act as amended, and the stipulations herein provided. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGIS-TER. At that time, the lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90 day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944, (58 Stat. 747; 43 U. S. C. 279-284) as amended. Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request in the Land and Survey Office, Boise.

JAMES F. DOYLE, Assistant Regional Administrator.

[F. R. Doc. 53-5766; Filed, June 30, 1953; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

CERTAIN OFFICIALS

DELEGATION OF AUTHORITY WITH RESPECT TO ADMINISTRATION OF CERTAIN REGULA-TIONS DEALING WITH EGGS AND EGG PRODUCTS

Pursuant to the authority vested in me by the Assistant Administrator, Production and Marketing Administration on June 8, 1953 (18 F. R. 3351), the following officials of the Production and Marketing Administration are delegated authority to act with respect to the administration of those sections of the regulations (7 CFR Part 55) governing the sampling, grading, grade labeling, and supervision of packaging of eggs and egg products, which follow the titles of the respective officials:

1. Chief, Inspection and Grading Division, Poultry Branch. Sections 55.8, 55.9, and 55.11, except those provisions involving written petitions for reconsideration of rejections of applications for service; §§ 55.13, 55.18, and 55.58.

2. National Supervisor, Poultry Grading Section, Inspection and Grading Division, Poultry Branch, Sections

55.22, 55.23, 55.24, 55.25, 55.28, 55.48, and 55.49

3. Regional Supervisors, Poultry Grading Section, Inspection and Grading Division, Poultry Branch. Sections 55.34, and 55.39.

Any action heretofore taken with respect to the authority delegated hereunder, by the Chief, Inspection and Grading Division, Poultry Branch, the National Supervisor or Regional Supervisors, Poultry Grading Section, Inspection and Grading Division, Poultry Branch, is hereby ratified and confirmed and shall remain in full force and effect unless and until expressly modified, amended, revoked, or terminated.

Done at Washington, D. C., this 26th day of June 1953.

SEAL! HERMAN I. MILLER, Acting Director, Poultry Branch, Production and Marketing Administration.

[F. R. Doc. 53-5784; Filed, June 30, 1953; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 21]

AIRPORT DISTRICT OFFICES, REGION 2

ORGANIZATION AND FUNCTIONS

In accordance with the public information requirements of the Administrative Procedures Act, the description of the Organization and Functions of the Civil Aeronautics Administration is hereby amended. The purpose of this amendment is to show the locations of the Airport District Offices of Region 2 and the areas they serve.

Section 43 (g) (3) (ii), Region 2, published on May 14, 1953, in 18 F. R. 2798,

is amended to read:

(ii) Locations and areas served.

Region 2

Atlanta, Georgia, 50 Seventh Street NE.—Georgia, North Carolina, South Carolina, and Tennessee.

Fort Worth, Texas, Administration Building, Meacham Field—Texas.

Jackson, Mississippi, Building 334, Jackson Army Air Base—Alabama, Louisiana, and Mississippi.

Miami, Florida (Branch of Airport District Office at Atlanta, Georgia), Building 514, Miami International Airport—Florida, Puerto Rico, and Virgin Islands,

Oklahoma City, Oklahoma, 406 Municipal Building—Arkansas and Oklahoma,

This amendment shall become effective June 19, 1953, except that the Airport District Offices at Atlanta, Georgia, and Fort Worth, Texas, will not perform the functions of an Airport District Office with respect to activities within the States of Tennessee and Texas, respectively, until June 29, 1953.

[SEAL] Administrator of Civil Aeronautics.

[F. R. Doc. 53-5732; Filed, June 30, 1953; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 5569, 5666]

COLONIAL AIRLINES, INC. ET AL.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Colonial Airlines, Inc. and Eastern Air Lines, Inc., under sections 408 and 412 of the Civil Aeronautics Act of 1938, as amended, for approval of an agreement for the acquisition of the assets of Colonial Airlines, Inc., by Eastern Air Lines, Inc., Docket No. 5666; and

In the matter of the integration of the routes of National Airlines, Inc. and Colonial Airlines, Inc., Docket No. 5569.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 28, 1953 at 10:00 a. m., (e. d. s. t.), in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 26, 1953.

