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Washington, Wednesday, March 26, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2966

ARMED FORCES DAY, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the armed forces of the United States serve this Nation with unselfish devotion not only in time of war, but also in time of peace; and

WHEREAS our fighting forces, welded into a unified team that symbolizes our strength as a united people, have been waging the battle of freedom in Korea and are guarding the vital interests of peace in other lands across the sea; and

WHEREAS it is fitting that we devote one day each year to paying special tribute to these defenders of our liberty:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim Saturday, May 17, 1952, as Armed Forces Day; and I direct the Secretary of Defense and the Secretaries of the Army, the Navy, and the Air Force to arrange for the military observance of that day and to cooperate with civil authorities in suitable commemorative ceremonies.

I also invite the Governors of the States, Territories, and possessions of the United States to arrange for celebrations designed to honor the members of the armed forces on the designated day; and I request all of our citizens to display the flag of the United States on that day as a token of our gratitude to the men and women of the military services.

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

DONE at the City of Washington this 19th day of March in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-3501; Filed, Mar. 24, 1952; 4:45 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[FCA Order 542]

PART 70—LOAN INTEREST RATES AND SECURITY

INCREASE IN INTEREST RATE; ST. PAUL BANK FOR COOPERATIVES

Effective April 1, 1952, the rate of interest which may be charged by the St. Paul Bank for Cooperatives, as specified in § 70.5 of Chapter I, Title 6, Code of Federal Regulations[1] is hereby changed to 2¾ per centum per annum.

(Sec. 41, 48 Stat. 264, sec. 14, 49 Stat. 317, sec. 36, 50 Stat. 717, secs. 34, 38, 48 Stat. 262, 264, sec. 13, 49 Stat. 317, sec. 35, 50 Stat. 717, sec. 8, 46 Stat. 14, sec. 54, 48 Stat. 266, sec. 11, 49 Stat. 316, sec. 5, 50 Stat. 704; 12 U. S. C. 1134c, 1134j, 1141f. E. O. 6084, Mar. 27, 1933)

[SEAL] I. W. DUGGAN,
Governor.

MARCH 21, 1952.

[F. R. Doc. 52-3463; Filed, Mar. 25, 1952; 8:51 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Obligations

PART 638—NAVAL STORES

SUBPART—1952 GUM NAVAL STORES PRICE SUPPORT LOAN PROGRAM

Statement with respect to the Gum Naval Stores Price Support Loan Program for the calendar year 1952, formulated by the Commodity Credit Corporation and the Production and Marketing Administration (hereinafter referred to as "CCC" and "PMA").

Sec.
638.301 Administration.
638.302 Eligible producer.
638.303 Eligible naval stores.

[1] 17 F. R. 1493.

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EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

Sec.
- 638.304 Eligible turpentine.
- 638.305 Eligible rosin.
- 638.306 Eligible oleoresin.
- 638.307 Eligible metal drums.
- 638.308 Availability of loans.
- 638.309 Rate of loan to producers.
- 638.310 Storage provisions.
- 638.311 Maturity.
- 638.312 Redemption.
- 638.313 Rights of CCC upon maturity.
- 638.314 Disposition of proceeds upon liquidation.
- 638.315 Personal liability.

AUTHORITY:- §§ 638.301 to 638.315, issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 301, 63 Stat. 1053; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447.

§ 638.301 *Administration.* The Naval Stores Division, Tobacco Branch, PMA, will supervise the administration of the program. CCC will make a loan to the American Turpentine Farmers Association Cooperative, Valdosta, Georgia (hereinafter referred to as the "Association"), under a Loan Agreement which will enable the Association in turn to make loans to eligible producers on eligible naval stores, to supervise the maintenance of the collateral in storage, to perform related field administration functions, to arrange for redemptions, and to collaborate in the liquidation of unredeemed collateral. The PMA Commodity Office, New Orleans, Louisiana, will perform accounting and auditing functions.

§ 638.302 *Eligible producer.* A producer will be eligible for loan if he (a) is a member of the Association under membership requirements approved by CCC (no producer who is otherwise eligible may be excluded from membership in the Association), (b) is a cooperator in the 1952 Naval Stores Conservation Program of the United States Department of Agriculture or otherwise follows good conservation practices, as

determined by such Department, (c) has made satisfactory arrangements to pay any indebtedness to the United States Department of Agriculture or any agency thereof, as evidenced by the registers of indebtedness maintained by the County Committees of the PMA, United States Department of Agriculture, and (d) has executed, and has not breached his obligations under, the Producer's Marketing Agreement (ATFA Form 1–1952), or any other similar agreement.

§ 638.303 *Eligible naval stores.* "Eligible naval stores" are eligible turpentine, eligible rosin and the turpentine and rosin content in eligible oleoresin.

§ 638.304 *Eligible turpentine.* "Eligible turpentine" is gum turpentine which (a) was produced from eligible oleoresin, (b) is free and clear from all liens and encumbrances, (c) has not been theretofore pledged for a loan and in which the beneficial interest is and always has been in the producer, (d) is "water-white" in color, (e) is free from excess resin acids, as evidenced by a total acid number of not more than 0.50, and (f) conforms as to specific gravity to Federal Specifications TT–T–801, to wit: A maximum of 0.875 and a minimum of 0.860 taken at 60 degrees over 60 degrees Fahrenheit.

§ 638.305 *Eligible rosin.* "Eligible rosin" is gum rosin which (a) was produced from eligible oleoresin, (b) grades "G" or better, (c) is free and clear from all liens and encumbrances, (d) has not been theretofore pledged for a loan and in which the beneficial interest is and always has been in the producer, (e) is packed to the net weight approved by CCC, in eligible metal drums, (f) is transparent, (g) is free from visible foreign materials and contains no extraneous matter resulting from chemical or other treatment of the rosin, or of the oleoresin or the trees from which it came, and (h) conforms as to softening point to not less than Federal Specifications LLL–R–626, to wit: 158 degrees Fahrenheit (American Society for Testing Materials Method No. E 28–42T). Rosin must be Federally inspected and weighed or the weights checked prior to tender for loan.

§ 638.306 *Eligible oleoresin.* "Eligible oleoresin" is oleoresin (a) which was produced in 1952 in the United States by an eligible producer, (b) which is free and clear from all liens and encumbrances, (c) the turpentine or rosin content in which has not been theretofore pledged for a loan and the beneficial interest in which is and always has been in the producer, and (d) which will yield turpentine of the prescribed quality, and rosin of the prescribed grades and quality. When a producer's eligible oleoresin was commingled with oleoresin produced by other producers in the processing operation, the turpentine and rosin tendered for loan by the producer as representing the processed equivalent of his eligible oleoresin will be deemed to be, if otherwise eligible, eligible turpentine and eligible rosin produced by such producer.

§ 638.307 *Eligible metal drums.* "Eligible metal drums" are drums conforming to the specifications for metal drums approved by CCC and on file in the office of the Association.

§ 638.308 *Availability of loans.* (a) Under the Loan Agreement, CCC will make a loan to the Association for the purpose of enabling the Association to make loans available, or to make loans, to eligible producers of eligible naval stores produced in 1952. The loan to the Association will be in an amount equal to (1) the amount of the loans made by the Association to producers, (2) the administrative and operating expenses, approved by CCC, incurred by the Association in connection with making loans available and the making of loans, and the handling and preservation of pledged naval stores, (3) the storage charges after naval stores are pledged, and (4) an indemnification charge to cover the assumption by CCC of the risk of loss on rosin and rosin content in oleoresin (the storage rate for turpentine includes insurance).

(b) Each producer desiring to obtain loans will execute a Producer's Marketing Agreement with the Association. Each loan will be secured by a pledge by the producer to the Association of eligible turpentine, eligible rosin, or unprocessed turpentine or rosin content in eligible oleoresin, and the Association, in turn, will pledge the same to CCC as security for the loan made by CCC to the Association. Loans on rosin will be made only on full drums thereof, and loans on the rosin content in oleoresin, only upon the equivalent of full drums thereof. No loans will be made later than December 31, 1952.

(c) Eligible naval stores will be deemed tendered for loan by the producer to the Association only when such naval stores have been (1) processed (except where unprocessed turpentine or rosin content in oleoresin is offered for loan), (2) placed in storage in the custody of an approved warehouseman who has executed a Warehouse Agreement (ATFA Form 2–1952), and (3) offered for loan on a Producer's Offer (ATFA Form 3A–1952). If there are any liens or encumbrances on the naval stores offered for loan, proper waivers are required on a Lienholder's Waiver and Agreement (ATFA Form 3–1952).

§ 638.309 *Rate of loan to producers.* The Association will make loans to producers based on the rate of $129.72 per naval stores production unit, comprised of fifty (50) gallons of turpentine and fourteen hundred (1400) pounds of rosin; this rate will remain fixed throughout the loan period. Initially, the production unit rate of $129.72 will be allocated to the individual commodities to provide a loan rate for turpentine of fifty cents (50¢) per gallon of 7.2 pounds in bulk, and a loan rate for rosin of grades X to G, inclusive, of $7.48 per hundred pounds net packed in eligible metal drums. CCC reserves the right to revise such allocation of loan values between turpentine and rosin during the loan period, within the fixed production unit loan rate. The amount which the Association will lend to any producer will be determined by applying the applicable loan rates in effect for turpentine and rosin on the date of the applicable Producer's Offer to the quantities thereof tendered for loan.

§ 638.310 *Storage provisions.* The producer will be required to place naval stores offered for loan in storage in the custody of an approved warehouseman who has executed a Warehouse Agreement with the Association. This agreement will be assigned by the Association to CCC. All processing charges, including the cost of eligible metal drums for rosin, and all storage and other warehouse charges to the date of tender for loan will be borne by the producer. Storage charges accruing after the naval stores are pledged are payable to CCC, and comprise part of the loan by CCC to the Association.

§ 638.311 *Maturity.* The loan made by CCC to the Association and the loans made by the Association to producers will be due and payable upon demand, or on April 1, 1953, whichever is earlier.

§ 638.312 *Redemption.* (a) Subject to terms and conditions of the Producer's Marketing Agreement, the producer may redeem pledged naval stores, prior to maturity of the loan, upon application to the Association and payment of the redemption price. The producer's right to redeem may be exercised for him and in his behalf by the Association and the producer's exercise of the right of redemption is subject to the prior exercise thereof by the Association. Subject to the terms and conditions of the Loan Agreement, the Association may redeem naval stores pledged by the Association to CCC, upon application to CCC therefor prior to the maturity of the loan and payment of the redemption price.

(b) The redemption price will be the weighted average amount loaned by Commodity to the Association on pledged turpentine or rosin or the content thereof in oleoresin, including applicable expenses and charges, plus interest at the rate of three and one-half percent (3½ percent) per annum.

§ 638.313 *Rights of CCC upon maturity.* CCC will have the right at any time after maturity of the loan to sell, assign, transfer and deliver the pledged naval stores, or documents evidencing title thereto, at such time, in such manner, and upon such terms and conditions as CCC may determine.

§ 638.314 *Disposition of proceeds upon liquidation.* CCC will apply the net proceeds from the disposition of pledged naval stores (a) towards satisfaction of accrued interest, (b) towards satisfaction of the principal amount loaned, and (c) towards the satisfaction of any other indebtedness of the Association to CCC. In the event that any sum remains after application of these amounts, such sum will be returned to the Association by CCC for disposition by the Association to its producer-member participants, or for and in behalf of its producer-members, on an equitable basis as determined by the Association with the approval of CCC.

§ 638.315 *Personal liability.* The loans will be non-recourse, except that

any fraudulent representation by the producer or the Association in the loan documents, or in obtaining a loan, will render him or it subject to criminal prosecution under applicable law, and personally liable for the amount by which the proceeds received upon the disposition of the pledged naval stores are less than the amount of indebtedness incurred by the Association with respect thereto.

Issued this 21st day of March 1952.

[SEAL] ELMER F. KRUSE,
Vice-President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-3462; Filed, Mar. 25, 1952; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

[BAI Order 379, Amdt. 17]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

GOATS

On January 29, 1952, a notice of rule making was published in the FEDERAL REGISTER (17 F. R. 887) regarding the proposed withdrawal of recognition by the Secretary of Agriculture of the Anglo-Nubian Section of the book of record entitled "British Goat Society Herd Book," sponsored by the British Goat Society, Diss, Norfolk, England, of which Miss M. F. Rigg is Secretary.

After due consideration of all relevant material presented in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Sup. IV, sec. 1201, par. 1606), hereby withdraws recognition of the Anglo-Nubian Section of the said book of record, and hereby amends the subdivision of § 151.10 (a) of the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR, 1950 Supp., 151.10 (a)), entitled "Goats," by deleting the words "Anglo-Nubian" from the designation of the book of record and from the list of breeds in the said subdivision. As so amended, the subdivision reads as follows:

GOATS

Name of breed	Book of record	By whom published
Saanen and Toggenburg.	British Goat Society Herd Book (Saanen and Toggenburg sections).	British Goat Society, Miss M. F. Rigg, secretary, Diss, Norfolk, England.

(Par. 1606, 46 Stat. 673, as amended; 19 U. S. C. 1201, Par. 1606)

The foregoing amendment shall become effective on the 28th day of April 1952.

Done at Washington, D. C., this 21st day of March 1952.

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

[F. R. Doc. 52-3415; Filed, Mar. 25, 1952; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 6]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

ALTERATIONS

The minimum en route instrument altitude alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 610 is amended as follows:

1. Section 610.637 *Blue Civil Airway No. 37* is amended to read in part:

From—	To—	Min. alt.
Medicine Bow (INT), Wyo.	Casper, Wyo. (LFR)..	[1] 11,000

[1] 9,000'—minimum crossing altitude at Casper (LFR), south-bound.

2. Section 610.663 *Blue Civil Airway No. 63* is amended to eliminate:

From—	To—	Min. alt.
Pomona (INT), Kans..	Topeka, Kans. (Var)..	2,400

3. Section 610.676 *Blue Civil Airway No. 76* is amended to read in part:

From—	To—	Min. alt.
Casper Wyo. (LFR)....	Sinclair, Wyo. (LFR).	[1] 11,000

[1] 9,000'—minimum crossing altitude at Casper (LFR), southwest-bound.

4. Section 610.680 *Blue Civil Airway No. 80* is added to read:

From—	To—	Min. alt.
Garden City, Kans. (LFR).	Goodland, Kans. (RBN).	5,000

5. Section 610.19 *Green Civil Airway No. 9* is amended to read in part:

From—	To—	Min. alt.
Honolulu, T. H. (LFR).	North Maui (INT), T. H.	6,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective March 25, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-3492; Filed, Mar. 25, 1952; 9:12 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 99 [1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 372.3 *How to file an application for export license* is amended in the following particulars:

Note 7: *Clearance by teletype* following paragraph (c) *Information required* is amended by adding at the end thereof the following sentence:

In such cases, the license is not sent to the licensee, but to the collector of customs with whom the clearance has been authorized by OIT.

This part of the amendment shall become effective as of March 13, 1952.

Paragraph (d) *Data supplementing the license application* is amended to read as follows:

(d) *Data supplementing the license application* [2]—(1) *Scope.* The provisions of this paragraph apply to all proposed shipments for which validated export licenses are required where the country of ultimate destination is a country in Group R, unless the license application covering the proposed shipment shows that one or more of the following conditions are present:

(i) The application for license to export the proposed shipment is covered by an import certificate submitted in accordance with § 373.34 of this subchapter.

(ii) The total value of the shipment, as shown on the license application, is less than $500 and the shipment is not covered by a multiple transaction statement submitted in accordance with subparagraph (3) of this paragraph.

[1] This amendment was published in Current Export Bulletin No. 662, dated March 13, 1952. The amendments to Note 7, following § 372.3 (c), to § 372.4, and § 373.30 of this subchapter are published in the reprint pages of the Comprehensive Export Schedule, dated March 13, 1952.

[2] Effective July 1, 1952, but this procedure may be followed by exporters immediately if they so wish. Otherwise, prior to July 1, 1952, provisions of this paragraph in effect prior to this amendment are applicable.

(iii) Shipment will be made under a project license issued or to be issued as set forth in Part 374 of this sub-chapter.

(iv) The ultimate consignee named in the license application is a foreign government or foreign government agency, and the foreign purchaser (if different from the ultimate consignee) is also a foreign government or a foreign government agency.

(v) Shipment will be made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, Department of State, to a member agency in the foreign country.

NOTE: These facts and representations set forth in subparagraph (2) of this paragraph need not be made by the ultimate consignee where the license applicant is the same person as the ultimate consignee in the country of ultimate destination provided the applicant furnishes on his license application all the applicable information required in sub-paragraph (2) of this paragraph. This condition is not present where the applicant and consignee are separate entities, such as parent and subsidiary, or affiliated or associated firms.

(2) *Statement from ultimate consignee.* The applicant must attach to each license application to export any commodity to a Group R destination a true copy of a statement or order manually signed by a responsible official of the ultimate consignee named in his application, certifying the following facts with respect to each commodity. Such statements may be submitted on Form IT-842,[3] or in the form of a letter, wire or cable. Statements from the ultimate consignee by wire or cable may be accepted even though not signed manually.

(i) The ultimate destination of the commodity or commodities described in the application (items 9 and 10 of Form IT-842).

(ii) The end-use of such commodity or commodities, which must be a detailed description of the specific use to which the commodity or commodities will be put in the country of ultimate destination. If the ultimate consignee intends to distribute or resell, such statement must either contain assurance that distribution and resale will be made only in the country named as ultimate destination or must name all of the other countries in which resale or distribution will be made. The ultimate consignee must also describe the types of customers to whom the resale or distribution will be made and the specific end-use to be made of the commodity by such customers. If the ultimate consignee or his customers will use the commodity to produce other end products, these must be named and the country or countries in which such end products will be distributed must also be named, if these facts are known (items 7 and 10 of Form IT-842).

(iii) A description of the export transaction sufficient to identify it as the same transaction described in the application (items 1, 2, 3, 4, and 5 of Form IT-842).

(iv) That the ultimate consignee will promptly send a supplemental statement to the United States exporter of any change of facts or intentions set forth in his statement which occurs after the statement has been prepared and forwarded; and that with respect to any shipment which he proposes to dispose of contrary to the representations made in the statement, he will notify the U. S. exporter and will secure approval of the Office of International Trade through the U. S. exporter prior to such disposition (item 12 of Form IT-842).

(v) An undertaking that the commodity or commodities covered by the statement, and any final products thereof, will not be sold or distributed by the person making the statement, or by his customers in any country or countries not named in the statement (items 9 and 10 of Form IT-842).

NOTE: United States exporters may wish to advise their foreign importers (ultimate consignees and purchasers) to submit these statements in as many copies as the exporter requires for all license applications to be submitted in connection with the importer's order.

(3) *Multiple transaction statement from ultimate consignee.* As an alternative to subparagraph (2) of this paragraph, which provides that each application for license shall be accompanied by a separate statement specifically covering the proposed exportation described in each application, the following procedure is authorized:

Exporters who have a continuing and regular relationship with an ultimate consignee (including but not limited to applicants having foreign branches or subsidiaries or distributors under franchise with the applicant) involving recurring orders for the same kind of commodities to the same destinations and for the same end uses, may submit to the Office of International Trade the original or a copy of a statement on Form IT-843[3] manually signed by a responsible official of the ultimate consignee covering all proposed exportations of such commodities for any part or all of the year beginning July 1, 1952, and ending June 30, 1953. If this procedure is used, the exporter shall also submit two copies[4] of the statement, plus an additional copy for each OIT processing code to which the statement applies. When submitting such statements, the exporter must attach a list of the processing codes to which the statement applies.

All applications for licenses submitted on the basis of a multiple transaction statement under this procedure must contain the following:

This application is supported by the statement dated_____ from the named consignee to this applicant.

The statement must be signed by the ultimate consignee, and must contain the following representations and certify as to the following facts:

(i) That the statement shall be considered a part of every application for license filed by the named applicant for export of the commodity or commodities described in the statement (item 4 of Form IT-843).

(ii) That the ultimate consignee will promptly send a supplemental statement to the United States exporter of any change of facts or intentions set forth in the statement which occurs after the statement has been prepared and forwarded; and that, with respect to any shipment which he proposes to dispose of contrary to the representations made in the statement he will notify the U. S. exporter and will secure approval of the Office of International Trade through the U. S. exporter prior to such disposition (item 13 of Form IT-843).

(iii) The nature of the ultimate consignee's business, including whether he is the user, seller, etc., of the commodities described in the application (item 6 of Form IT-843).

(iv) The nature of the consignee's business relationship with the applicant, and how long the relationship has existed (item 7 of Form IT-843).

(v) The nature and scope or extent of the ultimate consignee's operations by country and type of customer, including the method of distribution and redistribution, if any, of the commodities covered by the statement or products thereof (items 9, 10, and 11 of Form IT-843).

(vi) The specific commodities regularly ordered by the ultimate consignee and the respective end-uses thereof. The end-use information shall be set forth in as much detail as is known to the consignee in the course of his trade (items 5 and 8 of Form IT-843).

(vii) If the ultimate consignee regularly sells or distributes a commodity or commodities described in the statement to a particular customer or type of customer, the ultimate consignee shall also describe the kind of products to be produced from the commodity or commodities, and to the extent known, the countries in which such products are produced and distributed (item 11 of Form IT-843).

(viii) The country or countries where the commodity or commodities covered by the statement, and any final products thereof, will be sold or distributed by the person making the statement, or by his customers (items 10 and 11 of Form IT-843).

(4) *Statement from foreign purchaser.* If a purchaser named in any such application is a different person from the named ultimate consignee, the purchaser must either sign the statement from the ultimate consignee or the applicant must also attach to the application the additional statement or order (or wire or cable) executed by such purchaser covering the same subject matter as that required to be furnished by the ultimate consignee.