[SEAL]

FRANCIS W. BROWN. Chief Examiner.

[F. R. Doc. 53-5767; Filed, June 30, 1953; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6435]

SOUTHERN UTAH POWER CO.

NOTICE OF ORDER AUTHORIZING RENEWAL OF SHORT-TERM PROMISSORY NOTES

JUNE 25, 1953.

Notice is hereby given that on June 24, 1953, the Federal Power Commission issued its supplemental order adopted June 23, 1953, authorizing renewal of short-term promissory notes in the above-entitled matter.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-5759; Filed, June 30, 1953; 8:49 a. m.]

[Docket No. E-6500]

GULF STATES UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PLACEMENT OF PROCUREMENT IN JOHNS-SECURITIES

JUNE 25, 1953.

Notice is hereby given that on June 24, 1953, the Federal Power Commission issued its supplemental order adopted securities in the above-entitled matter.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-5760; Filed, June 30, 1953; 8:49 a. m.]

[Docket No. E-6501]

OTTER TAIL POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JUNE 25, 1953.

Notice is hereby given that on June 24, 1953, the Federal Power Commission issued its order adopted June 23, 1953, authorizing issuance of securities in the above-entitled matter.

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-5761; Filed, June 30, 1953; 8:49 a. m.]

[Docket No. E-6504]

DEPARTMENT OF THE INTERIOR, BONNEVILLE POWER ADMINISTRATION

NOTICE OF ORDER CONFIRMING AND APPROV-ING TEMPORARY RATE SCHEDULES

JUNE 25, 1953.

Notice is hereby given that on June 24, 1953, the Federal Power Commission issued its order adopted June 23, 1953, in the above-entitled matter, confirming and approving temporary rate schedules for the interim period ending December 20, 1954.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-5762; Filed, June 30, 1953; 8:50 a. m.]

[Project No. 2019]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

JUNE 25, 1953.

Notice is hereby given that on May 7, 1953, the Federal Power Commission issued its order adopted May 5, 1953, further amending license (Major) in the above-entitled matter.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-5763; Filed, June 30, 1953; 8:50 a. m.1

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 59]

TOWN, PENNSYLVANIA, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower

June 23, 1953, authorizing issuance of Policy No. 4, has reported to the Director of the Office of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Johnstown area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist,

The Department of Defense and the General Services Administration are hereby notified that upon full consideration the Director of the Office of Defense Mobilization has concluded that it is in the public interest to give preference to the Johnstown area, with the exception of the textile, apparel, shipbuilding, and petroleum and petroleum products industries located in that area, in the placement of Government contracts in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile, apparel, shipbuilding, and petroleum and petroleum products industries are excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952, Notification 53 dated July 19, 1952, Notification 57 dated August 28, 1952, and Notification 58 dated October 10, 1952.

The Department of Defense and the General Services Administration are requested to submit monthly written reports of the actions taken under this notification.

> OFFICE OF DEFENSE MOBILIZATION, ARTHUR S. FLEMMING, Director.

FINDINGS AND RECOMMENDATION OF THE SUR-PLUS MANFOWER COMMITTEE CONCERNING THE JOHNSTOWN, PENNSYLVANIA AREA UN-DER DEFENSE MANPOWER POLICY No. 4

Under date of May 27, 1953, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Johnstown area as a surplus labor area under standards established by the Secretary of Labor. The Johnstown area is composed of Cambria and Somerset Counties, Pennsyl-

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Johnstown area, and by the Philadelphia Regional Defense Mobilization Committee relative to facilities in the Johnstown area, the Committee makes the following findings and recommendation:

The Committee finds:

1. That the Johnstown area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills neces-sary to the fulfillment of Government con-

2. That there exist in the Johnstown area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objective of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at

reasonable prices in the Johnstown area provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Johnstown area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable in any labor market area classified by the Department of Labor as Group I. II. or III.

4. That no price differential for the Johnstown area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4.

RECOMMENDATION

The Committee recommends that the Director of the Office of Defense Mobilization conclude that it is in the public interest to give preference to the Johnstown area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

> OFFICE OF DEFENSE MOBILIZATION. THOMAS R. REID, Surplus Manpower Committee.

Approved:

ARTHUR S. FLEMING, Director,
Office of Defense Mobilization.

[F. R. Doc. 53-5861; Filed, June 30, 1953; 11:04 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3076]

AMESBURY ELECTRIC LIGHT CO. ET AL.

ORDER AUTHORIZING ISSUANCE OF PROMIS-SORY NOTES BY SUBSIDIARIES AND ACQUI-SITION OF SAID NOTES BY PARENT COMPANY

JUNE 25, 1953.

In the matter of Amesbury Electric Light Company, Attleboro Steam and Electric Company, Haverhill Electric Company, Quincy Electric Light and Power Company, Weymouth Light and Power Company, Worcester County Electric Company, New England Electric System, File No. 70–3076.

England Electric System ("NEES"), a registered holding company, and its above named subsidiary companies, hereinafter individually referred to as "Amesbury", "Attleboro", "Haverhill", "Quincy", "Weymouth" and "Worcester" and collectively referred to as the "borrowing companies", having filed a joint declaration with this Commission pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-23, U-42 (b) (2), U-43 (a), U-45 (b) (1) and U-30 (a) (3) thereunder with respect to the following proposed transactions:

The borrowing companies propose to issue to NEES, from time to time but not later than July 31, 1953, unsecured promissory notes in the aggregate principal amount of \$7,500,000 and in the following individual amounts: Amesbury, \$515,000; Attleboro, \$555,000; Haverhill, \$800,000; Quincy, \$1,080,000; Weymouth, \$1,050,000; and Worcester, \$3,500,000.

As at May 20, 1953, the borrowing companies had outstanding notes payable to banks in the aggregate principal amounts of \$7,390,000 and, with the exception of Amesbury, are authorized by the Commission to make, and propose to make, additional borrowings from banks prior to June 30, 1953. The proceeds to be derived from the notes proposed to be issued to NEES will be used by the borrowing companies to pay such note indebtedness to banks and after said issuance of notes to NEES, none of the borrowing companies will have, or will be authorized by this Commission to have, any such note indebtedness to banks, except Worcester, which will have \$1,100,000 principal amount of such notes outstanding with three local banks.

Each of the notes proposed to be issued to NEES will mature six months from the issue date thereof and will bear the same interest rate as the notes being paid off as long as such notes would have been outstanding by their terms and thereafter each of the proposed notes will bear interest at the prime interest rate at the issue date thereof. It is stated that 31/4 percent per annum is the present prime interest rate charged by banks on notes similar to the proposed notes. In the event that such prime interest rate is in excess of 3½ percent per annum at the time any of the proposed notes are to be issued, at least five days prior to the issuance of said note or notes the issuing company or companies and NEES will file an amendment to this filing setting forth the terms of the note or notes and the rate of interest. It is requested that any such amendment become effective at the end of said five day period unless prior thereto, the Commission notifies NEES or the issuing company or companies to the contrary.

Each of the borrowing companies proposes that if any permanent financing is done before the maturity date of any of the notes proposed to be issued, it will apply the proceeds therefrom in reduction of, or in total payment of, notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the principal amount of the then outstanding notes.

It is stated that incidental services in

connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed \$150 for NEES and each of the subsidiary companies, or an aggregate of \$1.050. It is further stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of the joint declaration and a hearing not having been requested or ordered by the Commission and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder 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 said joint declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said joint declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

NELLYE A. THORSEN, [SEAL] Assistant Secretary.

[F. R. Doc. 53-5738; Filed, June 30, 1953; 8:46 a. m.]