EXPLANATORY STATEMENT AND INTERPRETATIONS

1. Q. What is the multiple transactions procedure?

[3] Filed as part of the original amendment. Forms IT-842 and IT-843 may be obtained at all Department of Commerce Field Offices and from the Office of International Trade, Department of Commerce, Washington 25, D. C. Foreign importers may obtain copies of Forms IT-842 and IT-843 from their United States exporters or from any United States Diplomatic and Consular Office abroad.

[4] The U. S. exporter may submit the original statement in lieu of one true copy, if desired. Each copy submitted but not manually signed by the consignee or purchaser must be certified to be a true copy of the original, as provided in § 372.9.

A. Many exporters have a continuing and regular relationship with certain of their foreign consignees involving recurring orders for the same kinds of commodities to the same ultimate destinations and for the same end-uses. Such cases include, but are not limited to, firms having foreign branches or subsidiaries or franchised distributors. With respect to such transactions, it is recognized that the requirement of individual "ultimate-consignee" statements with each application may be unnecessarily repetitious and possibly burdensome. To meet this problem the multiple transactions procedure has been established by which the Office of International Trade will accept a single statement from the ultimate consignee covering the information required by the regulation.

Under the multiple transactions procedure, the single statement will be treated as a part of every application filed by the applicant for export of a commodity to the consignee until the date shown on the statement as its expiration date. However, if the statement does not contain any date for expiration, or if the date is December 31, 1951, or March 31, 1952, the statement will be treated as a part of every application filed by the applicant for export of a commodity to the consignee until June 30, 1952. If there is any future change in the matters set forth in the statement, the consignee must promptly send the applicant a supplemental statement reflecting such change. The statement must be signed by a responsible official of the ultimate consignee who may be located either in the United States or abroad.

Under the multiple transaction procedure, the statement (Form IT-843) will be treated as a part of every application filed by the applicant for export of a commodity to the consignee until the date shown on the statement as its expiration date. However, if the statement does not contain any date for expiration, the statement will be treated as a part of every application filed by the applicant for export of a commodity to the consignee until June 30, 1953.

2. Q. What is the purpose of the Ultimate Consignee Statement Regulation?

A. Applicants have always been required to submit on their applications information regarding the ultimate destination and end-use of the commodities to be exported. It had been OIT practice to rely largely upon the applicant's own representations in this regard, supplemented, in proper cases, by direct inquiries here and abroad to verify such representations. Many applicants have regularly been obtaining information of this character from their customers to provide assurance to themselves for the representations which they have been required to make in their applications. Moreover, such information has been readily made available to OIT by applicants and foreign consignees in specific instances.

The regulation is intended simply to regularize these practices and, more specifically, to make more certain that foreign consignees are fully aware of their responsibility not only for the representations made to OIT but also for the proper disposition of the licensed commodities in the foreign country. In addition, it should facilitate the processing of applications and curtail the expensive and time-consuming supplementary inquiries now often necessary.

3. Q. To what cases does this requirement apply?

A. The statement is required only in connection with applications for validated licenses to ship commodities to Group R destinations (except project licenses, for which such information is already required).

4. Q. From whom is the statement required?

A. The statement must be furnished by the firm or individual that will be named as ultimate consignee on the application and also from the firm or individual that will be named as purchaser on the application, if not the same as the named ultimate consignee.

5. Q. Is any particular form of statement required by OIT?

A. Statements submitted under the multiple procedure must be on Form IT-843. Individual statements may be submitted on Form IT-842, or in the form of a letter, wire, cable, or other statement provided that all the required information is supplied. No form of notarial or other government certification is necessary.

6. Q. Must all the specified items of information be covered in the statement?

A. Yes, to the extent they are pertinent. This is an information-seeking requirement and, therefore, is satisfied by the furnishing of all applicable information. Of course, if applicable information is unknown, that fact should also be disclosed.

7. Q. What is the liability of the ultimate consignee or purchaser for misrepresentations, failure to disclose facts or for disposition of commodities contrary to representations made in the required statement?

A. Depending upon the particular circumstances, such ultimate consignee or purchaser may be subject to administrative action by OIT, looking to suspension or revocation of licensing privileges and denial of other participation in U. S. exports.

8. Q. Will submission of the required information in a statement from the consignee assure the approval of a particular license application?

A. Favorable action is, of course, not assured by the submission of the end-use and destination statement from the consignee. While information regarding end-use and destination are essential, other criteria and policies will have to be considered in connection with the issuance of licenses.

9. Q. When the ultimate consignee is a foreign government does this regulation apply?

A. Where the ultimate consignee named in the application is a government or government agency, no statement by such consignee as to end-use and destination will be required. However, if a purchaser other than the foreign government or government agency is named on the application in such a transaction, a statement from the purchaser will be required.

10. Q. When exportations are financed by U. S. or International agencies, such as MSA, Export-Import Bank, International Bank, MDAP, etc., will the statement of end-use and destination be required?

A. Yes, because government financing generally is not made with reference to specific transactions.

11. Q. If the foreign party placing the order with the U. S. applicant is a reseller, from whom is the consignee statement required?

A. (a) When the foreign consignee, who placed the order with the U. S. supplier, is a reseller of goods to whom the U. S. supplier ships directly, the reseller is properly designated as the "ultimate consignee," and a statement from him is required designating the end-use as "resale," plus the other pertinent facts required by the regulation.

(b) If the U. S. exporter ships directly to the customer of the foreign reseller, the reseller must be designated as the purchaser, and the customer of the reseller as ultimate consignee. An end-use and destination statement will be required from each of these parties. For example:

If a foreign distributor of automobiles, orders and receives delivery of a shipment from his U. S. supplier, such a distributor shall be designated as the ultimate consignee and a statement of end-use and destination from him is required. However, if the foreign distributor places the order with his U. S. supplier with instructions to ship directly to his customer, then the foreign distributor's customer must be designated as ultimate consignee. A statement from each of these parties is required.

In the case of highly strategic commodities and other commodities licensed principally on the basis of end-use, the OIT, after receipt of the application, may require additional information (in accordance with the provisions of § 372.10) regarding the use to be made of the commodity by the actual user or consumer, when such additional information is deemed necessary to a proper consideration of the application. This may also include a requirement for a written statement from the actual end-user.

12. Q. Who can sign the ultimate consignee statement?

A. A responsible official of the ultimate consignee who can bind the person or firm to its commitments. This official may be located in the United States or in a foreign country.

(5) *Applications filed without statements.* Applications not supplemented by statements (where required) from the ultimate consignee or purchaser will be returned without action to the applicants. However, an applicant who can show to the satisfaction of the Department of Commerce that he has made diligent efforts to obtain such statement and has been unable to get it, may so advise the Department of Commerce in a letter attached to his application, giving the stated reasons of the ultimate consignee or purchaser for failing or refusing to give the applicant such statement.

(6) *Statement; commodities added to Positive List.* When a commodity becomes subject to the requirements of this section by reason of having been added to the Positive List, export license applications for such commodity to Group R countries need not conform to these requirements for a period of 30 days from the time such commodities are added to the Positive List. In lieu of the end-use and ultimate consignee statement during such 30-day period, applications shall be accompanied by any evidence available to the exporter which will support the applicant's representations concerning the ultimate consignee and end-use. Such evidence may consist of copies of the letter of credit, the order for the commodities, correspondence between the exporter and the consignee, or other documents from such consignee.

NOTE: 1. *Purchase order.* The statement from the ultimate consignee and purchaser may cover more than one purchase order and one purchase order may involve several commodities; however, the statement shall relate only to purchase orders placed by a single ultimate consignee and a single purchaser with a single United States exporter.

2. *Submission of statements covering several applications.* Where the statement covers commodities for which more than one export license application must be submitted, a true copy of the statement shall be attached to each application to which it is equally applicable. Any application to which a true copy of the statement is attached shall contain a reference (OIT case number, if known, or applicant's reference number) to all other applications submitted at any time against the same statement.

3. *True copies and translation requirements.* "True copies" are photostatic or other copies of an original document which are certified by the applicant to be a true copy, either on the face of the photostatic

or other copy or on an attachment which identifies the statement. All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation. Exporters may provide their foreign customers with Forms IT-842 and IT-843 translated into the foreign language of the customers. Copies of Forms IT-842 and IT-843 in foreign languages will not be provided by the Office of International Trade. (See § 372.9.)

4. *Applicant's responsibility for full disclosure.* In submitting statements from the ultimate consignee and foreign purchaser, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations of the ultimate consignee or foreign purchaser. In accordance with the provisions of § 381.1 of this chapter, the applicant also shall bring to the attention of the Department of Commerce any change in the facts which were set forth in the first or any such supplementary statements from the ultimate consignee or purchaser and which change was brought to his notice by the ultimate consignee or purchaser subsequent to the date the statement was made.

5. *Distribution or resale.* If it is stated in a consignee's statement or on an export license application that the commodity or commodities to be exported are intended for distribution or resale in a country or countries other than the named country of ultimate destination, the validated license will specifically name the country or countries to which distribution or resale is authorized.

This part of the amendment shall become effective as of July 1, 1952.

2. Section 372.4 *License applications for in-transit shipments* is amended by changing the last portion of the section: "* * * and bear the notation "In-Transit Shipment" on the top of the application form." to read as follows: "* * * and bear the notation "In-Transit Shipment" in the commodity description column of the application form."

This part of the amendment shall become effective as of March 13, 1952.

3. Section 373.30 *Special provisions for coal and coke*, paragraph (e) *Time schedule for submission of applications* is amended to read as follows:

(e) *Time schedule for submission of applications.* License applications (including Forms IT-375 and IT-824, for project licenses) covering the above-described coal and coke shall be submitted on or before the 20th of the month preceding the month of export.

This part of the amendment shall become effective as of March 13, 1952.

4. Section 373.31 *Special provisions for synthetic rubber (GR-S) is amended to read as follows:*

§ 373.31 *Special provisions for synthetic rubber (GR-S)*—(a) *Licensing criteria.* In general, applications for licenses to export Government-produced synthetic rubber (GR-S), Schedule B No. 200901, will be considered for approval only when the end-use set forth on the application, Form IT-419, meets one of the following criteria:

(1) There is a special technical need for synthetic rubber which can not adequately be met by natural rubber;

(2) The consumer abroad is an established user of synthetic rubber and conversion to natural rubber would result in a significant disruption to his operations;

(3) The export of the particular shipment of synthetic rubber (GR-S) will promote the security interests of the United States.

(b) *Time for submission of applications.* Applications for licenses to export synthetic rubber (GR-S), Schedule B No. 200901, shall be submitted in accordance with the time schedules set forth in § 373.51 (Supplement 1; Time Schedules).

NOTE: The Reconstruction Finance Corporation will sell the Government-produced synthetic rubber (GR-S) to exporters for quantities covered by either validated licenses or quantities within the GLV dollar value.

Purchase requests should be sent to the Sales Section, Synthetic Rubber Division, RFC, Washington 25, D. C., certifying that the shipment is for export.

This part of the amendment shall become effective as of March 13, 1952.

5. Part 373 *Licensing policies and related special provisions* is amended by adding thereto a new § 373.38 to read as follows:

§ 373.38 *Special provisions for copper under the Controlled Materials Plan*—(a) *Licensing policy.* Applications for licenses to export copper under the Controlled Materials Plan will be considered for approval only where the end-use is essential to:

(1) The direct military production of the United States or a friendly foreign nation.

(2) The production abroad of strategic materials for shipment to the United States or to a friendly foreign nation.

(3) The maintenance and development of direct defense supporting industry, including facilities required to accomplish either of the two objectives mentioned in subparagraphs (1) or (2) of this paragraph.

(4) The maintenance and development of the basic economy, civilian activities, and public services of the United States or of a friendly foreign nation, including essential facilities for transportation, communication, electric power, public welfare, and industrial production (such as steel mills, food processing manufacturers, textile mills, and sugar mills).

(b) *Statement of essentiality.* Applications for licenses to export copper under the Controlled Materials Plan must state specifically the detailed end-use for which the commodity will be utilized by the ultimate consignee. Any supplementary evidence available to the exporter concerning the essentiality of the end-use for which the copper is intended should accompany the application.

(c) *Applications returned without action or disapproved.* Applications for licenses to export copper for any end-use other than those set forth in paragraph (a) of this section will be returned without action and should not be resubmitted until a revised licensing policy is officially announced by the Office of International Trade. Applications for licenses which are eligible for approval under the current licensing policy may, nevertheless, be returned without action or disapproved if export quotas are inadequate.

This part of the amendment shall become effective as of March 13, 1952.

6. Section 373.51 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding thereto the following entry and related submission date for the Second Quarter 1952:

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Second quarter 1952	Third quarter 1952
	Rubber (natural, allied gums, and synthetics) and manufactures		
200901	Synthetic rubber (GR-S)	Prior to March 31, 1952.	

This part of the amendment shall become effective as of March 13, 1952.

7. Section 398.4 *Special supply assistance for essential export requirements*, paragraph (e) *Steel drums for shipments of petroleum products* is hereby deleted.

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

This part of the amendment shall become effective as of March 13, 1952.

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

[F. R. Doc. 52-3433; Filed, Mar. 25, 1952; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5684]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HOFFMAN & DENGROVE, INC., AND LEON LEVY

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act;* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the in-

troduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce of bolts of piece goods or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, misbranding such bolts of piece goods or other products by failing to affix securely to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter; and, (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 722, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Hoffman & Dengrove, Inc., et al., Docket 5684, January 10, 1952]

In the Matter of Hoffman & Dengrove, Inc., a Corporation, and Leon Levy, an Individual

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said acts, the Federal Trade Commission, on July 20, 1949, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of those acts. After the filing of respondents' answers, testimony and other evidence in support of and in opposition to the allegations of the 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. Respondent Leon Levy, on motion duly granted by the hearing examiner, then withdrew his original answer and filed a substitute answer in lieu thereof admitting all material allegations of fact set forth in said complaint and waiving all intervening procedure and hearings as to said facts. Thereafter, on January 12, 1951, a substitute hearing examiner, duly designated by the Commission, filed his initial decision herein (the original hearing examiner having retired and, therefore, being unavailable).

Within the time permitted by the Commission's rules of practice, counsel for respondent Hoffman & Dengrove, Inc., filed with the Commission an appeal from said initial decision. Thereafter this proceeding regularly came on for final hearing by the Commission upon the record herein, including the briefs in support of and in opposition to the appeal and oral argument of counsel, and the Commission issued its order denying said appeal.

The Commission is of the opinion, however, that the hearing examiner's initial decision is deficient in certain respects, including (1) that the order therein is incorrectly limited to products containing or represented as containing "wool" and does not relate to products containing "reprocessed wool" or "reused wool," and (2) that the order therein does not contain any requirement that the stamp, tag, label, or other means of identification affixed to a wool product contain the name or registration number of the manufacturer or a subsequent seller of such product, as provided in the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder. Therefore, the Commission, being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts, conclusion drawn therefrom and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent Hoffman & Dengrove, Inc., a corporation, and its officers, and respondent Leon Levy, an individual, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the aforesaid acts, of bolts of piece goods or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such bolts of piece goods or other products by failing to affix securely to or place on such products a stamp, tag label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

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: January 10, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-3440; Filed, Mar. 25, 1952; 8:50 a. m.]

[Docket 5914]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WESTERN UNIVERSITY, INC., AND GLENNIE CORINTHIA W. GAY

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections—Individual or private business as educational, religious or research institution;* § 3.20 *Comparative data or merits;* § 3.170 *Qualities or properties of product or service.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1930 *"Degrees," and "diplomas".* Subpart—*Using misleading name—Vendor:* § 3.2410 *Individual or private business being educational, religious or research institution or organization.* In connection with the offering for sale, sale or distribution of courses of study and instruction in commerce, (1) issuing degrees or diplomas where the sole or primary basis for such action is the payment by the recipient of a monetary consideration; (2) representing, by offering to grant or confer or through granting or conferring upon purchasers of respondents' course of home study and instruction through correspondence any so-called academic degrees, or by any other means, that corporate respondent is an accredited and standard institution of higher learning, or that its course of

instruction when pursued by correspondence is comparable to those used in recognized, standard and accredited resident institutions of higher learning; or (3) using the word "university" or any abbreviation or simulation thereof, to designate, describe or refer to respondents' school; or otherwise representing, directly or by implication, that the business conducted by respondents is a university or an educational institution of higher learning; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Western University, Inc., et al., Docket 5914, January 3, 1952]

In the Matter of Western University, Inc., a Corporation, and Glennie Corinthia W. Gay, Individually and as President of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission and respondents' answer in which they admitted all of the material allegations of fact in the complaint and waived all intervening procedure and further hearing as to such facts.

Thereafter the proceeding regularly came on for final consideration by said hearing examiner, theretofore duly designated by the Commission, upon the complaint and answer, and said examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on January 3, 1952.

The said order to cease and desist is as follows:

It is ordered, That respondent Western University, Inc., a corporation, and its officers, and respondent Glennie Corinthia W. Gay, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of courses of study and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Issuing degrees or diplomas where the sole or primary basis for such action is the payment by the recipient of a monetary consideration.

2. Representing, by offering to grant or confer or through granting or conferring upon purchasers of respondents' course of home study and instruction through correspondence any so-called academic degrees, or by any other means, that corporate respondent is an accredited and standard institution of higher learning, or that its course of instruction when pursued by correspondence is comparable to those used in recognized, standard and accredited resident institutions of higher learning.

3. Using the word "university" or any abbreviation or simulation thereof, to designate, describe or refer to respondents' school; or otherwise representing, directly or by implication, that the business conducted by respondent is a university or an educational institution of higher learning.

WILLIAM L. PACK,
Hearing Examiner.

NOVEMBER 13, 1951.

By "Decision of the Commission and order to file report of compliance", Docket 5914, January 3, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein 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 the order to cease and desist.

By the Commission.

Issued: January 3, 1952.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-3441; Filed, Mar. 25, 1952; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-10 (a)]

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 30—FRUIT BUTTERS; DEFINITIONS AND STANDARDS OF IDENTITY

FINAL ORDER

In the matter of amending the definitions and standards of identity for fruit preserves, fruit jellies, and fruit butters:

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371) and upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on November 28, 1950 (15 F. R. 8121), and upon consideration of the exceptions filed by Sugar Information, Inc., which are denied, the following order is made:

Findings of fact.[1] 1. In 1940, regulations establishing definitions and standards of identity were promulgated for three categories of fruit spreads (5 F. R. 3554). These are preserves, jams (21 CFR 29.0), fruit jelly (21 CFR 29.5), and fruit butter (21 CFR 30.0). In that part of each of these definitions and standards of identity applicable to the saccharine ingredients it is provided that corn sirup may be used in combination with other designated saccharine ingredients, provided the weight of the solids of the corn sirup is not less than one-tenth of the weight of the solids of the combination of saccharine ingredients. For preserves or jams and for fruit jellies it is further provided that the weight of the solids of the corn sirup is not more than one-half the weight of the solids of the combination. The definition and standard of identity for fruit butter, in addition to providing for the use of corn sirup in combination with other saccharine ingredients, provides that corn sirup may be used as the sole saccharine ingredient. Each of the definitions and standards of identity requires that whenever corn sirup is used it shall be named on the label, and if corn sirup is used in combination with other saccharine ingredients they also shall be named on the label. (Ex. 3)

2. Prior to the promulgation in 1940 of the definitions and standards of identity described in finding 1, there was a considerable trade in spreads made with a relatively low proportion of fruit ingredient and a high proportion of corn sirup. These spreads were often called "compound" or "imitation," and were generally regarded as cheap, low-quality products. Jobbers, wholesalers, retailers, and some consumers of preserves, jellies, and fruit butters came to associate the presence of corn sirup with such products, giving rise to the belief, now shown to be erroneous, that the presence of corn sirup in any proportion was evidence of inferiority. The label declaration of corn sirup was used by salesmen of competing brands containing no corn sirup to obtain a sales advantage. This was done by associating the corn-sirup-containing product with inferior merchandise. So preserves, jellies, and fruit butters containing small amounts of corn sirup and labeled as required by the definitions and standards of identity for these foods were confused with products containing a large enough quantity of corn sirup to change their properties substantially. (R. 25–28, 34–35, 37–38, 43, 58–59, 61–63, 66, 68–69, 72, 76, 80–81, 89, 108, 121–122, 127, 145–147, 149–154)

3. Experience of preserve, jelly, and fruit butter manufacturers since the adoption of definitions and standards of identity for these foods has shown that where the proportion of corn sirup (based on its solids content) is not greater than 25 percent by weight of the total saccharine ingredients the sweetness of the preserve, jelly, or fruit butter is not affected, to the extent of being ordinarily discernible, although experienced tasters may, under special conditions of tasting, detect a slight difference in some types of fruit spreads when a somewhat lower proportion of corn sirup is present. (R. 30–36, 41, 60–61, 70–71, 73, 77–79, 90–91, 94, 105–106, 110, 122–126, 134, 147–148, 169–192; Ex. 9)

4. From the facts stated in findings 1, 2, and 3 it is reasonable to conclude that the requirements dealing with corn sirup in the definitions and standards of identity for fruit preserves, jams, fruit jellies, and fruit butter should be changed to make corn sirup an optional ingredient in such foods when the proportion

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

of corn sirup (based on its solids content) does not exceed 25 percent of the weight of the combined saccharine ingredients and that a label declaration of corn sirup, when used in such amounts, may confuse the consumer. (R. 38, 71, 73, 85, 99)

5. The definitions and standards of identity for preserves, jams, fruit jellies, and fruit butters do not define the term "corn sirup." The evidence in this record shows that the corn sirup used in the experimental and commercial production of fruit spreads in compliance with the standards was the clarified, concentrated aqueous solution obtained by incomplete hydrolysis of cornstarch and the solids of the corn sirup contained not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. A more general term for sirup made by partial hydrolysis of edible starch is "glucose sirup." Glucose sirup which, except for the source of the edible starch used, conforms to the foregoing definition of corn sirup is suitable for use in fruit spreads. Corn sirup which has been dried, and which is sometimes called corn sirup solids, is likewise suitable for use in fruit spreads. Each of the definitions and standards of identity should recognize the use of glucose sirup and dried corn sirup, subject to the same conditions and requirements prescribed for the use of corn sirup. (R. 17, 19, 47, 54–55, 65)

6. The definition and standard of identity for preserves or jams provides that in certain combinations of saccharine ingredients "corn sugar or dextrose" may be used. There are corresponding provisions in the definitions and standards of identity for fruit jellies and fruit butter. Dextrose is made from starch; corn sugar is made from cornstarch. Thus the term "dextrose" encompasses corn sugar. In the fruit-spread trade, terminology has so changed that the designation "dextrose" is now used for the product which formerly was sometimes called "corn sugar." It is reasonable to simplify each of the definitions and standards of identity by deleting the words "corn sugar," wherever used, and with this change there will be no further need for the definitions and standards to include special definitions for corn sugar. (R. 15, 21, 40; Ex. 4–7)

Conclusion. It is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for fruit butters, fruit jellies, and fruit preserves and jams.