[File No. 70-3082]

NORTHERN STATES POWER CO.

ORDER REGARDING PROPOSED ISSUE AND SALE TO BANKS OF NOTES

JUNE 25, 1953.

Northern States Power Company ("Northern States"), a public utility company and a registered holding company, having filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), a declaration regarding a proposal to issue and sell \$20,000,000 of notes to banks and having designated sections 6 (a) and 7 of the act and Rule U-50 (a) (2) promulgated thereunder as being applicable to the proposed transactions which are summarized as follows:

Northern States proposes to negotiate loans aggregating not in excess of \$20.-000,000 from a group of banks, the loans to be evidenced by unsecured promissory notes to be dated as of the date of the loans and to be payable, without premium, on or before a date not more than 12 months from the date of the initial loans. The Company expects to make initial loans aggregating \$10,000,000 soon after its declaration is permitted to become effective, and additional loans aggregating \$10,000,000 from time to time thereafter but prior to December 31, 1953. The interest rate on the loans will not exceed the prime interest rate (presently 31/4 percent) on bank loans of this type at the time the respective loans are made. The banks which may participate in the loans may include some or all of the following:

Northwestern National Bank of Minneapolis.

First National Bank of Minneapolis.

The First National Bank of Saint Paul. The Chase National Bank of the City of New York.

Continental Illinois National Bank & Trust Co. of Chicago.

Harris Trust & Savings Bank, Chicago,

but the application states that Northern States, in negotiating the loan, will not be limited to the foregoing banks.

Northern States will not consummate any loan at an interest rate in excess of 31/2 percent or from any bank not listed above except after an amendment to its declaration has been filed with this Commission, stating such interest rate or naming such bank, as the case may be. and has been permitted to become effective. If such amendment is filed after its instant declaration has become effective, the Company will request therein that the amendment be permitted to become effective five days after filing without further order of the Commission unless the Commission shall have notified the Company to the contrary.

The proceeds from the loans will be added to general funds of the Company and used to provide part of the new capital required during the balance of 1953 and in the first part of 1954 for expenditures in connection with its construction

The declaration states that the proposed issue and sale of notes is exempt from the competitive bidding requirements of Rule U-50 under the provisions of paragraph (a) (2) thereof, and that no state commission has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule-23 and the applicable provisions of the act, that said 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]

NELLYE A. THORSEN, Assistant Secretary.

[F. R. Doc. 53-5740; Filed, June 30, 1953; 8:46 a. m.]

[File No. 70-3090]

NEW ENGLAND GAS AND ELECTRIC ASSOCIATION ET AL.

NOTICE REGARDING SALE OF COMMON STOCK BY SUBSIDIARY TO ITS PARENT AND ACQUI-SITION OF UTILITY ASSETS AND ASSUMP-TION OF LIABILITIES OF ASSOCIATE COM-PANY BY SUBSIDIARY

JUNE 25, 1953.

In the matter of New England Gas and Electric Association, New Bedford Gas and Edison Light Company, Plymouth Gas Light Company, File No. 70-3090.

Notice is hereby given that New England Gas and Electric Association ("Negea"), a registered holding company, and its public utility subsidiaries, New Bedford Gas and Edison Light Company ("New Bedford") and Plymouth Gas Light Company ("Plymouth"), have filed a joint application-declaration with this Commission pursuant to the provisions of sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("act"). All interested persons are referred to said joint application-declaration which

is on file in the office of this Commission for a more detailed statement of the transactions therein proposed, which are summarized as follows:

Negea owns all the outstanding common stock of Plymouth and 97.61 percent of the outstanding common stock of New Bedford. New Bedford proposes to offer one share of its \$25 par value common stock at public auction and Negea proposes to bid \$274,600 for such share of common stock. Upon completion of this transaction New Bedford proposes to purchase from Plymouth its assets and assume its liabilities for a cash considertion of \$274,600. Concurrent with the sale of its assets, Plymouth will declare and pay to Negea a liquidating dividend of \$274,600 and Negea will surrender to it the outstanding 2,746 shares of \$100 par value common stock for retirement.