Therefore, it is ordered, That Parts 29 and 30 be amended by deleting therefrom the definitions and standards of identity for fruit butters, fruit jellies, and preserves and jams and substituting therefor new definitions and standards of identity as set forth below.

1. Part 30, Fruit Butters; Definitions and Standards of Identity, is deleted, and § 30.0 is transferred to Part 29 and renumbered § 29.1.

2. The title of Part 29 is changed to read: "Part 29, Fruit Butters, Fruit Jellies, Fruit Preserves, and Related Products; Definitions and Standards of Identity."

3. Sections 29.0 and 29.5 are renumbered as §§ 29.3 and 29.2, respectively.

4. Part 29, as amended, reads as follows:

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.
29.1 Fruit butter; identity; label statement of optional ingredients.
29.2 Fruit jelly; identity; label statement of optional ingredients.
29.3 Preserves, jams; identity; label statement of optional ingredients.

AUTHORITY: §§ 29.1 to 29.3 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U. S. C. 341.

§ 29.1 *Fruit butter; identity; label statement of optional ingredients.* (a) The fruit butters for which definitions and standards of identity are prescribed by this section are the smooth, semisolid foods each of which is made from a mixture composed of not less than five parts by weight (as determined by the method prescribed in paragraph (b) (1) of this section) of one or any combination of two, three, four, or five of the optional fruit ingredients specified in paragraph (c) of this section to each two parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section, except that the use of such saccharine ingredient is not required when optional ingredient (5) is used. Such mixture may be seasoned with one or more of the following optional ingredients:

(1) Spice.

(2) Flavoring (other than artificial flavoring).

(3) Salt.

(4) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these.

Such mixture may also contain the optional ingredient:

(5) Fruit juice or diluted fruit juice or concentrated fruit juice, in a quantity not less than one-half the weight of the optional fruit ingredient.

Such mixture is concentrated by heat to such point that the soluble-solids content of the finished fruit butter is not less than 43 percent, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 322, under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—First Action," except that no correction is made for water-insoluble solids.

(b) (1) Any requirement of this section with respect to the weight of any optional fruit ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method:

Determine the percent of soluble solids in the optional fruit ingredient by the method prescribed for determining soluble solids in paragraph (a) of this section; multiply the percent so found by the weight of such ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or any other added solids; and multiply the remainder by the factor for such ingredient prescribed in paragraph (c) of this section. The result is the weight of the optional fruit ingredient.

(2) For the purposes of this section, the weight of fruit juice or diluted fruit juice or concentrated fruit juice (optional ingredient (a) (5)) from a fruit specified in paragraph (c) of this section is the weight of such juice, as determined by the method prescribed in paragraph (b) (1) of this section, except that the percent of soluble solids is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 495, under "Solids by Means of Refractometer—Official"; the weight of diluted or concentrated juice from any other fruit is the original weight of the juice before it was diluted or concentrated.

(c) Each of the optional fruit ingredients referred to in paragraph (a) of this section is prepared by cooking one of the following fresh, frozen, canned, and/or dried (evaporated) mature fruits, with or without added water, and screening out skins, seeds, pits, and cores:

Name of fruit:	*Factor referred to in paragraph (b) (1) of this section*
Apple	7.5
Apricot	7.0
Grape	7.0
Peach	8.5
Pear	6.5
Plum (other than prune)	7.0
Prune	7.0
Quince	7.5

In any combination of two, three, four, or five fruit ingredients, the weight of each is not less than one-fifth of the weight of the combination.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Brown sugar.

(4) Invert brown sugar sirup.

(5) Honey.

(6) Any combination of two or more of optional saccharine ingredients (1), (2), (3), and (4).

(7) Any combination of dextrose and optional saccharine ingredient (1), (2), (3), (4), or (6).

(8) Any combination composed of corn sirup, dried corn sirup, glucose sirup, or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3), (4), (6), or (7), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup, or the sum of the weights of the solids of corn sirup, dried corn sirup, and glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

(9) Any combination of honey and optional saccharine ingredient (1), (2), (3), (4), (6), or (7), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination, and the weight of honey solids is not less

than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "invert brown sugar sirup" means a sirup made by inverting or partly inverting brown sugar.

(5) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. The term "glucose sirup" means a sirup which conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch.

(6) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each fruit butter for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case the fruit butter is made from a single fruit ingredient, the name is "Butter," preceded by the name whereby such fruit is designated in paragraph (c) of this section.

(2) In case the fruit butter is made from a combination of two, three, four, or five fruit ingredients, the name is "Butter," preceded by the words "Mixed Fruit" or by the names whereby such fruits are designated in paragraph (c) of this section, in the order of predominance, if any, of the weight of such fruit ingredients in the combination.

(g) (1) When optional ingredient (a) (1) of this section is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (2) of this section is used, the label shall bear the statement "flavoring added" or "with added flavoring." The word "flavoring" in such statements may be preceded by the common name of the kind of flavoring used.

(3) When optional ingredient (a) (5) of this section is used, the label shall bear the words "prepared with _____ juice," the blank to be filled in with the name of the fruit from which the juice is obtained; but if apple juice is used, the word "cider" may be used in lieu of "apple juice."

(4) When optional saccharine ingredient (d) (5) of this section is used, the label shall bear the statement "prepared with honey."

(5) When optional saccharine ingredient (d) (9) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weights of such components in the combination. Such name shall be preceded by the words "prepared with."

(6) When the optional fruit ingredient is prepared in whole or in part from dried fruit, the label shall bear the words "prepared from" or "prepared in part from," as the case may be, followed by the word "evaporated" or "dried," followed by the name whereby such fruit is designated in paragraph (c) of this section. When two or more such optional fruit ingredients are used, such names, each preceded by the word "evaporated" or "dried," shall appear in the order of predominance, if any, of the weight of such ingredients in the combination.

(7) When a combination of two, three, four, or five optional fruit ingredients is used, and the fruit butter is designated on its label by the name "Mixed Fruit Butter," the label shall bear the names whereby the fruits from which such ingredients are prepared are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such ingredients in the combination.

(8) The label statements required by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "cinnamon oil and cloves added." The label statements required by two or more of subparagraphs (3), (4), (5), (6), and (7) of this paragraph may be combined, as for example, "prepared with cider, apples, dried prunes, and honey."

(h) Wherever the name specified in paragraph (f) of this section appears on the label of the fruit butter so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such fruit butter may so intervene.

§ 29.2 *Fruit jelly; identity; label statement of optional ingredients.* (a) The jellies for which definitions and standards of identity are prescribed by this section are the jelled foods each of which is made from a mixture composed of not less than 45 parts by weight (as determined by the method prescribed in paragraph (b) of this section) of one or any combination of two, three, four, or five of the fruit juice ingredients specified in paragraph (c) of this section to each 55 parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit juice ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit juice ingredient.

(4) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid, or any combination of these, in a quantity reasonably necessary as a preservative.

(6) Mint flavoring and harmless artificial green coloring, in case the fruit juice ingredient or combination of fruit juice ingredients is extracted from apple, crabapple, pineapple, or two or all of such fruits.

Such mixture is concentrated by heat to such point that the soluble-solids content of the finished jelly is not less than 65 percent, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 495, under "Solids by Means of Refractometer—Official."

(b) Any requirement of this section with respect to the weight of any fruit juice ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method: Determine the percent of soluble solids in such fruit juice ingredient by the method for soluble solids referred to in paragraph (a) of this section; multiply the percent so found by the weight of such fruit juice ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or other added solids; and multiply the remainder by the factor for such fruit juice ingredient prescribed in paragraph (c) of this section. The result is the weight of the fruit juice ingredient.

(c) Each of the fruit juice ingredients referred to in paragraph (a) of this section is the filtered or strained liquid extracted with or without the application of heat and with or without the addition of water, from one of the following mature, properly prepared fruits which are fresh, frozen and/or canned

Name of fruit:	*Factor referred to in paragraph (b) of this section*
Apple	7.5
Apricot	7.0
Blackberry (other than dewberry)	10.0
Black raspberry	9.0
Cherry	7.0
Crabapple	6.5
Cranberry	9.5
Damson, damson plum	7.0
Dewberry (other than boysenberry, loganberry, and youngberry)	10.0
Fig	5.5
Gooseberry	12.0
Grape	7.0
Grapefruit	11.0
Greengage, greengage plum	7.0
Guava	13.0
Loganberry	9.5
Orange	8.0
Peach	8.5
Pineapple	7.0
Plum (other than damson, greengage, and prune)	7.0
Pomegranate	5.5
Quince	7.5
Raspberry, red raspberry	9.5
Red currant, currant (other than black currant)	9.5
Strawberry	12.5
Youngberry	10.0

In any combination of two, three, four, or five of such fruit juice ingredients the weight of each is not less than one-fifth of the weight of the combination. Each such fruit juice ingredient in any such combination is an optional ingredient.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of dextrose and optional saccharine ingredient (1), (2), or (3).

(5) Any combination composed of corn sirup, dried corn sirup, glucose sirup, or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3), or (4), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup, or the sum of the weights of the solids of corn sirup, dried corn sirup, and glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1), (2), or (3), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. The term "glucose sirup" means a sirup which conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch.

(5) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each jelly for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case the jelly is made with a single fruit juice ingredient, the name is "Jelly," preceded or followed by the name or synonym whereby the fruit from which such fruit juice ingredient was extracted is designated in paragraph (c) of this section.

(2) In case the jelly is made with a combination of two, three, four, or five fruit juice ingredients, the name is "Jelly," preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby the fruits from which the fruit juice ingredients were extracted are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such fruit juice ingredients in the combination.

(g) (1) When optional ingredient (a) (1) is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (5) is used, the label shall bear the words "sodium benzoate" or "benzoic acid" or "sodium benzoate and benzoic acid," as the case may be, followed by the words "added as preservative."

(3) When optional ingredient (a) (6) is used, the label shall bear the statement "flavoring and artificial coloring added" or "with added flavoring and artificial coloring." The word "flavoring" in such statement may be preceded by the word "mint."

(4) When optional saccharine ingredient (d) (7) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weight of such components in the combination. Such names shall be preceded by the words "prepared with."

(5) When optional saccharine ingredient (d) (6) is used, the label shall bear the statement "prepared with honey."

(6) When a combination of two, three, four, or five fruit juice ingredients is used, and the jelly is designated on its label by the word "Jelly," preceded or followed by the words "Mixed Fruit," the label shall bear the names or synonyms whereby such fruits are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such fruit juice ingredients in the combination.

(h) Wherever the name specified in paragraph (f) of this section appears on the label of the jelly so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such jelly may so intervene.

§ 29.3 *Preserves, jams; identity; label statement of optional ingredients.* (a) The preserves or jams for which definitions and standards of identity are prescribed by this section are the viscous or semisolid foods each of which is made from a mixture composed of not less than 45 parts by weight (see paragraph (c) of this section) of one of the fruit ingredients specified in paragraph (b) of this section to each 55 parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combinaton of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit ingredient.

(4) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid or any combination of these, in a quantity reasonably necessary as a preservative.

Such mixture, with or without added water, is concentrated by heat to such point that the soluble-solids content of the finished preserve is not less than 68 percent if the fruit ingredient is specified in Group I of paragraph (b) of this section, and not less than 65 percent if the fruit ingredient is specified in Group II of paragraph (b) of this section. The soluble-solids content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 322, under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—First Action," except that no correction is made for water-insoluble solids.

(b) The fruit ingredients referred to in paragraph (a) of this section are the following mature, properly prepared fruits which are fresh, frozen and/or canned:

GROUP I

Blackberry (other than dewberry).
Black raspberry.
Blueberry.
Boysenberry.
Cherry.
Crabapple.
Dewberry (other than boysenberry, loganberry, and youngberry).
Elderberry.
Grape.
Grapefruit.
Huckleberry.
Loganberry.
Orange.
Pineapple.
Raspberry, red raspberry.
Rhubarb.
Strawberry.
Tangerine.
Tomato.
Yellow tomato.
Youngberry.

Any combination of two, three, four, or five of such fruits in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

GROUP II

Apricot.
Cranberry.
Damson, damson plum.
Fig.
Gooseberry.
Greengage, greengage plum.
Guava.
Nectarine.
Peach.
Pear.

Plum (other than greengage plum and damson plum).
Quince.
Red currant, currant (other than black currant).

Any combination of two, three, four, or five of such fruits, or one or more of such fruits with one or more of the individual fruits specified in Group I, in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

Any combination of apple and one, two, three, or four of the individual fruits specified in this group or Group I in which the weight of each is not less than one-fifth, and the weight of apple is not more than one-half, of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

In any combination of two, three, four, or five fruits, each such fruit is an optional ingredient. For the purposes of this section, the word "fruit" includes the vegetables specified in this paragraph.

(c) Any requirement of this section with respect to the weight of any fruit, combination of fruits, or fruit ingredient means:

(1) The weight of fruit exclusive of the weight of any sugar, water, or other substance added for any processing or packing or canning, or otherwise added to such fruit;

(2) In the case of fruit prepared by the removal, in whole or in part, of pits, seeds, skins, cores, or other parts, the weight of such fruit, exclusive of the weight of all such substances removed therefrom; and

(3) In the cases of apricots, cherries, grapes, nectarines, peaches, and all varieties of plums, whether or not pits and seeds are removed therefrom, the weight of such fruit, exclusive of the weight of such pits and seeds.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of dextrose and optional saccharine ingredient (1), (2), or (3).

(5) Any combination composed of corn sirup, dried corn sirup, glucose sirup, or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3), or (4), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup, or the sum of the weights of the solids of corn sirup, dried corn sirup, and glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1), (2), or (3), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. The term "glucose sirup" means a sirup which conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch.

(5) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each preserve or jam for which a definition and standard of identity is prescribed by this section is as follows:

(1) If the fruit ingredient is a single fruit, the name is "Preserve" or "Jam," preceded or followed by the name or synonym whereby such fruit is designated in paragraph (b) of this section.

(2) If the fruit ingredient is a combination of two, three, four, or five fruits, the name is "Preserve" or "Jam," preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(g) (1) When optional ingredient (a) (1) is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (5) is used, the label shall bear the words "sodium benzoate" or "benzoic acid," or "sodium benzoate and benzoic acid," as the case may be, followed by the words "added as preservative."

(3) When optional saccharine ingredient (d) (7) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weights of such components in the combination. Such names shall be preceded by the words "prepared with."

(4) When optional saccharine ingredient (d) (6) is used, the label shall bear the statement "prepared with honey."

(5) When the fruit ingredient is a combination of two, three, four, or five fruits and the preserve is designated on its label by the name "Preserve" or "Jam," preceded or followed by the words "Mixed Fruit," the label shall bear the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(h) Wherever the name specified in paragraph (f) of this section appears on the label of the preserve so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such preserve may so intervene.

Effective date. This order shall become effective on the ninetieth day following the date of publication in the FEDERAL REGISTER.

Dated: March 20, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-3434; Filed, Mar. 25, 1952; 8:51 a. m.]

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

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1950 Supp., 146; 16 F. R. 714, 2471, 3647, 5699, 7008, 8821, 10157, 10847, 11910; 17 F. R. 150) are amended as indicated below.

1a. In § 146.27 *Penicillin tablets*, paragraph (a) *Standards of identity etc.*, the first sentence is amended by changing the words "with or without two or more suitable sulfonamides" to read "with or without one or more suitable sulfonamides".

b. In § 146.27, paragraph (b) *Packaging*, the last sentence is amended by changing the words "with or without two or more suitable sulfonamides" to read "with or without one or more suitable sulfonamides".

c. Section 146.27 (c) (1) (vi) is amended to read as follows:

(c) *Labeling* * * *

(1) * * *

(vi) The statement "Expiration date ----------," the blank being filled in, if crystalline penicillin, procaine penicillin, or crystalline penicillin O is used, with the date which is 36 months, or if crystalline penicillin, procaine penicillin, or crystalline penicillin O is not used, with the date which is 12 months after the month during which the batch was certified.

2. Section 146.40 (c) (1) (iii) is amended to read as follows:

(iii) The statement "Expiration date ----------," the blank being filled in,

if crystalline penicillin or procaine penicillin is used without the addition of an excipient of polyethylene glycol, with the date which is 36 months; or if crystalline penicillin or procaine penicillin is used with the addition of an excipient of polyethylene glycol, with the date which is 18 months, or if crystalline penicillin or procaine penicillin is not used; with the date which is 12 months after the month during which the batch was certified;

3a. In § 146.44 *Procaine penicillin* * * *, paragraph (a) *Standards of identity etc.*, the first sentence is amended by changing the words "procaine hydrochloride U. S. P." to read "procaine hydrochloride that complies with all the standards prescribed by the U. S. P., except for the color of the crystals,".

b. In § 146.44, subparagraph (3) of paragraph (c) *Labeling* is amended by changing the figure "24" to read "36".

4. Section 146.47 (c) (1) (iii) is amended to read as follows:

(iii) The statement "Expiration date ----------," the blank being filled in, if it is a dry mixture of the drug, with the date which is 36 months, or if it is the aqueous suspension of the drug, with the date which is 12 months after the month during which the batch was certified;

5a. In § 146.51 *Buffered penicillin powder*, paragraph (a) *Standards of identity etc*, is amended by changing the words "with or without two or more suitable sulfonamides," to read "with or without one or more suitable sulfonamides,".

b. In § 146.51, paragraph (b) *Packaging*, the last sentence is amended by changing the figure "600,000" to read "500,000" and by changing the words "with or without two or more suitable sulfonamides," to read "with or without one or more suitable sulfonamides."

6. Part 146 is amended by adding the following new section:

§ 146.73 *Antibiotics for bull semen.* Penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol, or bacitracin intended for use solely as a preservative for bull semen, and conspicuously so labeled, shall be exempt from the requirements of sections 502 (l) and 507 of the act.

7. In § 146.104 *Streptomycin tablets* * * *, the second and third sentences of paragraph (a) *Standards of identity etc.*, are amended to read as follows: "If it is intended solely for veterinary use and is conspicuously so labeled, it may contain one or more suitable sulfonamides. The potency of each tablet is not less than 50 milligrams."

8. Section 146.109 (c) (1) (vi) is amended to read as follows:

(vi) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

9a. In § 146.402 *Bacitracin ointment*, paragraph (a) *Standards of identity etc.*, the second sentence is amended to read: "It may contain a suitable local anesthetic, one or more suitable sulfonamides, and, if it is intended solely for veterinary use and is conspicuously so labeled, one or more suitable antifungal agents."

b. Section 146.402 (c) (1) (iii) and (3) are amended to read as follows:

(c) *Labeling.* * * *

(1) * * *

(iii) If the batch contains, in addition to bacitracin, one or more other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient per gram of the batch.

* * * * *

(3) On the label and labeling, if it contains, in addition to bacitracin, one or more other active ingredients specified in paragraph (a) of this section, after the name "bacitracin ointment," wherever it appears, the words "with ----------" in juxtaposition with such name, the blank being filled in with the common or usual name of each such other ingredient used.

This order, which provides for the use of one or more suitable sulfonamides in lieu of two or more in the manufacture of penicillin tablets; for the use of an expiration date for penicillin tablets prepared from crystalline penicillin, procaine penicillin, or crystalline penicillin O, which is 36 months after the month in which the batch was certified; for the use of an expiration date for penicillin bougies prepared from crystalline penicillin or procaine penicillin and do not contain an excipient of polyethylene glycol, which is 36 months after the month in which the batch was certified; for a minor change in the standards prescribed for procaine hydrochloride used in the manufacture of procaine penicillin; for the use of an expiration date for procaine penicillin which is 36 months after the month during which the batch was certified; for the use of an expiration date for the dry mixture of procaine penicillin for aqueous injection which is 36 months after the month during which the batch was certified; for the use of one or more suitable sulfonamides in lieu of two or more in the manufacture of buffered penicillin powder; for a change in the packaging requirements of buffered penicillin to fix the minimum quantity of the drug that may be contained in one container to 500,000 units in lieu of the current requirement of 600,000 units; for exemption from certification of penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol and bacitracin if intended and labeled solely as a preservative for bull semen; for a change in the potency requirement of streptomycin tablets and dihydrostreptomycin tablets from 100 milligrams to 50 milligrams; for the use of an expiration date for streptomycin-bacitracin-polymyxin gauze pads which is 24 months after the month in which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored that length of time such drug as prepared by him complies with the standards provided for this product; and for the optional use of one or more suitable antifungal agents in the manufacture of bacitracin ointment intended solely for veterinary use and conspicuously so labeled, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

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

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

Dated: March 20, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-3436; Filed, Mar. 25, 1952; 8:51 a. m.]

PART 170—ENFORCEMENT OF THE TEA IMPORTATION ACT

TEA STANDARDS

Pursuant to the authority of sections 2, 3, and 10 of the Tea Importation Act (29 Stat. 605, as amended by 35 Stat. 163, 41 Stat. 712, 54 Stat. 1237; 21 U. S. C. 41), the regulations for the enforcement of this act (21 CFR 170.1 et seq., 1950 Supp., 170.19, amended 16 F. R. 1934) are amended as indicated below:

The following standards prepared and submitted by the Board of Tea Experts are fixed and established as standards under the Tea Importation Act for the year beginning May 1, 1952, and ending April 30, 1953, and § 170.19 (b) is amended to read as follows:

§ 170.19 *Tea standards.* * * *

(b) The following standards prepared and submitted by the Board of Tea Experts are hereby fixed and established as standards under the Tea Importation Act for the year beginning May 1, 1952, and ending April 30, 1953:

(1) Formosa Oolong.
(2) India.
(3) Formosa Black (to be used for Formosa Black, Japan Black, and Congou).
(4) Japan Green.
(5) Gunpowder.
(6) Scented Canton.
(7) Canton Oolong.

These standards apply to tea shipped from abroad on or after May 1, 1952. Tea shipped prior to May 1, 1952, will be governed by the standards which be-

came effective May 1, 1951 (16 F. R. 1934).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of experts in teas drawn from the Food and Drug Administration and the tea trade, so as to be representative of the tea trade as a whole.

(Sec. 10, 29 Stat. 607, as amended; 21 U. S. C. 50. Interprets or applies sec. 1, 29 Stat. 604, as amended; 21 U. S. C. 41)

Dated: March 20, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-3435; Filed, Mar. 25, 1952; 8:49 a. m.]

TITLE 25—INDIANS

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

PART 180—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

MISCELLANEOUS AMENDMENTS

The regulations in this part are amended, as follows:

1. Sections 180.1 to 180.4 are amended to read as follows:

§ 180.1 *Definitions.* The following words or terms when used in the lease and regulations in this part shall have the meaning shown in this section:

(a) *Superintendent.* The Superintendent of the Osage Agency, Pawhuska, Oklahoma, in charge of the Osage Agency and Reservation, or any other person who may be in charge of such agency and reservation, and it shall be his duty to enforce compliance with the regulations in this part.

(b) *Inspector.* Any person appointed as Inspector of oil and gas wells, or who may be designated by the Secretary of the Interior or the Commissioner of Indian Affairs to supervise oil or gas operations on Osage lands under the direction of the Superintendent.

(c) *Oil lessee.* Any person, firm, or corporation to whom an oil mining lease is made under the regulations in this part.

(d) *Gas lessee.* Any person, firm, or corporation to whom a gas lease is made under the regulations in this part.

§ 180.2 *Royalty payments*—(a) *Royalty on oil produced by primary or gas injection methods.* The lessee shall pay or cause to be paid to the Superintendent, for the lessor as a royalty, the sum of 16⅔ percent of the gross proceeds from sales after deducting the oil used for fuel in operating the lease, unless the Osage Tribal Council, with the approval of the Commissioner of Indian Affairs, shall elect to take the royalty in oil; payment to be made at time of sale or removal of the oil, except where payments are made on division orders; and settlement shall be based on the actual selling price, but at not less than the highest posted market price in the Mid-Continent oil field on the day of sale or removal: *Provided*, That when the quantity of oil taken from all the producing wells on any quarter-section according to the public survey, or fractional quarter-section if the land covered by the lease does not include the full quarter-section, during any calendar month, is sufficient to average one hundred or more barrels per well per day, the royalty on such oil shall be 20 percent.

(b) *Royalty on oil produced by the water flood process.* When the estimated reserves of oil recoverable by primary and/or gas injection methods from a specified sand or sands have been depleted or partially depleted, the lessee and the Tribal Council may agree upon a new royalty rate to be approved by the Superintendent, the sum to be not less than 12½ percent of the gross proceeds from sales of oil produced by the water flood process after deducting the oil used for fuel in operating the lease, unless the Osage Tribal Council, with the approval of the Commissioner of Indian Affairs, shall elect to take the royalty in oil; payment to be made at time of sale or removal of the oil, except where payments are made on division orders, and settlement shall be based on the actual selling price, but at not less than the highest posted market price in the Mid-Continent oil field on the day of sale or removal.

(c) *Royalty in kind.* Should the lessor, with the approval of the Commissioner of Indian Affairs, elect to take the royalty in oil, the lessee shall furnish free storage for the royalty oil for not exceeding 30 days.

§ 180.3 *Government reserves right to purchase oil.* Any of the executive departments of the United States Government shall have the option to purchase at the highest posted market price on the day of sale all or any part of the oil produced under any lease. The Commissioner of Indian Affairs may impose restrictions as to time or times for drilling of wells and as to the production from any well or wells when in his judgment or the judgment of his representative, such action may be necessary or proper for the protection of the natural resources of the leased land and the interests of the Osage Tribe of Indians, and in taking action, the Commissioner may take into consideration, among other things, Federal laws, State laws, or regulations by competent Federal or State authorities or lawful agreements among operators regulating either drilling or production, or both.

§ 180.4 *Drilling obligations.* (a) Lessees shall drill at least one well to the Mississippi line, unless oil or gas is found in commercial quantities at a lesser depth, on the land embraced in their leases, within 12 months from date of approval of leases, or the leases may be held for the full 5-year fixed term without drilling, upon payment of rentals to the Superintendent for the lessor at the rate of $1 per acre per annum, or a proportionate part thereof for each 3 months' period a lease is held and a well is not drilled, such rental beginning twelve months from date of approval of lease: *Provided*, That the time within which a well shall be drilled or rental paid in lieu of drilling shall not begin to run on any restricted homestead selection until the consent of the Superintendent to drilling on such homestead shall have been given: *Provided*, That the Superintendent in his discretion may direct the drilling of any undrilled lease, if in his opinion the interests of the Osage Tribe warrant. Should the lessee elect to surrender his lease before the end of any such yearly period without drilling a well thereon, he shall pay the rental of $1 per acre for the fractional part of the year the land is held and a well is not drilled, and failure of the lessee to pay such rental within 25 days from the expiration of any yearly period during which such well is not drilled shall be cause for cancellation of the lease by the Superintendent, but such cancellation shall not release the lessee and his sureties from the obligation to pay such rental: *Provided, further*, That whenever the Commissioner of Indian Affairs shall consider the marketing facilities inadequate to take care of the production he may direct the suspension of drilling operations on any lease.

(b) Prior to the expiration of a term of a lease, the Osage Tribal Council may, with the approval of the Superintendent, and a finding by him that such action is in the best interest of the Osage Tribe, grant an extension of the term of the lease for a period of not to exceed six months for the purpose of enabling the lessee to drill a well to the Mississippi Line unless oil or gas is found in paying quantities at a lesser depth.

2. Section 180.15 is amended to read as follows:

§ 180.15 *Gas for operating purposes.* The gas lessee shall furnish the oil lessee sufficient gas for drilling and operating purposes at a rate to be agreed upon, or on failure to agree the rate shall be fixed by arbitration: *Provided*, That the oil lessee shall make necessary connections between the well and the meter whenever possible.

3. Section 180.17 is amended to read as follows:

§ 180.17 *Form of payment.* All amounts due and payable under a lease shall be paid to the Superintendent by check or bank draft on a solvent bank.

4. Sections 180.19 and 180.20 are amended to read as follows:

§ 180.19 *Penalty for violation of lease terms.* Violation of any of the terms or conditions of any lease or of the regulations in this part shall subject the lease to cancellation by the Superintendent, or the lessee to a fine of not exceeding $500 per day for each and every day the terms of the lease or of the regulations are violated, or the orders of the Superintendent in reference thereto are not complied with, or to both such fine and cancellation in the discretion of the Superintendent: *Provided*, That prior to cancellation of a lease or the imposition of a fine as provided for in this section, the lessee shall be entitled to notice and hearing with respect to the terms of the lease or of the regulations violated, which hearing shall be held by the Superintendent.

§ 180.20 *Bonds.* (a) Lessees shall furnish with each oil lease and each gas lease, to be filed at the time the lease is presented, a bond upon Form D, with a surety company duly authorized to execute bonds. Such bonds shall be in the sum of $1,000 for each quarter-section or fractional quarter-section unit covered by the lease: *Provided, however,* That the lessee may file one bond, Form G, covering all leases to which he or they are or may become parties instead of a separate bond in each case, such bond to be in the penal sum of $15,000.

(b) The right is specifically reserved to increase the amount of any such bond in any particular case when the Superintendent deems it proper to do so.

(c) Form H should be used in the preparation of a bond covering a lease acquired through assignment where the assignee does not have a collective bond, or the surety does not execute its consent to remain bound under the original bond given to secure the faithful performance of the terms and conditions of the lease.

5. Sections 180.23 and 180.24 are amended to read as follows:

§ 180.23 *Contracts for the sale of gas for industrial purposes.* (a) All contracts for the sale of gas for industrial purposes and sworn statements showing the terms, conditions, and schedules of prices contained in contracts with domestic consumers shall be filed with the Superintendent, and shall be subject to the approval of the Commissioner of Indian Affairs whenever, in his opinion, the interests of the Osage Tribe or the public require such action.

(b) In the sale and disposition of gas, preference shall at all times be given to domestic consumers, unless provided otherwise in the lease, and all contracts for the industrial use of gas shall contain a clause to the effect that when it is shown to the satisfaction of the Commissioner that such gas is needed for domestic consumers within an area fixed by the Commissioner, such contract shall terminate upon the expiration of 30 days' notice from the Commission, and that the Commissioner shall have authority immediately to suspend the furnishing of gas to industrial consumers when he is of the opinion that such gas is needed for domestic consumers. All gas furnished to industrial and domestic consumers shall be metered and sold at meter rates: *Provided,* That gas furnished to an oil lessee may be sold as provided in the gas lessee's contract.

(c) All contracts with domestic consumers shall be subject to the inspection of the Superintendent.

§ 180.24 *Royalty on casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from gas, drip gasoline, or other natural condensate.* (a) A royalty of 16⅔ percent of the gross proceeds of sales shall be paid on the value of one-third (or the lessee's portion if greater than one-third) of all casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from the gas produced from the leasehold. The value of the remainder is an allowance for the cost of manufacture, and no royalty thereon is required. The royalty shall be computed on the sale price received by the manufacturers of such products, or such higher price the lessee may receive the same to be reported under oath and remitted to the Superintendent not later than the 25th of the succeeding month for all such products sold during the previous month. If the manufacturer of any product extracted from casing-head gas produced from an Osage leasehold should sell his product at an arbitrary price below that obtained by other manufacturers selling such product in the open market during a particular month, the Superintendent shall notify said manufacturer of such discrepancy and require settlement for royalty upon the average price obtained by manufacturers selling such product in the open market during the same period. The place of sale of liquid hydrocarbons extracted from gas shall be at the plant where manufactured or when loaded into tank cars at or near the plant. Should any manufacturer sell such product by delivery to pipelines at distant points he may be allowed the average loss by waste, evaporation or otherwise sustained by other manufacturers in the Osage, of such product from the plant to tank cars as shown by sworn statements which shall be furnished when required by the Superintendent.

(b) The royalty on all drip gasoline, or other natural condensate recovered from gas produced from the leased lands without resort to manufacturing process shall be 16⅔ percent of the gross proceeds from sales, except that such substance, if processed in a casing-head gasoline plant shall be treated for royalty purposes as though it were gasoline.

6. Section 180.30 is amended to read as follows:

§ 180.30 *Measuring casing-head gas.* All casing-head gas shall be metered and computed on a basis of 10 ounces above atmospheric pressure, the location and type of meters to be approved by the Superintendent or Inspector. All meters and charts shall be open to inspection at any time by the Inspectors of the Bureau of Indian Affairs, or such other employee as the Superintendent may designate for such purpose.

7. Sections 180.39 to 180.42 are amended to read as follows:

§ 180.39 *Sales of oil leases and gas leases: leases to be sold at public auction.* (a) Written application for tracts to be offered for lease may be filed with the Superintendent.

(b) The Superintendent, with the consent of the Osage Tribal Council, may at such times and in such manner as shall be deemed appropriate, publish and distribute notices that oil leases and/or gas leases on specific tracts of unleased tribal lands, each of which shall be in a compact body, will be offered at public auction to the highest responsible bidder: *Provided,* That not less than 25,000 acres of the unleased portion of the Osage mineral reserve shall be offered for lease during any one year. Successful bidders must deposit with the Superintendent on day of sale, a check, or bank draft on a solvent bank in the amount equal to 25 percent of the bonus as a guaranty of good faith. The Superintendent may require any bidder to submit satisfactory evidence of good faith, that he has the cash in hand or at his command, and to furnish whenever called upon by the Superintendent during the progress of the sale, authenticated statement of a solvent bank to the effect the bidder has the means to purchase the lease. The balance of the bonus, together with a $5.00 filing fee for each lease, shall be paid, and the lease in completed form with necessary accompanying papers shall be filed with the Superintendent within 20 days after the lease is forwarded, by the Superintendent, to the lessee for execution, unless such period has been extended by the Superintendent for good and sufficient reason. If the successful bidder fails to complete the lease or to pay the full consideration within 20 days or an authorized extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, the amount deposited as a guaranty of good faith shall be forfeited for the use and benefit of the lessor. Any and all bids shall be subject to acceptance by the Osage Tribal Council. The Superintendent may disapprove a lease made on an accepted bid, upon evidence satisfactory to him of collusion, fraud or other irregularity in connection with the sale of the lease.

(c) No lease, assignment thereof, or interest therein will be approved to any employee or employees of the Government, and no such employee shall be permitted to acquire any interest in leases covering Osage Tribal lands, by ownership of stock in corporations having leases or in any other manner.

§ 180.40 *Corporations and corporate showing.* (a) Upon being notified of the acceptance of its bid, a corporation shall file a certified copy of articles of incorporation, and evidence showing compliance with local corporation laws if a foreign corporation: *Provided,* That if any such papers have already been filed a statement to that effect may be submitted.

(b) A corporation must also file with its first lease, and at such other times as the Superintendent may direct, a list in duplicate of all officers, directors, and of such stockholders, as may be required with their post-office addresses, and showing the number of shares of capital stock held by each and whether held for themselves or in trust, together with a sworn statement of its proper officer, showing:

(1) The total number of shares of the capital stock actually issued, the number of shares actually sold and specifically the amount of cash paid into the treasury on the stock sold, or, if paid in property, state kind, quantity, and value of same paid.

(2) Of the stock sold, how much per share remains unpaid and subject to assessment.

(3) How much cash the company has in its treasury and elsewhere, and from what sources it was received.

(4) What property, exclusive of cash, is owned by the company and its value.

(5) What the total indebtedness of the company is and specificially the nature of its obligations.

(c) Leases made by corporations shall be accompanied by an affidavit (Form E) showing the authority of its officers to execute leases, bonds and other papers.

§ 180.41 *How to acquire permission to begin operations on homestead allotments.* (a) Lessees may conduct operations within or upon homestead selections with the written consent of the Superintendent and not otherwise.

(b) If the allottee is unwilling to permit operations on his homestead, the Superintendent will direct the Inspector to make an examination of the premises with the allottee and the lessee, or his representative, and should the Inspector be of the opinion that the interests of the Osage Tribe require that the particular tract be developed he will endeavor to have the parties agree upon the terms under which operations on the homestead may be conducted.

(c) In the event the allottee and the lessee cannot, with the assistance of the Inspector, agree on the matter, the allottee shall be permitted to go before the Osage Tribal Council, and the Council, after hearing the allottee, the lessee, and the Inspector, shall make such recommendation as it deems proper. Guardians, legal or natural, may represent their Indian wards, and where no one is authorized or where no person is deemed by the Superintendent to be a proper party to speak for a minor or person of unsound mind or of feeble understanding, the Principal Chief of the Osage Tribe shall represent him.

(d) Where the allottee does not appear before the Council, either in person or by representative, when notified by the Superintendent, or the Council fails to act in the matter within 10 days after being referred to it, the Superintendent may authorize the lessee to proceed with operations in conformity with the provisions of his lease and the regulations in this part. If the Council by appropriate resolution should recommend that a lessee be not permitted to conduct drilling operations on a homestead selection, the Superintendent shall submit the question to the Area Director.

§ 180.42 *Rental period after consent of Superintendent to begin operations on homesteads.* Rental in lieu of development shall not begin to run on any homestead selection until one year after the consent of the Superintendent or Area Director to operations on such homestead shall have been given.

38. Sections 180.46 and 180.47 are amended to read as follows:

§ 180.46 *Approval of lease instruments*—(a) *Oil and gas leases.* The Superintendent may approve the schedule of bids accepted by the Osage Tribal Council following a sale of oil leases and gas leases conducted in conformity with the provisions of § 180.39. The Superintendent may also approve oil leases and gas leases made by the Osage Tribal Council in conformity with the regulations in this part, bonds and other instruments required for leases or assignments thereof, and the acceptance of the voluntary surrender of leases.

(b) *Unitization of oil leases.* As a consideration for their further development by the water flood process, two or more oil leases may be unitized and merged in a single blanket lease with the approval of the Superintendent. The instrument of unitization (blanket lease) shall include all the requirements and provisions of sections numbered 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, and 20 of Osage oil lease Form B, *Provided:* That the preamble of Form B and the provisions of section numbered 2 in respect to royalty rates; section numbered 3 in respect to payment of rental; section numbered 4 in respect to payment of well site and tank location fees; and section numbered 14 in respect to the surrender of the lease, may be modified and/or supplemented by the parties, with the approval of the Superintenddent, to the extent deemed appropriate for the equitable and efficient conduct of unitized operations, and not otherwise in conflict with the regulations in this part. Lessee(s) shall, before commencing water flood operations, and on or before December 31st of each year thereafter, submit to the Superintendent an acceptable plan of development and operation for the unit area for the ensuing year.

(c) *Assignments.* Approved leases or any interest therein may be assigned with the approval of the Superintendent, and not otherwise. Assignments, when so approved, shall be subject to the terms and conditions of the original leases, and the regulations under which such leases were approved. The assignee shall furnish with his assignment a satisfactory bond as provided in § 180.20 (c). Any attempt to assign an approved lease or any interest therein without the consent and approval of the Superintendent shall be absolutely void and shall subject the original lease to cancellation in the discretion of the Superintendent.

§ 180.47 *Filing of assignments and drilling contracts.* (a) Assignments of any lease or any interest therein by drilling contract or otherwise shall be filed with the Superintendent within 30 days from the date of such assignment by the assignor, except in instances where the necessary papers cannot be executed within such time, in which event, however, formal notice shall be filed within the 30 days stipulated and where necessary the Superintendent may grant 15 days additional.

(b) In case of contracts made by oil lessees for drilling wells, which contracts provide that in consideration of drilling a well on the leased premises a subsequent assignment of an interest in such lease will be made subject to the approval of the Department, the Superintendent is hereby authorized to approve such drilling contracts with a stipulation that such approval does not in any way bind the Department to approve formal assignments that may thereafter be submitted and that such approval merely authorizes the drilling contractor to enter into possession of the lease for the purpose of development work.

9. Section 180.49 is amended to read as follows:

§ 180.49 *Commencement of operation.* No operations shall be permitted upon any tract of land until a lease covering such tract shall have been approved by the Superintendent or such operations specifically authorized by him.

10. Section 180.59 is amended to read as follows:

§ 180.59 *Duties of Inspectors.* It shall be the duty of the Inspector—

(a) To visit from time to time leased lands where oil and gas mining operations are being conducted, and to inspect and supervise such operations with a view to preventing waste of oil and gas, damage to oil, gas, or water bearing formations, or injury to property or life, in accordance with the provisions of the regulations in this part.

(b) To make reports to the Superintendent as to the general conditions of the leases, property, and the manner in which operations are being conducted and his orders complied with.

(c) To consult and advise with the Superintendent as to the conditions of the leased lands, and to submit information and recommendations from time to time for safeguarding and protecting the property of the lessor and securing compliance with the provisions of the regulations in this part.

(d) To give such orders or notices as may be necessary to secure compliance with the regulations and to issue all necessary instructions or orders to lessees to stop or modify such methods or practices as he may consider contrary to the provisions of such regulations.

(e) To modify or prohibit the use or continuance of any operation or method which, in his opinion, is causing or is likely to cause any surface or underground waste of oil or gas, or injury to any oil, gas, water, coal, or other mineral formation, or which is dangerous to life or property, or in violation of the provisions of the regulations in this part.

(f) To prescribe, subject to the approval of the Superintendent, the manner and form in which all records or reports called for by the regulations in this part shall be made by the lessee.

(g) To prohibit the drilling of any well into any producing sand when in his opinion and with the approval of the Superintendent the marketing facilities are inadequate, or insufficient provision has been made for controlling the flow of oil or gas reasonably to be expected therefrom until such time as suitable provision can be made.

(h) To prescribe or approve the methods of drilling wells through coal measures or other mineral deposits.

(i) To determine when and under what conditions a producing well may be drilled deeper, and under what conditions a producing well, or sand, may be abandoned.

(j) To require that tests shall be made to detect waste of oil or gas or the presence of water in a well and to prescribe or approve the methods of conducting such tests.

(k) To require that any condition existing subsequent to the completion of

a well which is causing, or is likely to cause, damage to an oil, gas, or water bearing formation, or to coal measures or other mineral deposits, or which is dangerous to life or property, be corrected as he may prescribe or approve.

(i) To approve the type or size of separators used to separate the oil, gas, or water coming from a well.