It is stated that the proposed transactions are to be consummated to permit New Bedford to effect certain economies approximating \$18,500 annually through the operation and management of Plymouth's gas properties in conjunction with its own gas properties which are located contiguous to each other.

The expenses to be incurred are estimated at \$700 and include legal services of \$250 and Federal documentary stamps and filing fee.

The transactions proposed by New Bedford and Plymouth were approved by the Department of Public Utilities of Massachusetts by order dated June 9, 1953

Notice is further given, that any interested person may, not later than July 10, 1953, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issue of fact or law, if any, raised by the said joint applicationdeclaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 25 Second Street NW., Washington 25, D. C. At any time after said date, said joint applicationdeclaration as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL]

NELLYE A. THORSEN, Assistant Secretary.

[F. R. Doc. 53-5736; Filed, June 30, 1953; 8:45 a. m.]

[File No. 812-836]

INVESTORS MUTUAL, INC.

NOTICE OF FILING CONCERNING APPLICATION REQUESTING EXEMPTION FOR CERTAIN TRANSACTIONS BETWEEN AFFILIATES

June 25, 1953.

Notice is hereby given that Investors Mutual, Inc. ("Mutual") of Minneapolis, Minnesota, a registered management,

open-end, diversified investment company, has filed an application pursuant to section 17 (b) of the act seeking an order exempting the following transactions from the prohibitions contained in section 17 (a) of the act:

Mutual was promoted and organized by Investors Diversified Services, Inc. ("Investors"), a registered face-amount certificate company. Investors also acts as principal underwriter and investment manager of Mutual. Alleghany Corporation ("Alleghany") controls Investors through the ownership of approximately 93.6 percent of the latter's outstanding voting stock. Alleghany also owns approximately 47 percent of the outstanding voting securities of the Pittston Company ("Pittston"), which securities it is stated are deposited with an independent voting trustee pursuant to an order of the Interstate Commerce Commission. Pittston, whose principal offices are in New York City, is a holding company with subsidiaries generally engaged in bituminous coal mining and wholesaling, wholesaling of fuel oil and in the warehousing and trucking business.

Mutual proposes to purchase from Pittston \$1,625,000 principal amount of the latter's Series B, 5 Percent Collateral Trust Notes due in 1968. The securities to be acquired by Mutual are being issued by Pittston as part of a financing program designed to raise approximately \$22,000,000. Under this financing program Pittston will issue \$6,500,000 principal amount of Series A, Collateral Trust Notes due 1959 to two banks. \$10,500,000 principal amount of Series B, 5 Percent Collateral Trust Notes due 1968 to institutional investors including Mutual, and 50,000 shares of 51/2 Percent Convertible Preferred Stock with a par value of \$100 per share through a rights offering to its common stockholders.

The Series A Notes will have a fixed semi-annual sinking fund sufficient to retire all of such notes at maturity. The sinking fund on the Series B Notes will amount to \$250,000 per annum for six years and thereafter in an appropriate amount per year sufficient to retire all of such notes by maturity. There will also be a contingency sinking fund for the Series B Notes equal to 10¢ per ton on the annual coal production of the company's subsidiaries in excess of 10.000,000 tons.

The Series B Notes will be secured by a first lien on \$6,500,000 of debt obligations of Clinchfield Coal Corporation, a subsidiary of Pittston, to be issued to Pittston as part of the financing program, and Pittston's holdings of 467,275 shares of the common stock of Clinchfield which is 60 percent of the outstanding stock of Clinchfield and which it is stated has a present market value of about \$14,000,-000. The Series B Notes will also be secured equally and ratably with the Series A Notes by pledge of all of Pittston's holdings of the stocks of its other subsidiaries.

Pittston will use the proceeds from the proposed financing to pay off present outstanding debt obligations of Pittston and its subsidiaries in the aggregate amount of approximately \$15,000,000 and for general corporate purposes.