11. Section 180.64 is amended to read as follows:

§ 180.64 *Plats showing location of wells.* Lessee shall furnish as required, a plat, in manner and form as prescribed by the Superintendent, showing all wells, active or abandoned, on the leased lands, and other related information. Blank plats will be furnished upon application.

12. Section 180.67 is amended to read as follows:

§ 180.67 *Notice prior to removal of casing.* Lessee shall obtain permission from the Superintendent before removing any casing from any well.

13. Section 180.84 is amended to read as follows:

§ 180.84 *Plugging to be approved by Inspector.* (a) The manner in which mud-laden fluid, cement or plugs shall be introduced into any well being plugged and the type of plugs so used shall be subject to the approval of the Inspector, and the lessee shall within 10 days file with the Superintendent a complete report of the plugging of such well.

(b) In the event the lessee or operator shall fail to plug properly any dry or abandoned well in accordance with the regulations in this part the Superintendent may, after 5 days' notice to the parties in interest, plug such well at the expense of the lessee or his surety.

14. Section 180.89 is amended to read as follows:

§ 180.89 *Use of timber from leased lands.* Lessee will not be permitted to use any timber from Osage lands except under written agreement with the owner.

15. Section 180.91 is amended to read as follows:

§ 180.91 *Amount of penalties.* Fines may be imposed by the Superintendent without right of appeal for violations of certain sections of the regulations in this part, as follows:

Fines for noncompliance with terms of lease or regulations.

(a) For failure to file preliminary report required by § 180.62, $5 a day for the first violation and $10 a day for each violation thereafter.

(b) For failure to file a completion report, as required by §180.63, $5 a day for the first violation and $10 a day for each violation thereafter.

(c) For failure to mark rigs or wells, as required by § 180.65, $50 for each well.

(d) For failure to construct slush pits, as required by § 180.68, $10 for each day after drilling is commenced on any well.

(e) For failure to comply with § 180.71, regarding gate valve and other approved controlling devices, $100.

(f) For failure to comply with § 180.77, in regard to using gas in place of steam to operate engines or pumps, $10 per day for the first violation and $20 a day for each violation thereafter.

(g) For failure to comply with § 180.78, which prohibits the burning of gas in flambeau lights, $50 per day.

(h) For failure to notify Superintendent before redrilling, deepening, plugging or abandoning any well, $200, as required by §§ 180.80 and 180.90.

(i) For failure to construct sumpholes, or burning holes, to properly care for and dispose of B. S. and salt water as provided in § 180.85, $10 a day for the first violation, and in event of the failure properly to construct or repair sumpholes, or burning holes, within 5 days after notification by Superintendent or his authorized representative, $25 to $50 a day.

(j) For failure to file plugging reports as required by § 180.84 and for failure to file reports, and remit royalties required by § 180.45, $5 a day for the first violation and $10 a day for each violation thereafter.

All moneys received from fines collected under this section shall be deposited as provided in § 180.93.

16. Section 180.93 is amended to read as follows:

§ 180.93 *Forms.* (a) Leases, and other papers must be upon forms prescribed by the Secretary of the Interior, and the Superintendent will furnish prospective leasees with such forms for preparation of original leases without charge, but shall make a charge of 50 cents per set for forms used in preparing assignments.

Form A—Gas mining lease.
Form B—Oil mining lease.
Form D—Bond.
Form E—Authority of officers to execute papers.
Form F—Assignment.
Form G—Collective bond.
Form H—Assignment bond.

(b) All sums received from sale of forms and fines shall be placed in a special fund, and may be expended under the direction of the Commissioner of Indian Affairs for the expenses necessary to carry out the regulations in this part.

17. Section 180.95 is added to read as follows:

§ 180.95 *Hearings and appeals.* (a) Any person, firm or corporation aggrieved by any decision or order issued by or under authority of the Superintendent pursuant to the regulations in this part, may file with the Superintendent at anytime an application for modification or revocation of such decision or order. The Superintendent shall give notice of the time and place and conduct a hearing upon the application within ten days after its receipt by him. If the applicant is not satisfied with the decision of the Superintendent, an appeal may be taken as hereinafter set forth except as provided in paragraph (b) of this section.

(b) An appeal to the Commissioner of Indian Affairs may be taken from any decision or order issued by or under authority of the Superintendent except decisions or orders issued under authority of §§ 180.54, 180.59, and 180.91, by filing such appeal with the Superintendent within 30 days after service of the decision or order. The appeal shall incorporate or be accompanied by such written showing and argument on the facts and law as the appellant may deem adequate to justify reversal or modification of the order. All statements of facts must be made under oath. The Superintendent shall transmit the appeal and accompanying papers with a full report and recommendations, through official channels, to the Commissioner of Indian Affairs.

(c) An appeal from any decision of the Commissioner of Indian Affairs may be taken to the Secretary of the Interior within 30 days after service of the Commissioner's decision. The appeal shall be accompanied by such written showing and argument on the facts and law as appellant may deem adequate to justify reversal or modification of the decision. Any statement of facts not submitted to the Commissioner must be made under oath.

(d) Compliance with any decision or order issued by or under authority of the Superintendent shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the Commissioner of Indian Affairs, and then only on a determination that such suspension will not be detrimental to the lessor or upon submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

(Sec. 3, 34 Stat 543. Interpret or apply secs. 1, 2, 45 Stat. 1478, 1479)

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 20, 1952.

[F. R. Doc. 52-3383; Filed, Mar. 25, 1952; 8:53 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 224—FEDERAL PROCESS AGENTS OF SURETY COMPANIES

MISCELLANEOUS AMENDMENTS

MARCH 20, 1952.

Part 224, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing formerly as Department Circular Letter 4, November 15, 1930, and now as Department Circular No. 901, March 20, 1952) is hereby amended in the following respects:

1. By revising § 224.2 to read as follows:

§ 224.2 *Appointment of process agents*—(a) *Generally.* Companies should especially note that the law prohibits the doing of business under the provisions of this act beyond the State under whose laws it was incorporated and in which its principal office is lo-

cated until an agent is appointed to accept Federal process on behalf of the company. An agent for the service of Federal process should be appointed: (1) In the district where the principal resides; (2) in the district where the obligation is to be undertaken and performed; and (3) also in the District of Columbia where the bond is returnable and filed. The appointment of process agents pursuant to a local State statute is not compliance with the Federal law. Although one and the same agent may serve under both the State and Federal appointments, he must, nevertheless, be especially designated to accept Federal process. It should also be noted that the agent so designated must reside within the jurisdiction of the court for the judicial district wherein such suretyship is to be undertaken, and must be a citizen of the State, Territory, or District of Columbia in which such court is held. Consequently an agent residing in the northern district of New York could not at the same time serve as the company's Federal process agent for the southern district of that State.

(b) *Agent required in District of Columbia.* Every company must, immediately upon receipt of its initial authority from the Secretary of the Treasury, appoint a suitable person resident in the District of Columbia on whom may be served all lawful process issued by the Federal Courts in said district. This appointment is required whether or not the company contemplates the writing of bonds in favor of the United States to be undertaken within the District of Columbia.

(c) *Agent not required in State of incorporation where principal office is located.* The law does not require the appointment of Federal process agents for the State under whose laws the company is incorporated, and in which its principal office is located.

2. By revising § 224.3 to read as follows:

§ 224.3 *Powers of attorney appointing process agents; with whom filed.* The clerk of the United States district court at the main office in each judicial district must be furnished with a sufficient number of authenticated copies of the power of attorney appointing an agent for the service of process to enable him to file a copy in his office, and at each other place where a divisional office of the court is located within the judicial district for which the process agent has been appointed. Such copies may be authenticated at the home office of the company by its officers duly authorized, and sworn to before an officer legally authorized to administer oaths. Where the charter or bylaws of the corporation do not confer authority on its executive officers to give such powers of attorney, the authenticated copy filed with the clerk of the court must be accompanied by a certified copy of the resolution duly adopted by its board of directors or other governing body showing that the officer making the appointment had authority to do so.

3. By revising § 224.8 to read as follows:

§ 224.8 *United States district courts; location of divisional offices.* A list of the divisional offices of the court in each judicial district for which copies of powers of attorney should be furnished the clerk of the court at the main office for filing may be obtained from the Administrative Office of the United States Courts, Supreme Court Building, Washington 13, D. C.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 61 Stat. 646; 6 U. S. C. Sup. 7)

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-3445; Filed, Mar. 25, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 92, Amdt. 3]

CPR 92—CEILING PRICES OF LAMB, YEARLING, AND MUTTON PRODUCTS SOLD AT WHOLESALE

SALES OF BABY LAMB CARCASSES DURING APRIL 1952

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended (16 F. R. 11620), and Economic Stabilization Agency General Order 5, Revision (16 F. R. 11875), this Amendment 3 to Ceiling Price Regulation 92 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment provides dollars and cents ceiling prices for the sale of baby lamb carcasses during the month of April 1952. These ceiling prices have been established in response to requests from industry and are contained in a new section 15 (b). Traditionally, it has been the practice of certain religious and national groups to feast on lamb during the Easter season. Baby lambs are preferred for this purpose and have been customarily supplied by the trade to this class of consumers. By establishing dollar and cent ceiling prices for these baby lamb carcasses, this amendment enables sellers to continue to supply these customers as in previous years. Since the lambs are small and immature, it is not practicable to grade-mark them and consequently the applicable grading provisions of Distribution Regulation 2 for this type of lamb are suspended for the month of April 1952, by an amendment to that regulation, issued concurrently.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended. In the judgment of the Director of Price Stabilization they also comply with all the applicable standards of the Defense Production Act of 1950, as amended. In formulating this amendment, the Director has consulted with representatives of industry, including trade association representatives, to the extent practicable under the circumstances, and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling price Regulation 92 is amended in the following respects:

1. Section 15 is amended by adding a new section 15 (b) to read as follows:

(b) *Sales of baby lamb carcasses.* (1) During the month of April 1952, you may sell, deliver, purchase or receive, baby lamb carcasses, with the head on, if the dressed weight (pelt-off) of the carcass does not exceed 30 pounds, (or 35 pounds, pelt on).

(2) Your ceiling prices for such baby lamb carcasses are as follows:

	Per hundredweight
Pelt off, head on, pluck out	$100.00
Pelt off, head on, pluck in	98.00
Pelt on, head on, pluck out	90.00
Pelt on, head on, pluck in	88.00

(3) None of the additions provided in Article IV of this regulation may be added to the prices listed above.

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

Effective date. This amendment shall become effective April 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 25, 1952.

[F. R. Doc. 52-3512; Filed, Mar. 25, 1952; 11:00 a. m.]

[Ceiling Price Regulation 94, Interpretation 1]

CPR 94—SALES OF USED PASSENGER AUTOMOBILES

INT. 1—FINANCING CHARGES (SECTIONS 2 AND 10)

Inquiries received by the OPS indicate some uncertainty as to whether sellers may make financing charges in addition to the ceiling prices for used automobiles set forth in section 2 and Appendix A of CPR 94.

The ceiling prices established by section 2 and by Appendix A thereunder are for cash. Upon request of the purchaser the sales may be made on terms other than cash provided that such terms do not result in a price for the car itself higher than the ceiling prescribed by the aforesaid provisions. This does not mean that a charge in addition to the cash ceiling price may not be made for financing the purchase of a used car. Finance charges, in themselves, are recognized to be a customary additional factor in time sales of used automobiles and are not prohibited by the regulation, as indicated by section 3 (b) (6), which specifies that invoices must show the charges for financing, as an item separate from the price of the car.

Financing, of course, must not be the basis of evading the requirements of the regulation. Section 10 deals with evasions and among those practices specifically prohibited are requiring the pur-

chaser as a condition of sale to make payments over a period of time, or to finance the purchase through any particular lending agency. Evasions may embrace many forms and those instances set forth in section 10 are merely illustrative.

Another example of an evasive practice would be a case in which a car was sold ostensibly at the ceiling price and, in addition, there was an unduly high financing charge, made by the seller of the car or a lending agency in concert with him. If the financing charge was higher than that which normally would be made after all relevant factors had been taken into consideration, the seller would be deemed to be charging more for the car, by the device of an inflated financing charge, than the ceiling, and this would be a violation of CPR 94, sections 2 and 10. Similarly, even though the ostensible price of the car was below ceiling, if the financing charge was so high that the total of the stated price for the car and such financing charge exceeded the ceiling price of the car plus the normal financing charge, a violation of the above sections of the regulation likewise would result.

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

JOSEPH H. FREEHILL,
Chief Counsel,
Office of Price Stabilization.

MARCH 25, 1952.

[F. R. Doc. 52-3511; Filed, Mar. 25, 1952; 10:59 a. m.]

[Distribution Regulation 2, Amdt. 5]

DR 2—ALLOCATION RECORDS

EXEMPTION OF "BABY LAMBS" FROM GRADING AND GRADEMARKING REQUIREMENTS DURING APRIL 1952

Preamble. It has traditionally been the practice of certain religious groups and nationalities to feast on certain types of lamb during their Easter Season. In recognition of this custom and in response to requests from industry CPR 92 has been amended to establish dollar and cents ceiling prices for these lambs, commonly called "baby lambs". Since the lambs are small and immature, it is not practicable to grade and grademark them. Consequently the grading provisions of DR 2 are suspended with respect to this type of lamb for the month of April 1952.

AMENDATORY PROVISIONS

Distribution Regulation 2 is amended in the following respects:

Section 5 (a) is amended to add at the end thereof, subparagraph 4 which reads as follows:

(4) The grading and grademarking requirements of this section shall not be applicable during the month of April 1952, to the selling, offering for sale, shipping, delivering, breaking, buying, or receiving of baby lamb carcasses, the dressed weight of which does not exceed thirty pounds (pelt off), or 35 pounds (pelt on).

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

Effective date. This amendment shall be effective April 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 25, 1952.

[F. R. Doc. 52-3513; Filed, Mar. 25, 1952; 11:00 a. m.]

[Ceiling Price Regulation 97, Collation 1]

CPR 97—PACIFIC NORTHWEST LOGS

COLL. 1—INCLUDING AMENDMENTS 1–4

Ceiling Price Regulation 97 is republished to incorporate the texts of Amendments 1 through 4, inclusive. Ceiling Price Regulation 97 was issued November 19, 1951 (16 F. R. 11716). Statements of Consideration for Ceiling Price Regulation 97, and for Amendments 1–4, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

COVERAGE

Sec.

CEILING PRICES, DELIVERY, GRADING AND SCALING, EXPORT SALES

MISCELLANEOUS PROVISIONS

AUTHORITY: Sections 1 to 33 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 33 contained in Ceiling Price Regulation 97, November 19, 1951 (16 F. R. 11716), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 97, November 24, 1951, 16 F. R. 11716; Amendment 1, November 28, 1951, 16 F. R. 12013; Amendment 2, January 21, 1952, 17 F. R. 656; Amendment 3, February 8, 1952, 17 F. R. 1271; Amendment 4, March 14, 1952, 17 F. R. 2247.

SECTION 1. *What this regulation does.* This regulation establishes dollars-and-cents ceiling prices for sales and purchases of designated species of Pacific Northwest logs that are delivered in specified areas of Washington, Oregon, and California, or are exported to a foreign country.

SEC. 2. *What regulations are superseded.* This regulation supersedes the General Ceiling Price Regulation and Ceiling Price Regulation 61, insofar as they pertain to the transactions covered by this regulation.

SEC. 3. *What logs are covered.* This regulation covers Douglas Fir, Red Fir, White Fir, Noble Fir, Western Hemlock, Western Red Cedar, Sitka Spruce, White Pine, and Alder logs produced in Washington, Oregon, and California.

SEC. 4. *Delivery districts.* (a) This regulation is controlling when you deliver logs described in section 3 of this regulation within specified areas of the United States, or where you export the logs to a foreign country. Export sales are treated in section 20 of this regulation. The delivery areas in the United States are situated in the western portions of Oregon and Washington and in the extreme northwest portion of California and have been subdivided into five geographical districts. The districts are explained in paragraph (b) of this section.

(b) *Explanation of districts.* The delivery districts referred to in this regulation have the following meanings:

(1) Puget Sound district means the part of Washington west of the crest of the Cascade Mountains, except Grays Harbor, Pacific, Wahkiakum, Cowlitz, Clark, and Skamania Counties.

(2) Willapa Bay-Grays Harbor district means the counties of Grays Harbor and Pacific in Washington.

(3) Columbia River district consists of Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat Counties in Washington; and Benton, Clackamas, Clatsop, Columbia, Hood River, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Wasco, Washington, and Yamhill Counties in Oregon.

(4) Lane-Douglas district consists of the portion of Lane County, Oregon, east of the crest of the Coast Range Mountains, and the portion of Douglas County, Oregon, east of the crest of the Coast Range Mountains having as a southern boundary a line running due east from Rice Hill, Oregon, to the western boundary of Lane County, Oregon, and running due west from Rice Hill, Oregon, to the crest of the Coast Range Mountains.

(5) Oregon-California district consists of the portions of Lane and Douglas Counties, Oregon, which are not included in the Lane-Douglas district; Coos, Curry, Josephine, and Jackson Counties in Oregon; Del Norte, Humboldt, and Mendocino Counties in California; and the portion of Siskiyou and Trinity Counties in California which are west of the crest of the Coast Range Mountains.

SEC. 5. *Geographical applicability.* When logs covered by this regulation are delivered in one of the districts specified in Section 4, this regulation applies even if the actual sale of the logs is made elsewhere in the United States, or in the territories or possessions thereof, or in a foreign country.

CEILING PRICES, DELIVERY, GRADING AND SCALING, EXPORT SALES

SEC. 10. *Ceiling prices.* The ceiling prices per 1,000 feet, Spaulding or Revised Scribner Decimal C Log Scale, for logs covered by this regulation when delivered in the indicated districts, are as follows:

Type of log	Districts				
	Puget Sound District	Columbia River District	Willapa Bay-Grays Harbor District	Lane-Douglas District	Oregon-California District
Douglas Fir:					
Peeler No. 1	$110.00	$110.00	$110.00	$100.00	$90.00
Peeler No. 2	100.00	100.00	100.00	85.00	75.00
Peeler No. 3	85.00	80.00	80.00	75.00	65.00
Sawmill No. 1	65.00	65.00	65.00	52.50	50.00
Sawmill No. 2	60.00	52.50	52.50	42.50	40.00
Sawmill No. 3	50.00	42.50	42.50	37.50	35.00
Camp Run—saw logs					42.00
Douglas Fir Second Growth and Red Fir:					
Sawmill No. 2	52.50	50.00	50.00		
Sawmill No. 3	42.50	40.00	40.00		
Western Hemlock:					
Peelable	60.00	57.50	57.50	55.00	55.00
Sawmill No. 1	55.00	52.50	52.50	47.50	45.00
Sawmill No. 2	42.50	42.50	42.50	37.50	35.00
Sawmill No. 3	40.00	40.00	40.00	32.50	30.00
Camp Run—saw logs					37.00
White Fir:					
Peelable	60.00	57.50	57.50	55.00	55.00
Sawmill No. 1	55.00	52.50	52.50	47.50	45.00
Sawmill No. 2	42.50	42.50	42.50	37.50	35.00
Sawmill No. 3	40.00	40.00	40.00	32.50	30.00
Camp Run—saw logs					37.00
Noble Fir:					
Peelable	75.00	65.00			
Sawmill No. 1	60.00	60.00	52.50		
Sawmill No. 2	50.00	42.50	42.50		
Sawmill No. 3	45.00	40.00	40.00		
Red Cedar:					
No. 1	115.00	100.00	90.00		
No. 2	60.00	60.00	60.00		
Shingle	40.00	40.00	45.00		
Common			30.00		
Sitka Spruce:					
Select	85.00	85.00	85.00		
Sawmill No. 1	60.00	60.00	60.00		
Sawmill No. 2	45.00	45.00	45.00		
Sawmill No. 3	42.50	42.50	42.50		
White Pine:					
Peelable	80.00	70.00			
Sawmill No. 1	70.00	60.00			
Sawmill No. 2	55.00	50.00			
Sawmill No. 3	50.00	40.00			
Alder	45.00	45.00	45.00		
Wood logs	20.00	20.00	20.00	20.00	

SEC. 11. *Additions for long lengths on sawmill logs.* For long lengths of all species of sawmill logs except Western Red Cedar, the ceiling prices set forth in section 10 are increased as follows:

	Per 1,000 feet log scale
42 to 50 feet	$1.00
52 to 60 feet	2.00
62 to 70 feet	3.00
62 to 80 feet	4.00

SEC. 12. *Deductions for short lengths*—(a) *Peeler logs.* When a peeler log is less than 16 feet in length (peeler log block), but satisfies standard peeler log grade requirements other than length, the ceiling prices set forth in Section 10 of this regulation are reduced by $5.00 per 1,000 feet log scale.

(b) *Sawmill logs.* When a sawmill log is less than 12 feet in length, but satisfies standard sawmill log grade requirements other than length, the ceiling prices set forth in section 10 are reduced by $2.00 per 1,000 feet log scale.

SEC. 13. *Cull logs.* Notwithstanding any other provision of this regulation, the ceiling price for a log graded "cull" shall be $1.00 per 1,000 feet log scale.

SEC. 14. *General explanation of log delivery in connection with established ceiling prices.* The ceiling prices established by this regulation are delivered prices. Under the regulation you are permitted to deliver logs to a buyer at a number of places, but in order to charge an established ceiling price you must deliver your logs at a designated locality, and, depending upon the locality that is chosen, you may be required to perform a related service. Three localities are designated for the Lane-Douglas and Oregon-California districts; one locality is designated for the Puget Sound, Willapa Bay-Grays Harbor, and Columbia River districts. Section 15 shows the designated locality of delivery and a related service for the latter three districts; it also prescribes reductions in established ceiling prices which apply when you do not deliver your logs at the designated locality or when you do not perform the related service. Section 16 shows the three designated localities and a related service for the Lane-Douglas and Oregon-California districts, and in like manner prescribes a number of reductions in established ceiling prices.

SEC. 15. *Delivery in the Pudget Sound, Willapa Bay-Grays Harbor, and Columbia River districts*—(a) *Designated locality and related services.* In order to charge a ceiling price established by this regulation when you deliver your logs in the Puget Sound, Willapa Bay-Grays Harbor, or Columbia River districts, you must deliver your logs in towable waters as defined in section 33, and you must boom and raft the logs.

(b) *Reductions for delivery at non-designated locality and non-performance of services.* (1) If you do not deliver your logs in towable waters as prescribed in paragraph (a) of this section, the established ceiling prices are reduced by an amount equal to the sum of (i) the cost of transporting the logs from the place of actual delivery to the nearest towable waters, and (ii) the cost of booming and rafting the logs. In computing the transportation cost, you must apply appropriate commercial trucking or common carrier railroad rates; and in computing the booming and rafting cost, you must apply appropriate commercial rates for such services.

(2) If, when you deliver your logs in towable waters as prescribed in paragraph (a) of this section, you do not boom or raft the logs, the established ceiling prices are reduced by an amount equal to the cost of the service, or services, you do not perform, computed by applying the appropriate commercial rates that are in effect at the time of delivery.

SEC. 16. *Delivery in the Lane-Douglas and Oregon-California Districts*—(a) *Designated localities and related service.* In order to charge a ceiling price established by this regulation when you deliver your logs in the Lane-Douglas or Oregon-California districts, you must deliver your logs at one of the following designated localities and, where indicated, you must also perform the related services that are shown:

(1) In towable waters as defined in section 33, in which case you must boom and raft the logs.

(2) At a common carrier railroad shipping point agreed upon by you and the buyer.

(3) At the buyer's mill.

(b) *Reductions for delivery at non-designated localities and non-performance of services.* The ceiling prices established by this regulation are reduced as shown below when you elect to deliver your logs at a locality which is not designated in paragraph (a) of this section, or when you do not perform the related services:

(1) If you do not deliver your logs at a designated locality, the established ceiling prices are reduced by an amount equal to the cost of (i) transporting your logs from the place of actual delivery to the nearest towable waters, or to the nearest railroad shipping point, or to the buyer's mill, whichever is closest to the actual place of delivery, and (ii) the cost of booming and rafting your logs, if the transportation cost is computed to the nearest towable waters. In computing transportation costs under this subparagraph, you must apply appropriate commercial trucking or common carrier railroad rates in effect at the time of delivery; and in computing booming and rafting costs, you must apply the appropriate commercial rates for such services that are in effect at the time of delivery.

(2) If, when you deliver logs in towable waters, you do not boom and raft the logs, the established ceiling prices are reduced by an amount equal to the cost of the service, or services, you do not perform, computed by applying the appropriate commercial rates that are in effect at the time of delivery.

SEC. 17. *Grading and scaling fees.* If you charge a ceiling price for your logs, you must pay at least one-half of the fees involved in grading and scaling the logs; and in that case the buyer must pay the balance of the fees. You may not, however, add to a selling price which is less than a ceiling price any amount for the cost of grading and scaling which makes your selling price higher than the ceiling price plus one-half of the grading and scaling fees.

SEC. 18. *Grading and scaling*—(a) *Rules.* You may sell your logs at a ceiling price only when they have been graded and scaled in accordance with the rules of one of the following listed log scaling and grading bureaus, and only when they are covered by a scale and grade certificate or statement of the kind described in paragraph (c) of this section.

(1) If you deliver the logs in the Puget Sound district, the logs must be graded and scaled in accordance with the rules, in effect when this regulation is issued, of the Puget Sound Log Scaling and Grading Bureau, Seattle, Washington.

(2) If you deliver the logs in the Willapa Bay-Grays Harbor district, the logs must be graded and scaled in accordance with the rules, in effect when this regulation is issued, of the Grays Harbor Log Scaling and Grading Bureau, Aberdeen, Washington.

(3) If you deliver the logs in the Columbia River district, or in the Lane-Douglas district, the logs must be graded and scaled in accordance with the rules, in effect when this regulation is issued, of the Columbia River Log Scaling and Grading Bureau, Portland, Oregon.

(4) If you deliver the logs in the Oregon-California district, the logs must be scaled in accordance with the rules, in effect when this regulation is issued, of either the Columbia River Log Scaling and Grading Bureau, or the Northern California Log Scaling and Grading Bureau, Eureka, California.

(b) *Grading and scaling records.* The grader and scaler who grades or scales logs subject to this regulation must sign and retain for a period of two years the original copy of the scaling and grading record of the logs graded or scaled. This record must include all the information customarily included on grading and scaling records of logs graded and scaled under the rules of whichever of the grading and scaling bureaus described in paragraph (a) of this section may be pertinent.

(c) *Certificates and statements.* You must attach a copy of a scale and grade certificate or statement to each invoice pertaining to a sale of logs subject to this regulation. The certificate or statement must be in the form customarily used in the district in which the logs are delivered, and must indicate the grade and scale of the logs in accordance with the rules of whichever of the scaling and grading bureaus described in paragraph (a) of this section may be pertinent. The original of such certificate or statement must be signed by the person who graded or scaled the logs, or, in the case of a bureau accredited by the Appendix described in section 19 of this regulation, by an officer of such accredited bureau. If the statement or certificate is signed by an officer of an accredited bureau, it must contain the following language: "The logs described herein have been graded and scaled on [insert date] by [insert name of grader and scaler], a grader and scaler employee accredited by the Director of Price Stabilization."

SEC. 19. *Accredited graders and scalers.* (a) The Director of Price Stabilization will append to this regulation a list of accredited graders and scalers who have been found by the Director of Price Stabilization to be qualified to grade and scale logs subject to this regulation. When logs are graded or scaled by an accredited grader and scaler, neither you nor a purchaser from you will be held responsible for inaccurate grades or scales if it appears that you, or the purchaser, have acted in good faith in relying upon the grades or scales presented. When, however, logs are graded or scaled by a grader and scaler who has not been accredited, and a rescale or check scale shows more than 5 percent variation in value from the original grade or scale, both you and a purchaser from you will be liable for the incorrect grading or scaling and will be subject to the penalties provided for violation of this regulation. When logs are graded or scaled by an accredited bureau, the grading or scaling will not be deemed to have been performed by an accredited grader or scaler unless the individual who performed the grading or scaling is himself listed as an accredited employee of the named bureau.

(b) The Regional Director, Office of Price Stabilization, Seattle, Washington, is hereby authorized to amend the appendix referred to in paragraph (a) of this section by adding or deleting therefrom the names of accredited graders and scalers.

(1) Any person may apply to the Regional Director, Office of Price Stabilization, Seattle, Washington, for listing as an accredited grader and scaler. An application must set forth the applicant's qualifications, such as his grading and scaling experience, his familiarity with grading and scaling rules and practices, and his familiarity with specie characteristics and lumber products. It must also contain a statement setting forth that the applicant, if accredited, will act independently of all log buyers and sellers, and not as an employee or agent of any buyer and seller. Upon receiving an application, the named Regional Director will request either the Puget Sound Log Scaling and Grading Bureau, the Grays Harbor Log Scaling and Grading Bureau, the Columbia River Log Scaling and Grading Bureau, or the Northern California Log Scaling and Grading Bureau to examine into the applicant's qualifications for listing as an accredited grader and scaler, and to submit to him its findings with respect to the applicant's experience and qualifications. If, on the basis of such an investigation, and whatever other information is brought to his attention, the named Regional Director is of the opinion that the applicant has the necessary qualifications to perform a reasonably satisfactory job of log grading and scaling under this regulation, he shall cause the applicant's name to be added to the list of accredited graders and scalers.

(2) When a rescale or check scale of logs which have been graded or scaled by an accredited grader and scaler shows a variation greater than 5 percent in value between the original scale and rescale or check scale, the Regional Director, Office of Price Stabilization, Seattle, Washington, may cause an investigation to be made to determine whether the grader and scaler involved is performing his duties in a satisfactory manner. As part of such investigation the grader and scaler shall be afforded reasonable opportunity to be heard and to justify his original scale. If, on the basis of such investigation, the named Regional Director is of the opinion that the grader and scaler has not been performing his duties in a reasonably satisfactory manner, the named Regional Director shall cause the name of the grader and scaler to be removed from the list of accredited graders and scalers.

SEC. 20. *Export sales*—(a) *Ceiling prices.* If you make an export sale of logs that are covered by this regulation and are produced in one of the delivery districts set forth in section 4, your ceiling price is the applicable price in section 10 for that district in which the logs are produced (as modified by the application of sections 11 and 12), plus costs of exportation actually incurred by you in connection with the export sale. For example, for logs produced in the Puget Sound district, the ceiling price is the applicable price pertaining to logs delivered in the Puget Sound district that is shown in section 10 (as modified by the application of sections 11 and 12), plus costs of exportation actually incurred by you in connection with the export sale. You will note that no mark-up or commission is permitted when you make an export sale.

(b) *Grading and scaling.* The provisions of sections 17, 18, and 19 of this regulation are applicable to export sales of logs, subject, however, to the qualification that exported logs shall be graded in accordance with the rules of whichever of the scaling and grading bureaus that may apply to the district in which the logs are produced. For example, if you export logs produced in the Puget Sound district, the logs must be scaled and graded in accordance with the rules, in effect when this regulation is issued, of the Puget Sound Log Scaling and Grading Bureau. Logs produced in the Oregon-California district must be scaled and graded in accordance with the rules of either the Columbia River Log Scaling and Grading Bureau, or the Northern California Log Scaling and Grading Bureau.

MISCELLANEOUS PROVISIONS

SEC. 25. *Special pricing.* If you cannot ascertain a ceiling price for a log subject to this regulation under any other provision of this regulation, as, for example, should you wish to sell a sawmill log more than 80 feet in length, or should you wish to charge for an extra service not specifically mentioned in this regulation, you may file an application with the Director of Price Stabilization, Washington, D. C., for approval of a special ceiling price. Your application must be made by registered letter and must set forth all the relevant facts, including the following:

(a) The species, grade, specifications, and quantity of the logs involved;

(b) A description of the extra service involved;

(c) Your proposed ceiling price;

(d) The differential between your proposed ceiling price and the most nearly comparable item priced in this regulation; or, if that differential cannot be ascertained, a statement of the reasons therefor;

(e) The proposed use to which the buyer will put the logs for which you are proposing a special ceiling price.

When an application has been filed under this section, you may quote the price proposed in your application, and you may deliver the logs in question at that price. The buyer of the logs may make payment therefor on the basis of the price proposed in your application, subject, however, to later adjustment in accordance with whatever action the Director of Price Stabilization may take on your application. If the Director of Price Stabilization does not disapprove or adjust your proposed price or request additional information about it within 15 days after he has received an application filed under this section, your proposed price shall be deemed to have been approved. Should the Director of Price Stabilization request additional information about a proposed price, the proposed price shall not be deemed to have been approved until 15 days have elapsed after the day on which the Director receives the information he has requested.

A special price approved pursuant to application made under this section shall be the ceiling price for all like future transactions between the same seller and buyer, unless a specific ceiling price for similar logs shall be established by changes in this regulation, or unless the approval is subsequently revoked or modified by the Director of Price Stabilization.

SEC. 26. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise ceiling prices reported or proposed under section 26 of this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 27. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 28. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 29. *Records.* After the effective date of this regulation, every person who sells and every person who buys in the regular course of business logs subject to this regulation shall make and keep for inspection by the Director of Price Stabilization, for a period of two years, complete and accurate records or invoices of each sale or purchase made in any month in which the seller sold, or the buyer bought, more than 100,000 feet log scale of logs subject to this regulation. The records must include copies of the pertinent scaling certificates or statements, and must show the dates of sales, or purchases, the names and addresses of the sellers and purchasers, a complete description of the logs sold or bought, the place of their delivery by the seller, and the prices charged or paid; and, in the case of export sales, the records or invoices must show costs of exportation actually incurred by the seller or the buyer, as the case may be. The retention by a purchaser of an invoice furnished by a seller, which includes the factual information required to be made a matter of record by this section, shall be considered as compliance with the provisions of this section.

SEC. 30. *Interpretations.* If you have any doubt as to the meaning of this regulation, you should write to the Director of Price Stabilization for an interpretation. Any action taken by you in reliance upon, and in conformity with a written official interpretation, will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1.

SEC. 31. *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports as required by sections 18, 20, and 29 of this regulation. If you violate any provision of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 32. *Evasions.* (a) Any means or device which results in obtaining directly or indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

(b) The following are specifically, but not exclusively, among the means and devices prohibited by paragraph (a) of this section and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be made in this industry under the general evasion provisions:

(1) An attempt to influence, or influencing, by any means, the judgment of a person grading or scaling logs subject to this regulation.

(2) The practice of a seller or buyer standing, or otherwise being present, on logs while they are being graded or scaled.

(3) Changing credit and discount practices which existed during the 30-day period immediately preceding the effective date of this regulation. Thus, you may not decrease credit periods or charge larger amounts for extending credit; and for cash payments you must allow the same percentage discounts, on the same terms, as you allowed during the period described in the preceding sentence.

SEC. 33. *Definitions.* (a) This regulation and the terms which appear in it shall be construed in the following manner unless otherwise clearly required by the context:

(1) *Columbia River district.* This term is explained in section 4.

(2) *Costs of exportation.* This term includes costs other than sales commissions actually incurred in or in connection with the export sale of logs, over and above those incurred and included in the applicable domestic ceiling price if the commodity were sold for domestic consumption.

(3) *Delivered.* Logs shall be deemed to be delivered when they are received by the buyer or his agent, or by a carrier, including a carrier owned or controlled by the seller, for shipment to the buyer.

(4) *Director of Price Stabilization.* This term extends to any official (including officials of Regional or local offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority referred to in this regulation.

(5) *Established ceiling prices.* This term refers to the ceiling prices for logs established by, or pursuant to, this regulation, without reference to the reductions explained and set forth in sections 14, 15, and 16 of this regulation.

(6) *Exports sale.* This term means the sale of logs to a person located outside the continental United States or a territory or possession of the United States, and which are shipped to the buyer outside the continental United States or a territory or possession of the United States, regardless of where the invoicing is done.

(7) *Lane-Douglas district.* This term is explained in section 4.

(8) *Log scale.* This term refers to the volume of a log computed according to the Spaulding or Revised Scribner Decimal C scale.

(9) *Oregon-California district.* This term is explained in section 4.

(10) *Person.* This term includes any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of the foregoing, and the United States and any other Government or their political subdivisions or agencies.

(11) *Puget Sound district.* This term is explained in section 4.

(12) *Records.* This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(13) *Sell.* This term includes sell, supply, dispose, barter, trade, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" and "purchase" shall be construed accordingly.

(14) *Towable waters.* This term refers to any waters along the coast of California, Oregon and Washington, which are suitable during the entire year for towing logs subject to this regulation. It also refers to the Skagit River, Puget Sound, Willapa Bay, Grays Harbor, the Columbia River, and the Willamette River. The Willamette River shall be considered as a towable water from its mouth to Corvallis, Oregon; the Skagit River shall be considered as a towable water from its mouth to Lyman's Ferry, Washington; and the Columbia River shall be considered as a towable water from its mouth to The Dalles, Oregon, and Lyle, Washington.

(15) *You.* The pronoun "you" indicates any person who sells logs subject to this regulation.

(16) *Willapa Bay-Grays Harbor district.* This term is explained in section 4.

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

ELLIS ARNALL,
Director of Price Stabilization.

By JOSEPH L. DWYER,
Recording Secretary.

APPENDIX A—ACCREDITED GRADERS AND SCALERS

The following graders and scalers have been found qualified to grade and scale logs subject to this regulation, and are listed as accredited graders and scalers:

(a) *Log scaling and grading bureaus.*

Columbia River Log Scaling and Grading Bureau.

Grays Harbor Log Scaling and Grading Bureau.

Northern California Log Scaling and Grading Bureau.

Puget Sound Log Scaling and Grading Bureau.

Southern Oregon Log Scaling and Grading Bureau.

Tillamook (County) Log Scaling and Grading Bureau.

Yamhill Log Scaling and Grading Bureau.

[Paragraph (a) amended by Amdt. 4]

(b) *Employees of log scaling and grading bureaus.*

(1) Columbia River Log Scaling and Grading Bureau employees:

Baty, Richard M.	Muir, Gordon
Boone, Clarence V.	Nelson, Charles
Bowles, Maynard	Nordall, Harry
Caswell, Horace	Olson, Gordon
Circle, Raymond	Patchell, Frank
Cluster, Claud	Pedersen, Fred
Copple, Wilburn L.	Peters, David
Currigan, Harry Bernard	Peters, William
Davis, Chester D.	Perin, Warren W.
Dupuis, Henry A.	Pike, Howard E.
Ebbutt, Gail	Pearson, Clinton
Edwards, Wesley	Ramsey, Jack
Ekerson, George	Reitsma, Arthur
Ellicott, Ross	Rickey, Ray
Eyer, Carman J.	Schurman, Charles
Frank, Charles A.	Simpson, Chester
Graham, Hugh C.	Smith, Edgar L.
Hales, John F.	Smith, Ruben A.
Hayman, Merton F.	Smith, Walter
Herold, Charles G.	Smithson, Emory L.
Hoover, Oley J.	Sorensen, Robert H.
Hockema, Tom D.	Spencer, Edward
Johnson, Mark A.	Spencer, Gerald P.
Kinnee, James	Stull, Leon
Larson, Walter	Taylor, Lloyd R.
Leahy, Daniel N.	Thornton, Dale
Lind, Philip J.	Trattner, Harold
Lindgren, William	Toal, Curtis
Lindsley, Hal	Tripp, William E.
Lyon, Stanton	Turner, Lester
McEvoy, Roy J.	Vanbeek, Donald
McKendrick, Roy	VanCamp, Milton
McLarty, Hubert J.	Wheeler, Louis
MacLean, Robert	Widmer, Kenneth
Manthe, John E.	Williams, Henry A.
Menear, Otis	Williams, Noel
Moreland, Lawrence	Wright, William
Morrow, Thomas	Whitehouse, Harlow C.

[Subparagraph (1) amended by Amdts. 2 and 4]

(2) Grays Harbor Log Scaling and Grading Bureau employees:

Byles, Chester N.	Hansen, Henry J.
Connolly, Desmond J.	Hebert, Harry J.
Cote, Stanley E.	Johnson, Carl T.
Cote, Edward I.	Matthews, Malcolm T.
Crosby, Warren E.	Rose, Charles H.
Erickson, Elmer A.	Sheridan, Clyde B.
Evanson, Edward S.	Smith, Mack L.
Fulton, Joseph W.	Stark, Harrington H.
Hayes, Roy A.	Swedblom, Egner A.

[Subparagraph (2) amended by Amdt. 2]

(3) Northern California Log Scaling and Grading Bureau employees:

Belloni, Allessio	O'Rourke, Arthur E.
Benson, Albert O.	Parrott, George
Cairns, Richard	Pearsall, Darrell
Emery, Quincy P., Jr.	Pittenger, Howard
Marlin, Frank	Ridgeway, H. W.
Miller, Fred	Thomas, Kenneth

[Subparagraph (3) amended by Amdt. 4]

(4) Puget Sound Log Scaling and Grading Bureau employees:

Backlund, Arvid	Fithian, Ed.
Baker, Everett	Forseth, Kenneth S.
Barrett, Gordon S.	Forseth, Theo
Bell, Robert	Fredson, Mark
Berry, Francis C.	Fredson, Paul
Binkle, Chester R.	Gallagher, M. A.
Bjornsen, Chas. U.	Gedelman, W. L.
Breck, Bracy	Griffin, Glenn
Bremner, A.	Griffin, W. T.
Byers, Ladd B.	Halliday, Jack
Calkins, Dean L.	Hayes, Arthur
Calkins, Rollie L.	Hayes, Roy A.
Campbell, Evan	Hayes, Robert J.
Cookingham, Merritt G.	Hayes, Robert M.
	Herold, Arthur
Cotterell, Clarence H.	Hill, Magnus A.
Demers, Bert J.	Hofto, Richard
Demers, James V.	Johnson, Elmer
Ditto, R. J.	Knapp, Earl L.
Donovan, Jack	Kretz, Vincent
Ferguson, Arthur	Langner, Sam D.
LaRocque, Rene	Redmann, Wm.
Leyde, Orville H.	Schaudies, Leland
Macintosh, Horace A.	Schurke, Loren
Niemeyer, R. Earl	Van Wingerden, R.
Plaskett, Jack	Voligny, George
Phillips, Cecil	Wolfe, W. L.
Ramage, Sam E.	

[Subparagraph (4) amended by Amdt. 2]

(5) Southern Oregon Log Scaling and Grading Bureau employees:

Berline, Edgar G.	Mann, Jakie
Blakely, V. L.	Moody, Allen E.
Cacy, Harold B.	Moore, Elmer H.
Craig, K. E.	Nosler, Dan L.
Erlebach, Anton	Rich, J. P.
Hubbard, Herman H.	Stark, Donald H.
Hufford, Marion D.	Stora, Fred M., Sr.
Kinsel, Leonard H.	Thomas, Leland E.
Kirkpatrick, H. W.	Vincent, Richard D.
Lees, Clyde W.	Welkum, Carl

(6) Tillamook (County) Log Scaling and Grading Bureau employees:

Duerfeldt, Bill	Phillips, Wm. S.
Gavette, Thomas G.	Stasek, Don
Hodson, Frederick	

[Subparagraph (6) amended by Amdt. 2]

(7) Yamhill Log Scaling and Grading Bureau employees:

Hartman, R. B., McMinnville, Oreg.
Hartman, Richard F., McMinnville, Oreg.