The application states that the Series B Notes to be purchased by Mutual will be identical in all respects to all other Series B Notes of Pittston and that all purchasers will pay the same price for them, with no direct or indirect concessions or advantages to any purchaser thereof.

Notice is further given that any interested person may, not later than July 13, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL]

NELLYE A. THORSEN. Assistant Secretary.

[F. R. Doc. 53-5739; Filed, June 30, 1953; 8:46 a. m.1

PETER WALDEMAR

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Peter Waldemar, 44 Wall Street, New York 5, New York.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of June 1953.

I. The Commission's public official files

disclose that:

A. Peter Waldemar, a sole proprietor, hereinafter sometimes referred to as registrant, is registered as a broker and dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

B. On November 14, 1951, registrant

filed a report of financial condition as of

October 31, 1951.

II. Members of the staff have reported to the Commission information obtained as a result of an investigation of registrant which tends to show that:

A. The report of financial condition referred to in paragraph B of section I hereof is false and misleading with respect to registrant's liabilities.

B. Registrant did not file with the Commission a report of his financial condition during the calendar year 1952 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by members of its staff, as set forth in section II hereof, if true, tends to show that registrant violated

section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 prescribed by the Commission under said section. in that registrant filed a financial report which was false and misleading, and in that registrant failed to file a financial report during the calendar year 1952 as required by said section and rule.

IV. The Commission having considered the aforesaid information deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted

to determine:

(a) Whether the statements set forth

in section II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 prescribed by the Commission under said section:

(c) Whether, pursuant to section 15. (b) of the Securities Exchange Act of 1934, it is in the public interest or for the protection of investors to revoke the

registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. It is hereby ordered, That a hearing for the purpose of taking evidence on the questions set forth in section IV hereof be held at 10:00 a. m., on the 3d day of August 1953, in the New York Regional Office of the Securities and Exchange Commission, located at 42 Broadway, New York 4, New York, before William W. Swift, Hearing Examiner, or such other Hearing Examiner the Commission may designate. Upon the completion of the taking of evidence in this matter, the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX (b) of the rules of practice, unless such decision is waived.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to August 3, 1953.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon this matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of that section delaying the effective date of any final Commission action.

By the Commission.

NELLYE A. THORSEN, [SEAL] Assistant Secretary.

[F. R. Doc. 53-5737; Filed, June 30, 1953; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28210]

CAST IRON PIPE FROM ROME, GA., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 26, 1953.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cast iron pipe and related articles, carloads.

From: Rome, Ga.

To: Points in southern territory including certain adjacent points.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No.

1374.

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.

GEORGE W. LAIRD. [SEAL] Acting Secretary.

[F. R. Doc. 53-5750; Filed, June 30, 1953; 8:47 a. m.]

[4th Sec. Application 28211]

ASPHALT FROM JACKSONVILLE, FLA., TO CLYATTVILLE, GA.

APPLICATION FOR RELIEF

JUNE 26, 1953.

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

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and Georgia & Florida Railroad.

Commodities involved: Asphalt (asphaltum) in tank-car loads.

From: Jacksonville, Fla. To: Clyattville, Ga.

No. 127-5

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

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, ICC

No. 408, supl. 66.

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.

[SEAL]

GEORGE W. LAIRD, Acting Secretary.

[F. R. Doc. 53-5751; Filed, June 30, 1953; 8:47 a. m.]

[4th Sec. Application 28212]

DENATURED ALCOHOL FROM NEW ORLEANS, La., TO WIGGINS, MISS.

APPLICATION FOR RELIEF

JUNE 26, 1953.

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

Filed by: R. E. Boyle, Jr., Agent, for the Fernwood, Columbia & Gulf Railroad Company and other carriers named in the application.

Commodities involved: Alcohol, denatured or methanol (methyl alcohol), carloads.

From: New Orleans, La.

To: Wiggins, Miss.