[Subparagraph (7) added by Amdt. 4]

(c) *Individual log scalers and graders:*
Archer, Eldridge A., Coos Bay, Oreg.
Archer, William R., Coos Bay, Oreg.
Baxter, Laurance, Springfield, Oreg.
Bell, Lynn, Bellingham, Wash.
Cain, Leonard E., Coos Bay, Oreg.
Culkin, Peter, Salem, Oreg.
Farrier, J. Merle, Eugene, Oreg.
Fransen, Fred, Tacoma, Wash.
Garland, James E., Corvallis, Oreg.
Handler, Joseph F., Jr., Portland, Oreg.
Kidd, Ray, Port Angeles, Wash.
Nelson, Charles E., Eugene, Oreg.
Rhoads, C. E., Eugene, Oreg.
Schneider, A. V., Portland, Oreg.
Small, J. M., Olympia, Wash.
Taylor, Jack, South Bend, Wash.
Taylor, Lloyd, South Bend, Wash.

[Paragraph (c) amended by Amdts. 2, 3, and 4]

[Appendix A added by Amdt. 1]

[F. R. Doc. 52-3509; Filed, Mar. 25, 1952; 10:59 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 29, Collation 1]

GCPR, SR 29—CEILING PRICES FOR CERTAIN SALES AT RETAIL AND WHOLESALE

COLL. 1—INCLUDING AMENDMENTS 1–8

Supplementary Regulation 29 to the General Ceiling Price Regulation is republished to incorporate the texts of Amendments 1 through 8, inclusive. General Ceiling Price Regulation, Supplementary Regulation 29 was issued May 28, 1951 (16 F. R. 5011). Statements of Consideration for Supplementary Regulation 29 to the General Ceiling Price Regulation, and for Amendments 1–8, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Sales at wholesale or at retail to which this regulation applies; exceptions.
3. Increases in wholesale and retail ceiling prices to eliminate the replacement squeeze.
4. Changes in wholesale and retail ceiling prices to reflect suppliers' price changes permitted by certain manufacturers' regulations or certain excise tax changes.
5. Increases and decreases in retailers' ceiling prices to reflect wholesalers' ceiling price changes under this regulation.
6. Wholesalers' ceiling prices for certain branded commodities.
7. Records.
8. Applicability.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 8 contained in Supplementary Regulation 29 to the General Ceiling Price Regulation, May 28, 1951 (16 F. R. 5011), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: GCPR SR 29, May 28, 1951, 16 F. R. 5011; Amendment 1, June 4, 1951, 16 F. R. 5319; Amendment 2, September 12, 1951, 16 F. R. 9196; Amendment 3, October 27, 1951, 16 F. R. 10814; Amendment 4, November 3, 1951, 16 F. R. 10984; Amendment 5, November 1, 1951, 16 F. R. 11179; Amendment 6, January 16, 1952, 17 F. R. 398; Amendment 7, January 28, 1952, 17 F. R. 722; Amendment 8, March 22, 1952, 17 F. R. 2367.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies General Ceiling Price Regulation wholesale and retail ceiling prices for sales of commodities other than those listed in section 2 of this regulation in order to eliminate the replacement squeeze and to reflect suppliers' ceiling price changes under Ceiling Price Regulation 22 (Manufacturers' General Ceiling Price Regulation) and the following regulations: Ceiling Price Regulation 30 (Machinery and Related Manufactured Goods); Ceiling Price Regulation 37 (Primary Cotton Textile Manufacturers); Ceiling Price Regulation 18, Revision 1 (Manufacturers' Prices for Wool Yarns and Fabrics); Ceiling Price Regulation 41 (Shoe Manufacturers); Ceiling Price Regulation 45, Revision 1 (Apparel Manufacturers); Ceiling Price Regulation 72 (Mixed Fertilizer and Fertilizer Materials sold in Puerto Rico by Mixers and Packagers); Supplementary Regulation 50 to the General Ceiling Price Regulation (Sodium Silicofluoride); General Overriding Regulation 10 (Adjustments of Ceiling Prices for Manufacturers); the following adjustment regulations under section 402 (d) (4) of the Defense Production Act of 1950, as amended: General Overriding Regulation 20, General Overriding Regulation 21, Supplementary Regulation 2, Revision 1 to Ceiling Price Regulation 22, Supplementary Regulation 17 to Ceiling Price Regulation 22, and Supplementary Regulation 18 to Ceiling Price Regulation 22; Ceiling Price Regulation 112 (Wholesale Paper Merchants); and Ceiling Price Regulation 121 (Printing, Printed Products, Allied Products and Certain Paper Products).

Additions to this list of regulations will be made from time to time.

[Section 1 amended by Amdts. 3, 4, 5, 7 and 8]

SEC. 2. *Sales at wholesale or at retail to which this regulation applies; exceptions.* This regulation applies only to commodities for which ceiling prices for sales at wholesale or at retail are established by the General Ceiling Price Regulation. However, ceiling prices for sales at wholesale or at retail may not be established under this regulation for:

(a) Any agricultural commodities listed in section 11 (a) of the General Ceiling Price Regulation and any food products processed from one or more of them;

(b) Fresh meats, processed pork, and semi-sterile canned meats;

(c) Soft drinks;

(d) Malt beverages; wines; or distilled spirits;

(e) Cigars.

SEC. 3. *Increases in wholesalers' and retailers' ceiling prices to eliminate the replacement squeeze.* If you are a wholesaler or retailer whose ceiling prices are determined under the General Ceiling Price Regulation, you may increase your ceiling price so as to eliminate a "replacement squeeze" as here defined. The term "replacement squeeze" describes the situation in which your supplier's ceiling price, determined under section 3 of the General Ceiling Price Regulation for sale of a commodity to you, is a higher cost to you that your "base period cost." "Base period cost" is the net invoice cost shown on the last invoice which you received from that supplier prior to the time when you first put in effect as a selling price the price at which you yourself were frozen by section 3 of the General Ceiling Price Regulation as originally issued, or as amended by Amendments 2 and 5. If you purchase the same commodity from two or more suppliers of the same class, your "base period cost" shall be determined from the last invoice you received for that commodity before the price to which you were frozen was established, regardless of which of your suppliers sold that shipment to you.

(a) *How you recalculate your ceiling price.* To eliminate the replacement squeeze, you many recalculate your ceiling price by applying to your "present net invoice cost" of the commodity the percentage markup which your former ceiling price yielded over your "base period cost" (as defined above in this section). In determining "present net invoice cost" of the commodity to which you are permitted to apply the percentage markup, you must use the last invoice received from that supplier prior to May 28, 1951; if you have received no invoice since the one which shows your base period cost, then you must use the first invoice you received on or after May 28, 1951. The invoice used in determining present net invoice cost must represent a typical purchase with respect to terms and quantity.

(b) *Number of recalculations.* This section does not provide continuing relief but rather is intended to permit only one recalculation of your ceiling price to offset increases in your supplier's prices. If you purchase the same commodity from two or more suppliers of the same class after recalculating the ceiling price for the sale of this commodity under this section you will have a different ceiling price for the same commodity when purchased from different suppliers whenever their prices to you differ.

Example 1. A wholesaler purchased a bicycle on October 1, 1950 at $6.60 2/10 EOM (Net invoice cost $6.47); he established a selling price of $8.75. This became his ceiling price since he continued to sell at this price throughout the base period (December 19, 1950–January 26, 1951). On January 7, 1951, his supplier increased his selling price to $7.40 which became the supplier's ceiling price. The wholesaler received no shipment at the higher price until March 20, 1951. Under this section the wholesaler may recalculate his ceiling price to eliminate this replacement squeeze. He takes the net invoice cost from the last invoice he received before establishing the price which became his frozen price ($6.47) and finds the percentage markup as follows: subtract $6.47 from $8.75 and divide the result by $6.47 ($8.75 − $6.47 = $2.28 ÷ $6.47 = 35.2%) and finds that his base period percentage markup on cost was 35.2%. He then applies that markup to the net invoice cost on the last invoice he received before May 28 ($7.40 2/10 EOM) $7.25 net and finds that his new ceiling price for the bicycle is $9.80 (7.25 × 0.352 = $2.55 + $7.25 = $9.80).

Example 2. A wholesaler customarily bought unbleached muslin from several mills. In November 1950, he purchased muslin from Mill A at 24½¢ net per yard at which time his selling price was 29¢ net per yard. On December 13, 1950, he purchased a lot of unbleached muslin from Mill B at 24⅜¢ net per yard and established a selling price of 30¢ net per yard. On January 11, 1951, he purchased another lot of the muslin from Mill C at 24⅝¢ net per yard, but did not change his selling price. The 30¢ price became the wholesaler's frozen ceiling price. On February 28, 1951, the wholesaler purchased a lot of muslin from Mill A at 25⅛¢ net per yard; and on April 13, 1951, purchased from Mill B at 25⅜¢ net per yard. The wholesaler recalculates his ceiling price under this section as follows: He finds the percentage markup by reference to the last invoice received from any supplier before establishing the price which became his "frozen" price (i. e. the invoice from Mill B for 24⅜¢ net per yard), and determines his percentage markup with reference to his frozen price (30 − 24⅜ = 5⅝ ÷ 24⅜ = 23.1%) and applies the percentage markup on cost, 23.1%, to the net invoice cost on the last invoice received from each supplier prior to May 28, 1951. He finds that he has received invoices from Mill A on February 28, and from Mill B on April 13, and that as to these suppliers he will have two ceiling prices: for sales of muslin purchased from Mill A his ceiling price will be 30⅞¢ per yard (25⅛ × .231 = 5⅝ + 25⅛ = 30⅞¢); for sales of muslin purchased from Mill B his ceiling price will be 31¼¢ per yard (25⅜ × .231 = 5⅞ + 25⅜ = 31¼¢).

[Example 2 amended by Amdt. 1.]

(c) *Use of recalculated ceiling prices under other sections.* The markup you have used in recalculating a ceiling price under this section may be used in the following manner:

(1) The markup you have used in recalculating a ceiling price under this section may be used as the markup for a comparison commodity when applying section 5 of the General Ceiling Price

Regulation, if the commodity repriced under this section is used as the "comparison commodity."

Example 3. Assume that the wholesaler in Example 1 is now using the bicycle for which he recalculated his ceiling price under this section as a comparison commodity for pricing a wagon under section 5 of the General Ceiling Price Regulation. He finds his selling price for the wagon by applying the percentage used in recalculating his price for the bicycle under this section to the net invoice cost of the wagon; i. e., by applying 35.2% to the net invoice cost of the wagon.

(2) The markup you have used in recalculating a ceiling price under this section may be used as your "permitted percentage markup" in applying the provisions of section 4 or 5 of this supplementary regulation.

SEC. 4. *Changes in wholesale and retail ceiling prices to reflect supplier's price changes permitted by certain manufacturers' regulations or certain excise tax changes.* If you are a wholesaler or retailer buying from a manufacturer who has changed his price for a commodity pursuant to Ceiling Price Regulation 22 (Manufacturers' General Ceiling Price Regulation) or other similar manufacturers' regulations enumerated in section 1 of this regulation or by reason of such changes in manufacturers' excise taxes as are referred to in section 1, you determine your ceiling price under this section.

[Above Paragraph amended by Amdt. 5]

(a) *Increases.* If your supplier has increased his price pursuant to an action listed in section 1, you may recalculate your ceiling price for sale of that commodity when purchased from that supplier after the increase is put into effect.

[Paragraph (a) amended by Amdt. 5.]

(b) *Decreases.* If your supplier has decreased his price for a commodity and all or any part of that decrease was made pursuant to an act listed in section 1, you must recalculate your ceiling price for sale of that commodity purchased from that supplier after the decrease is put into effect. Where the price to you is decreased, you must assume that the decrease was made pursuant to an action listed in section 1, unless you are informed in writing by your supplier that no part of the decrease is required by an action listed in section 1.

[Paragraph (b) amended by Amdt. 5.]

(c) *How to recalculate your ceiling price under this section.* You recalculate your ceiling price by applying to the new net invoice cost of the commodity your "permitted percentage markup." "Permitted percentage markup" means either the percentage markup your ceiling price yields over the most recent net invoice cost of the commodity or the percentage markup determined under section 3 of this supplementary regulation, if that section is applicable. (If you purchase the same commodity from two or more suppliers of the same class, your permitted percentage markup shall be determined from the last invoice you received for that commodity before the price to which you were frozen was established, regardless of which of your suppliers sold that shipment to you. But the permitted percentage markup must be applied, for each supplier, to your most recent net invoice cost of the commodity when purchased from him.)

Example 4. A wholesaler has been buying dominoes from a manufacturer at $7.00 per dozen 2/10 EOM and has been selling them at $8.25 per dozen which is his frozen ceiling price. On June 8, he received an invoice for dominoes from the manufacturer showing $6.50 per dozen 2/10 EOM. The wholesaler must assume that the decrease was made pursuant to a manufacturers' regulation listed in section 1, unless he is informed in writing that no part of the decrease is required by such a regulation. If the article is one which the wholesaler had repriced under section 3 of this regulation because of a replacement squeeze, he can find his new ceiling price by applying to the net invoice cost ($6.37) the percentage markup which he used in making that recalculation. If the article is one for which the wholesaler had no replacement squeeze, he finds the permitted percentage markup as follows: he subtracts the net invoice cost on his most recent invoice, $6.86, ($7.00 2/10 EOM) from his frozen ceiling price $8.25 and divides the result by the net invoice cost ($8.25−$6.86=$1.39÷$6.86=20.3%) and finds that his percentage markup on cost is 20.3%. He then finds his new ceiling price for the dominoes by multiplying the new net invoice cost $6.37 by the permitted percentage markup and by adding the result to $6.37 ($6.37×.203=$1.29+$6.37=$7.66). The new ceiling price for the dominoes is $7.66.

(d) *Use of recalculated prices under other sections.* If a commodity priced under this section is used as a comparison commodity in pricing under section 5 of the General Ceiling Price Regulation, you must apply the markup used in redetermining the ceiling price under this section instead of determining a markup as described in section 5 of the General Ceiling Price Regulation.

SEC. 5. *Increases and decreases in retailers' ceiling prices to reflect wholesalers' ceiling price changes under this regulation.* If you are a retailer who buys from a wholesaler, or if you are any other reseller who buys from a wholesaler or distributor and if your supplier has changed his price to you pursuant to the provisions of this Supplementary Regulation 29, you recalculate your ceiling price under this section.

[Above Paragraph amended by Amdt. 6.]

(a) *Increases.* If your supplier has increased his price, you may recalculate your ceiling price for sale of that commodity purchased from that supplier after the increase is put into effect.

(b) *Decreases.* If your supplier has decreased his price and all or any part of that decrease was made pursuant to this Supplementary Regulation 29, you must recalculate your ceiling price for sale of that commodity purchased from that supplier after the decrease is put into effect. Where the price to you is decreased, you must assume that the decrease was made pursuant to this regulation unless you are informed in writing by your supplier that no part of the decrease is required by this supplementary regulation.

(c) *How to recalculate your ceiling price under this section.* You recalculate your ceiling price by applying to the new net invoice cost of the commodity your "permitted percentage markup." "Permitted percentage markup" means either the percentage markup your ceiling price yields over the most recent net invoice cost of the commodity or the percentage markup determined under section 3 of this supplementary regulation, if that section is applicable. (If you purchase the same commodity from two or more suppliers of the same class, your permitted percentage markup shall be determined from the last invoice you received for that commodity before the price to which you were frozen was established, regardless of which of your suppliers sold that shipment to you. But the permitted percentage markup must be applied, for each supplier, to your most recent net invoice cost of the commodity when purchased from him.)

Example 5. A retailer who purchased a bicycle from a wholesaler at $8.75 2/10 EOM, net $8.57½ sold that bicycle at $12.98 during the base period which became his "frozen price." When the wholesaler recalculates his ceiling price under this supplementary regulation to $9.60 (see Example 1) the retailer then pays $9.80 2/10 EOM or $9.60 net for the bicycle. The retailer may then apply the "permitted markup" ($12.98−$8.57½=$4.40½÷$8.57½=51.3%) 51.3% to the new cost of $9.60 ($9.60×.513=$4.92+$9.60=$14.52) and finds that $14.52 is his new ceiling price.

(d) *Use of recalculated prices under other sections.* If a commodity priced under this section is used as a comparison commodity in applying section 5 of the General Ceiling Price Regulation, the percentage markup used in determining a price under this section must be used instead of determining a percentage markup as described in section 5 of the General Ceiling Price Regulation.

SEC. 6. *Wholesalers' ceiling prices for certain branded commodities.* If you are a wholesaler of a commodity which is sold under a supplier's brand name, your ceiling price will be your supplier's suggested selling price for wholesalers if your supplier has obtained Office of Price Stabilization approval for those prices. Suppliers desiring to have uniform wholesale ceiling prices established for branded items which they sell may apply to the Office of Price Stabilization, Washington 25, D. C., for approval.

(a) *Contents of application.* The application must state the supplier's business name and address and must include:

(1) A showing that for a period prior to January 26, 1951, the branded commodities sold by him to wholesalers were customarily sold by the wholesalers at the prices suggested by him;

(2) The brand name and the requested wholesale ceiling price; each price list which the supplier proposes to issue for wholesalers, identified by a separate numerical or alphabetical designation in addition to the company name;

(3) The ceiling price for sales to the wholesalers for each of the items and an indication of the section and regulation under which these prices were determined;

(4) A showing that the requested wholesale ceiling prices provide margins at wholesale which in general are no

greater than the margins which the wholesalers received on the branded items prior to June 24, 1950. This showing must include the suggested wholesale prices for a period prior to June 24, 1950, together with the supplier's selling prices to wholesalers at that time and the wholesale margins thus provided.

(b) *Office of Price Stabilization approval.* The prices for sales at wholesale, proposed by the supplier will be approved or disapproved by Office of Price Stabilization but may be deemed to have been approved if the supplier has not been notified to the contrary by the Office of Price Stabilization within 15 days after the submission of the application or the filing of any additional information which may have been requested by the Office of Price Stabilization. The Office of Price Stabilization may by order revoke, modify, or alter, in whole or in part the ceiling prices established under this section, and may in such order make appropriate provisions for notification of customers.

(c) *Use by wholesalers of approved prices.* If you are a wholesaler you may take as your ceiling price the suggested wholesale prices in your supplier's price list as soon as you have received from him a statement in writing signed by an officer or owner of the company stating that the wholesale prices in that price list have been approved by the Office of Price Stabilization as ceiling prices for your sales at wholesale of the commodities in that price list. Such approval may be either by passage of time or by specific action of the Office of Price Stabilization.

SEC. 7. *Records.* The records required by this section must be retained for as long as the Defense Production Act of 1950 is in effect, and for two years thereafter. In addition to the records required by the General Ceiling Price Regulation, a wholesaler or retailer who prices under this Supplementary Regulation 29 must:

(a) Preserve and keep available for examination the invoice or other cost records used to determine percentage markups of each commodity under sections 3, 4, or 5 of this regulation;

(b) For each commodity for which a price is calculated under this Supplementary Regulation 29, list on his ceiling price list for the category, prepared under section 16 (a) (3) of the General Ceiling Price Regulation, the net invoice cost of the commodity from the invoice or other cost record upon which that selling price was based and the percentage markup;

(c) In the case of a seller at wholesale who prices pursuant to a price list sent to him by a manufacturer or wholesaler, who establishes ceiling prices for sales at wholesale pursuant to section 6 of this regulation, retain and keep available for examination by the Office of Price Stabilization the written statement by his supplier that such prices have been approved by Office of Price Stabilization and all such price lists;

(d) Preserve and keep available for examination the statements of his suppliers, if any, informing him that price decreases are not required by the manufacturers' regulations listed in section 1, nor by the provisions of this supplementary regulation, upon which he relies in determining his ceiling prices.

SEC. 8. *Applicability.* The provisions of this supplementary regulation are applicable to the United States, its territories and possessions, and the District of Columbia.

[Section 8 amended by Amdt. 2]

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

By JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-3510; Filed, Mar. 25, 1952; 10:59 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 1 to Area Milk Price Regulation 1]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 1—NEW YORK METROPOLITAN MILK MARKETING AREA, NEW YORK

SPECIFIC PRICE ON WHICH PRICES OF PRODUCTS OF SKIM MILK ARE BASED

Due to clerical errors the word January 1952 was used in place of December 1951 and several other words were incorrectly used in the definition of skim milk value set forth in Item 6 of Amendment 1 which adds a new section 4c to Area Milk Price Regulation 1. A correction is therefore necessary to Area Milk Price Regulation 1, Amendment 1, issued and effective on the 17th day of March 1952 (17 F. R. 2428) in order to more accurately describe the method of arriving at ceiling prices for products of skim milk after March 31, 1952.

This correction does not affect the prices set forth in Amendment 1 for the month of March 1952 from the effective date of the regulation March 17, 1952 to the end of March 1952.

Section 4c of Amendment 1 to Area Milk Price Regulation 1 of SR 63 to the General Ceiling Price Regulation is corrected to read as follows:

SEC. 4c. *Specific price on which the prices of products of skim milk are based.* (a) The specific price for skim milk upon which the prices of products processed from skim milk are based is 67.4 cents, the value of skim milk per 100 pounds of whole milk of 3.5 percent butterfat and is determined by the difference between the preliminary calculation of Class II milk announced by the Milk Market Administrator on the 25th day of December 1951 and the final price also announced by the Milk Market Administrator on the 5th day of February 1952. For example, the skim price finally arrived at on February 5, 1952, will govern the March ceiling price. The price for skim milk arrived at on February 5, 1952, effective for March is 67.4 cents per 91.25 pounds of skim milk.