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.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-5752; Filed, June 30, 1953; 8:48 a. m.]

[4th Sec. Application 28213]

VARIOUS COMMODITIES FROM AND TO-POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 26, 1953.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to tariffs listed in exhibit A of the application, pursuant to fourth section order No. 17220.

Commodities involved: Various com-

modities.

From: Points in southern territory to points in southern, official, western trunk-line and southwestern territories and from points in official territory to points in southern territory.

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.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-5753; Filed, June 30, 1953; 8:48 a. m.]

[4th Sec. Application 28214]

HIDES, PELTS OR SKINS FROM GEORGIA, TENNESSEE, AND FLORIDA, TO PHILADEL-PHIA, PA.

APPLICATION FOR RELIEF

JUNE 26, 1953.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Hides, pelts or skins, not dressed nor tanned, viz: cattle, calf, goat, hog, horse, or sheep, green, salted or pickled, carloads.

From: Atlanta and Roseland, Ga., Nashville, Tenn., Ocala, Fla.

To: Philadelphia, Pa.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No.

1324, supl. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W. Laird, Acting Secretary.

[F. R. Doc. 53-5754; Filed, June 30, 1953; 8:48 a. m.]

[4th Sec. Application 28215]

FERTILIZER MATERIALS FROM POINTS IN LOUISIANA TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 26, 1953.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Fertilizer ma-

terials, carloads.

From: Baton Rouge, North Baton Rouge, New Orleans, and Braithwaite, La

To: Points in southern territory over routes in part west of the Mississippi River.

Grounds for relief: Competition with rail carriers, circuitous routes, operation through higher-rated territory.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No.

1358, suppl. 2.

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 appli-

cation. 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.

[SEAL]

GEORGE W. LAIRD, Acting Secretary.

[F. R. Doc. 53-5755; Filed, June 30, 1953; 8:48 a. m.]

[4th Sec. Application 28216]

IRON AND STEEL SHEETS FROM MIDDLE-TOWN, OHIO, TO MOBILE, ALA.

APPLICATION FOR RELIEF

JUNE 26, 1953.

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

Filed by: The St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to Agent L. C. Schuldt's tariff ICC No. 4527, pursuant to fourth section order No. 16101.

Commodities involved: Flat rolled iron and steel sheets, carloads.

From: Middletown, Ohio.

To: Mobile, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, operation through higher-rated territory.

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 emer-gency 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.

[SEAL]

GEORGE W. LAIRD. Acting Secretary.

[F. R. Doc. 53-5756; Filed, June 30, 1953; 8:48 a. m.]

[4th Sec. Application 28217]

MOTOR-RAIL-MOTOR RATES BETWEEN DES Moines, Iowa, and Kansas City, Mo.; CHICAGO GREAT WESTERN RAILWAY

APPLICATION FOR RELIEF

JUNE 26, 1953.

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: Middlewest Motor Freight Bureau, Agent, for the Chicago Great Western Railway Company and Watson Bros. Transportation Co., Inc.
Commodities involved: Loaded or

empty highway trailers on flat cars.

Between: Des Moines, Iowa, and Kansas City, Mo.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates; Middlewest Motor Freight Bureau, Agent, MF-ICC No. 223, supl. 4.

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.

[SEAL]

GEORGE W. LAIRD, Acting Secretary.

[F. R. Doc. 53-5757; Filed, June 30, 1953; 8:49 a. m.]

[4th Sec. Application 28218]

COAL ASHES AND CINDERS FROM MT. CARMEL PA., TO LYNCHBURG, VA,

APPLICATION FOR RELIEF

JUNE 26, 1953.

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

Filed by: C. W. Boin, Agent, for and on behalf of the Pennsylvania Railroad Company and Norfolk and Western Railway Company.

Commodities involved: Coal ashes and coal cinders, carloads.

From: Mt. Carmel, Pa. To: Lynchburg, Va.

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

Schedules filed containing proposed rates: Pennsylvania Railroad Company,

ICC No. 3310, supl. 2.

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.

[SEAL]

GEORGE W. LAIRD, Acting Secretary.

[F. R. Doc. 53-5758; Filed, June 30, 1953; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MORTEN HANSEN

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

Morten Hansen, Smedstad, Oslo, Norway, Claim No. 37059; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943), relating to United States Letters Patent No. 2,255,704.

Executed at Washington, D. C., on June 24, 1953.

For the Attorney General.

DALLAS S. TOWNSEND, Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 53-5768; Filed, June 30, 1953; 8:51 a. m.]

ISTITUTO SIEROTERAPICO MILANESE SERAFINO BELFANTI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Istituto Sieroterapico Milanese Serafino Belfanti, Milan, Italy; Claim No. 36887; \$13,397.65 in the Treasury of the United States; all interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Istituto Sieroterapico Milanese (erroneously designated as Istituto

NOTICES

Sieroterapeutico Milanese in the agreement hereinafter described and in Vesting Order No. 2618), the name of which corporation was in 1939 changed to, and now is, Istituto Sieroterapico Milanese Serafino Belfanti, by virtue of an agreement dated July 19, 1933 (including all modifications thereof and supplements thereto, if any) by and between Istituto Sieroterapico Milanese and Lederle Laboratories, Inc., which related, among other things, to United States Letters Patent No. 1,989,014, to the extent that said interests and rights were owned by Istituto Sieroterapico Milanese Serafino Belfanti immediately prior to vesting by Vesting Order No. 2618.

Executed at Washington, D. C., on June 24, 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-5772; Filed, June 30, 1953; 8:52 a. m.]

THORLEIF BERGER

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

Thorleif Berger, Oslo, Norway; Claim No. 40019; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943), relating to United States Letters Patent No. 2,136,124.

Executed at Washington, D. C., on June 24, 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,

Assistant Attorney General,

Director, Office of Alien Property.

[F. R. Doc. 53-5769; Filed, June 30, 1953; 8:52 a. m.]

CARLO POMILIO

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

Carlo Pomilio, Via A. Kircher-7, Rome, Italy; Claim No. 33761; property described in Vesting Order No. 94 (7 F. R. 6693, August 25, 1942) relating to United States Patent Application Serial No. 373,031 (now United States Letters Patent No. 2,297,496).

Executed at Washington, D. C., on June 24, 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-5770; Filed, June 30, 1953; 8:52 a. m.]

DINA SCARAMELLA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dina Scaramella, Varese, Italy; \$200 in the Treasury of the United States. One-half share of \$719.65 in the Treasury of the United States. Ines Scaramella, Varese, Italy; Elsa Scaramella, Varese, Italy; Antonietta Scaramella, Varese, Italy: Claim No. 39918; Vesting Order No. 580; one-sixth share to each of \$719.65 in the Treasury of the United States.

Executed at Washington, D. C., on June 24, 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,

Assistant Attorney General,

Director, Office of Alien Property.

[F. R. Doc. 53-5771; Filed, June 30, 1953; 8:52 a, m.]

IVAR LOKEN HAADEM

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

Ivar Loken Haadem, Oslo, Norway, Claim No. 36918; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943), relating to United States Letters Patent No. 2,224,648.

Executed at Washington, D. C., on June 24, 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-5773; Filed, June 30, 1953; 8:52 a. m.]

SOCIETE FRANCAISE DES CHARBONNAGES DU TONKIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Societe Francaise des Charbonnages du Tonkin, Paris, France; Claim No. 4864; Vesting Order No. 732; \$6,699.88 in the Treasury of the United States.

Executed at Washington, D. C., on June 24, 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-5774; Filed, June 30, 1953; 8:53 a. m.]

ALFRED G. HARTMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alfred G. Hartmann, Augsburg, Germany; Claim No. 39995; \$1,000 in the Treasury of the United States.

Executed at Washington, D. C., on June 24, 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-5775; Filed, June 30, 1953; 8:53 a. m.]