(b) The specific price of skim milk in any month to which ceilings will be adjusted pursuant to section 8 of SR 63 will be the price of skim milk arrived at on the 5th day of the preceding month from the final price announced for Class II milk received at country plants in an area extending not more than 201-210 miles from New York City. Fractions will be rounded as follows:

Increase or decrease in producer price (cents per 8-qt. cup)	*Increase or decrease in ceiling price (cents per 8-qt. cup)*
0.0–0.250	0
0.251–0.750	½
0.751 and over	1

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

JULIUS S. WIKLER,
District Director.

MARCH 24, 1952.

[F. R. Doc. 52-3499; Filed, Mar. 24, 1952; 3:49 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 3, Amdt. 2]

INT. 3—PROFIT SHARING AND OTHER BONUSES UNDER GENERAL SALARY STABILIZATION REGULATION 2

MISCELLANEOUS AMENDMENTS

1. The following paragraph is added to section 4:

4.10 Q. An employer formally adopted a bonus plan between January 1, 1950 and January 25, 1951 containing a method or formula for computation of the bonus fund and providing for discretionary distribution thereof. The bonus plan applies to work performed before and after January 25, 1951, but the first payment of bonuses under the plan is to be made only after January 25, 1951. May the employer pay bonuses under this plan without the prior approval of the Office of Salary Stabilization, and how does he compute his base period bonus fund?

A. The employer may pay bonuses under the plan without prior approval. The base period bonus fund shall be the amount which, under the plan, would have become available for bonuses either in the calendar year 1950 or in the fiscal year ending in 1950 (dependent on whether the employer operates on a calendar or fiscal year basis), if the plan had been in effect during such calendar or fiscal year. No other method may be used to compute the base period bonus fund under the plan.

2. Paragraph 9.07 is amended to read as follows:

9.07 Q. If an employer uses the entire percentage increase authorized under General Salary Order 6, as amended, as an addition to an existing base period bonus fund for the payment of bonuses on December 31, 1951, may he use the percentage increase to pay a bonus in a subsequent calendar year?

A. Yes, unless the employer has granted an increase in salaries equal to the percentage increase authorized

under the Order or has otherwise used the entire authorized percentage increase since December 31, 1951. However, if an employer has since December 31, 1951 granted an increase in salaries or other compensation, using part of the authorized percentage increase only, the unused balance may be added to the existing base period bonus fund of the employer in the subsequent calendar year.

3. The following paragraph is added to section 9:

9.08 Q. An employer used one-half of the percentage increase authorized under General Salary Order 6, as amended, as an addition to his existing base period bonus fund in distributing bonuses at the end of his fiscal year on February 29, 1952. May he add the same amount of the percentage increase to his base period bonus fund in paying bonuses at the end of his next fiscal year?

A. Yes, unless during the next fiscal year the employer uses more than one-half of the percentage increase authorized under the Order for increases in salaries or other compensation before the time of distribution of the bonuses.

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

Issued by the Office of Salary Stabilization on March 21, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-3535; Filed, Mar. 25, 1952; 11:50 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-59—Revocation]

M-59—STRAPPING

REVOCATION

NPA Order M-59 (16 F. R. 3924) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-59, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

Metal strapping is subject to the provisions of NPA Reg. 1.

This revocation is effective March 25, 1952.

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

[F. R. Doc. 52-3516; Filed, Mar. 25, 1952; 11:20 a. m.]

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce.

[NSA Order No. 47 (AGE-4, Amdt. 2)]

AGE-4—GENERAL AGENTS' COMPENSATION

MISCELLANEOUS AMENDMENTS

Effective as of March 20, 1951, at 00:01 a. m., NSA Order No. 47 (AGE-4) published in the FEDERAL REGISTER issue of September 29, 1951 (16 F. R. 9983) as amended, 16 F. R. 12019, is amended as follows:

1. By deleting the words "General Agents' Compensation," appearing in the title, and inserting therefor the following words: "Compensation Payable to Agents, General Agents and Berth Agents"; and

2. By deleting section 1 and inserting therefor, the following:

SECTION 1. *What this order does.* This order prescribes the amount of compensation payable to Agents, General Agents and Berth Agents of the National Shipping Authority for services rendered in connection with the husbanding and conduct of the business of dry-cargo and passenger type vessels assigned to such agents under standard forms of Service Agreements prescribed by NSA Order No. 1 (AGE-1) as amended from time to time.

3. By adding to section 2 a new paragraph designated (d), following paragraph (c) as follows:

SEC. 2. *Compensation of General Agents for husbanding services, etc.* * * *

(d) *Compensation of General Agents for taking inventories.* (1) If a General Agent is required to take an inventory of a vessel upon its delivery under General Agency Agreement (GAA 3/19/51), or upon redelivery from such assignment, the General Agent shall be paid an additional fee of:

(i) $100.00 when the General Agent performs inventory with his own personnel, and

(ii) $50.00 when the General Agent employs a private contractor to perform the inventory.

(2) In addition to the fee prescribed in subdivisions (i) and (ii) of subparagraph (1) of this paragraph, the General Agent shall receive credit pursuant to the provisions of Article 5 of the Service Agreement for the following:

(i) When the General Agent performs inventory with his own personnel, he shall receive credit for cost of inventory surveyors actually employed in the accomplishment of the inventory, plus insurance and taxes and travel expenses; such costs shall not, however, exceed $475.00 for C1, C1-M-AV1, C2, C3, C4 and Victory type vessels and $325.00 for EC2, Z-EC2 and N3 vessels, without the prior approval of the Director, National Shipping Authority. The undertaking given above to allow expenses does not extend to the allowance of the cost of position fidelity bonds covering inventory surveyors, which is for the General Agent's account.

(ii) When the General Agent employs a private contractor he shall receive credit for such costs: *Provided*, That such costs do not exceed $525.00 for C1, C1-M-AV1, C2, C3, C4 and Victory type vessels and $375.00 for EC2, Z-EC2 and N3 vessels, without the prior approval of the Director, National Shipping Authority. The above amounts are inclusive of, but not limited to, wages, employee insurance, taxes, fidelity bonds, travel expenses, etc.

4. By deleting the first paragraph of section 3, including the heading, and inserting therefor, the following:

SEC. 3. *Compensation for conducting the business of the vessels.* Except as otherwise provided, the Agent, General Agent, or Berth Agent who performs services in connection with the business of the vessels, acts as accounting line in connection therewith, and performs duties for which no compensation is provided in other sections of this order, shall be compensated at the rates set forth below, out of which the Agent, General Agent or Berth Agent shall pay his sub-agents, branch houses, charges for postage and petties and customs brokers in the continental United States, and also any items of expenses not authorized for inclusion in the vessel operating expenses.

5. By deleting paragraph (c) of section 3 and inserting therefor, the following:

SEC. 3. *Compensation of General Agents for conducting the business of vessels.* * * *

(c) *Employment exclusively in service of Military Sea Transportation Service.* $25.00 per day per cargo vessel for the period of employment in the service of MSTS.

6. By adding to section 3 two new paragraphs designated (f) and (g), following paragraph (e), as follows:

(f) *Compensation for services incident to full cargoes of lumber in the intercoastal trade.* (1) 2½ percent of vessel's revenue for loading.

(2) 1¼ percent of vessel's revenue for discharging.

(g) *Employment in service of Military Sea Transportation Service with part cargoes of ore.* (1) $25.00 per day per cargo vessel for the period of employment in the service of MSTS;

(2) 1¼ percent of vessel's revenue on ore cargo, maximum $500.00.

7. By adding to section 6 two new paragraphs designated (c) and (d), following paragraph (b) as follows:

SEC. 6. *Communication expenses.* * * *

(c) The communication expenses incurred by General Agents in making position reports and transmitting certain data pertaining to Port Activities, as required by the instructions issued by the Chief, Office of Ship Operations, National Shipping Authority, on May 24, 1951, shall be included in the vessel operating expenses as reimbursable items of expense.

(d) Expenses incurred by General Agents in forwarding mail addressed to crew members shall be included in the vessel operating expenses as reimbursable items of expense.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Approved: March 19, 1952.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 52-3464; Filed, Mar. 25, 1952; 8:51 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 4]

RR 1—Housing

MISCELLANEOUS AMENDMENTS

Effective April 1, 1952, Rent Regulation 1 is amended as set forth below.

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

Issued this 21st day of March 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Section 41 is amended to read as follows:

SEC. 41. *Resort housing.* This regulation does not apply to housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to September 1, 1951, or the effective date of regulation applicable to such housing accommodations, whichever is later, or newly constructed or newly converted housing accommodations which have been rented or occupied on a seasonal basis since they were first rented or occupied. "Rented or occupied on a seasonal basis" means (a) rented or occupied during the "in-season" (winter or summer) and vacant during the "off-season", or (b) rented during the "in-season" at a substantially higher rent than during the "off-season." This exemption shall be effective only from June 1 to September 30, inclusive, in the case of summer resort housing and only from December 1 to March 31, inclusive, in the case of winter resort housing: *Provided, however,* That no housing accommodation shall be exempt for both periods: *And provided further,* That sections 211 and 214 shall be applicable to such housing accommodations during the exempt period. This provision shall not be construed to recontrol any housing accommodation which was exempt from the rent regulation under the summer or winter resort housing exemption provisions as they read on September 19, 1951, but limits such exemption to the period December 1 to March 31, inclusive (in the case of winter resort housing), or to the period June 1 to September 30, inclusive (in the case of summer resort housing).

2. Section 73 (a) is amended to read as follows:

SEC. 73. *Security deposits*—(a) *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall demand, receive or retain a security deposit for or in connection with the use or occupancy of housing accommodations within the defense-rental area except as provided in this section. The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience. Paragraphs (b) to (i), inclusive, of this section shall be applicable to all housing accommodations with maximum rents established under sections 81 to 85 and section 92. Paragraphs (g), (i) and (j) of this section shall be applicable to all housing accommodations with maximum rents established under section 91, 93, 94, 95, 98, 99, or 101. This section shall be inapplicable to all housing accommodations with maximum rents established under section 86 (a) or 100 (a).

3. Section 73 (j) is amended to read as follows:

SEC. 73. *Security deposits.* * * *

(j) *Maximum rents established under section 91, 93, 94, 95, 98, 99 or 101.* Where the maximum rent of the housing accommodation is established on the effective date of regulation under section 91, 93, 94, 95, 98, 99, or 101, or was established on December 12, 1951, under section 99, or was established on April 1, 1952, under section 101, no security deposit shall be demanded, received or retained except in the amount (or a lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent: *Provided, however,* That where such lease or other rental agreement provided for a security deposit the Director at any time on his own initiative, or on application of the tenant, may order a decrease in the amount of such deposit, or may order its elimination.

4. Section 96 is amended to read as follows:

SEC. 96. *Rents received subject to refund.* If the Director finds, in cases where the maximum rent is established under section 93, 94, 95, or 101 (a) (4), that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on or after the date of first renting or the effective date, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 157 or 162: *Provided, however,* That the order under section 157 or 162 may relieve the landlord or any successor landlord of the duty to refund the excess rent for any rental period during which the landlord or any successor landlord neither negligently failed nor deliberately refused to register. The landlord or any successor landlord shall have the duty to refund only if the order under section 157 or 162 is issued in a proceeding commenced by the Director within 3 months after the date of filing of such registration statement. If a refund is required by the order under section 157 or 162, such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2.

5. Sec. 100 (a) is amended to read as follows:

SEC. 100. *Housing supplied to employees of the Federal Government by agencies thereof.* (a) The provisions of this paragraph shall apply to all housing accommodations, supplied or which have been acquired for the purpose of being supplied to employees of the Federal Government under specific Government direction as an incidental service in support of Government programs, for which the rent is or will be set and administered by an agency of the Federal Government. These provisions shall be applicable to housing supplied or which has been acquired for the purpose of being supplied not only to direct Government employees but also to contractors, contractors' employees and all other persons whose housing is essential to the performance of the Government activity. The maximum rent for such housing accommodations shall be the rent charged on February 1, 1952, or on the effective date of regulation, whichever is later. Where such housing accommodations are acquired after February 1, 1952, or after the effective date of regulation, whichever is later, the maximum rent shall be the maximum rent in effect on the date of acquisition. If any such housing accommodations were not rented on February 1, 1952, or on the effective date of regulation, or if no maximum rent were in effect on the date of acquisition after February 1, 1952, or effective date of regulation, whichever is later, the maximum rent shall be the first rent charged for such accommodations after such applicable date. If any such housing accommodations were changed after February 1, 1952, or after the effective date of regulation, whichever is later, or after the date of acquisition, by a substantial increase or decrease in dwelling space, the maximum rent for the housing accommodations resulting from such change shall be the first rent charged after such change. Where on the date determining the maximum rent under this paragraph the landlord had a practice of making specific charges for certain services, furniture, furnishings, or equipment, the maximum rent shall be established on a variable basis, according to the services, furniture, furnishings, or equipment provided. Other provisions relating to the establishment of maximum rents (sections 91 et seq.) shall be inapplicable to such housing accommodations.

* * * * *

6. Section 101 is added reading as follows:

SEC. 101. *Rent based on seasonal demand.* (a) For housing accommodations rented on a seasonal basis during the year preceding the maximum rent date (hereinafter called the "base year"), the maximum rent for each calendar month shall be established as follows:

(1) If the housing accommodation was rented during an entire month of the base year the maximum rent for that calendar month shall be the rent actually charged during that month in the base year.

(2) If the housing accommodation was rented for a portion of a month during the base year, the maximum rent for that calendar month shall be the average daily rent actually charged during that month in the base year multiplied by the number of days in the month.

(3) If a maximum rent for any calendar month is not established under subparagraph (1) or (2) of this paragraph, the landlord may establish such maximum rents by registration. The rent shall be fair and reasonable and based on (i) the maximum rents for the same accommodations for other calendar months of the year, and (ii) the prevailing rent in the defense-rental area for comparable housing accommodations in that calendar month in the base year.

(4) If a maximum rent has not been established under subparagraph (1), (2) or (3) of this paragraph for any calendar month of the base year, the maximum rent for that calendar month shall be the average daily rent first charged in the first corresponding calendar month in which there was a renting after the effective date multiplied by the number of days in the month.

(b) For purposes of this section "rented on a seasonal basis" means (1) rented or occupied during the "in-season" (winter or summer) and vacant during the "off-season", or (2) rented during the "in-season" at a substantially higher rent than during the "off-season." Other provisions relating to the establishment of maximum rents (section 91 et seq.) shall be inapplicable to such accommodations.

7. Section 118 is amended to read as follows:

SEC. 118. *Rent generally prevailing.* In cases under section 130, 133, 157, 160, or 161, the adjustment shall be on the basis of the rent which the Director finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided, however,* That in cases under sections 130 and 161, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent. *And provided further,* That in cases under section 157 where the maximum rent was established under section 101 the adjustment shall be on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations in the year preceding the maximum rent date.

8. Section 128 is amended to read as follows:

SEC. 128. *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the housing accommodations by a major capital improvement, as distinguished from ordinary repair, replacement and maintenance, or a substantial increase in services, furniture, furnishings or equipment, and the rent on the date determining the maximum rent was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

9. Section 134 is amended to read as follows:

SEC. 134. *Inequitable rents.* The landlord is suffering an inequity in that (a) the maximum rent for the housing accommodations (other than company housing accommodations, i. e. housing accommodations regularly rented to employees of the landlord) is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date for the defense-rental area, or during the year preceding the maximum rent date in the case of maximum rents established under section 101, or (b) the landlord has not been compensated for a substantial increase in the costs of operating and maintenance of housing accommodations since the maximum rent date for the defense-rental area. The adjustment under this section shall be in an amount sufficient to relieve the inequity.

10. Section 136 is amended to read as follows:

SEC. 136. *Change from year-round to seasonal renting and from seasonal renting to year-round renting.* (a) The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, are vacant, and the establishment of seasonal variations in the rent would not, in the opinion of the Area Rent Director, be inconsistent with the purposes of the act.

(b) The maximum rents for the accommodations are established on a seasonal basis and the establishment of a year-round maximum rent would not in the opinion of the Area Rent Director be inconsistent with the purposes of the act. If an order is entered establishing a year-round maximum rent, section 41 (providing for a seasonal exemption) would be inapplicable.

11. Section 157 (a) is amended to read as follows:

SEC. 157. *Rent higher than rents generally prevailing.* (a) The maximum rent for the housing accommodations was established under paragraph (c), (d), (e), (g) or (j) of section 4 of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, or under section 83, 85, 86, 91, 93, 94, 95, 98, 100 or 101, and said maximum rent is substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or during the year ending on the maximum rent date in the case of maximum rents established under section 101, taking into consideration all relevant factors, including any adjustments under sections 126 to 141 which may be applicable.

* * * * *

12. Section 160 is amended to read as follows:

SEC. 160. *Special relationship between landlord and tenant or peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by the blood, personal, or other special relationship between the landlord and tenant, or by peculiar circumstances and as a result was substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or during the year ending on the maximum rent date in the case of maximum rents established under section 101.

13. Section 166 is amended to read as follows:

SEC. 166. *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings, or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Director at any time on his own initiative may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from the effective date of regulation or date of first renting, whichever is later, but in no event earlier than July 1, 1947. If the Director is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or during the year ending on the maximum rent date in the case of maximum rents established under section 101, and, where appropriate, may determine the living space, services, furniture, furnishings and equipment included in such rent.

14. Section 211 (a) is amended to read as follows:

SEC. 211. *Registration statement.* (a) Every landlord of controlled housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of former § 825.7 of title 24 as it read on September 19, 1951 (16 F. R. 10694): *Provided, however,* That a landlord must re-register any housing accommodation which is recontrolled after September 19, 1951, unless it had a maximum rent in effect under Federal rent control on the new maximum rent date: *And provided further,* That if the maximum rents were established under section 101 the landlord is required to register the maximum rents established under such section whether the housing accommodation was previously registered or not. If the housing accommodation was controlled for the first time or recontrolled after September 19, 1951, the registration statement shall be filed within 45 days after the effective date of regulation or within 30 days after the first renting thereof, whichever is later. If the maximum rent is established under section 101, such maximum rent must be registered within 45 days after April 1, 1952, or effective date of regulation, or within 30 days after the date on which it is established, whichever is later. If the housing accommodation was controlled on September 19, 1951, and not registered, the landlord has a continuing obligation to register in accordance with former § 825.7 (24 CFR 1950) as it existed prior to September 19, 1951. The statement shall identify each dwelling unit and specify the

maximum rent provided by this regulation for such dwelling unit and shall contain such other information as the Director shall require. The original shall remain on file with the Director and he shall cause one copy to be delivered to the tenant and one copy to be stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement and shall obtain the tenant's signature and the date thereof on the back of such statement.

[F. R. Doc. 52-3438; Filed, Mar. 25, 1952; 8:50 a. m.]

[Rent Regulation 2, Amdt. 3]

RR 2—Rooms in Rooming Houses and Other Establishments

Miscellaneous Amendments

Effective April 1, 1952, Rent Regulation 2 is amended as set forth below.

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

Issued this 21st day of March 1952.

Tighe E. Woods,
Director of Rent Stabilization.

1. Section 21 is amended to read as follows:

Sec. 21. *The 60-day period determining the maximum rent.* "The 60-day period determining the maximum rent" means the 60-day period provided in section 91 et seq. (relating to establishment of maximum rents) for determining the maximum rent for any room for a particular term and number of occupants.

2. Section 42 is amended to read as follows:

Sec. 42. *Resort housing.* This regulation does not apply to rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to September 1, 1951, or the effective date of regulation applicable to such rooms, whichever is later, or newly constructed or newly converted rooms which have been rented or occupied on a seasonal basis since they were first rented or occupied. "Rented or occupied on a seasonal basis" means (a) rented or occupied during the "in season" (winter or summer) and vacant during the "off season," or (b) rented during the "in season" at a substantially higher rent than during the "off season." This exemption shall be effective only from June 1 to September 30, inclusive, in the case of summer resort housing and only from December 1 to March 31, inclusive, for winter resort housing: *Provided, however,* That no room shall be exempt for both periods: *And provided further,* That sections 211 and 214 shall be applicable to such rooms during the exempt period. This provision shall not be construed to recontrol any room which was exempt from the rent regulation under the summer or winter resort housing exempt provisions as they read on September 19, 1951, but limits such exemption to the period December 1 to March 31, inclusive (in the case of winter resort housing) or to the period June 1 to September 30, inclusive (in the case of summer resort housing).

3. Section 73 (a) is amended to read as follows:

Sec. 73. *Security deposits*—(a) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive or retain a security deposit for or in connection with the use or occupancy of any room subject to this regulation within the defense-rental area, except as provided in this section. The term "security deposit", in adition to its customary meaning includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience. Paragraphs (b) to (f) of this section shall be applicable to all rooms with maximum rents established under sections 81 to 85 and 92. Paragraphs (e) and (f) of this section shall be applicable to all rooms with maximum rents established under sections 91, 93, 94, 96, 97 and 99. Paragraph (g) of this section shall be applicable to rooms with maximum rents established under sections 91, 96, 97 and 99. This section shall be inapplicable to rooms with maximum rents established under section 86 (a) or 98 (a).

* * * * *

4. Section 73 (g) is amended to read as follows:

(g) *Maximum rents established under section 91, 96, 97 or 99.* Where the maximum rent of the room is established on effective date of regulation under section 91, 96, 97 or 99, or was established on December 12, 1951 under section 97, or was established on April 1, 1952 under section 99, no security deposit shall be demanded, received or retained except in the amount (or a lesser amount) and on the same terms and conditions (or on terms or conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent: *Provided, however,* That where such lease or other rental agreement provided for a security deposit, the Director at any time on his own initiative, or on application of the tenant, may order a decrease in the amount of such deposit, or may order its elimination.

5. Section 98 (a) is amended to read as follows:

Sec. 98. *Rooms supplied to employees of the Federal Government by agencies thereof.* (a) The provisions of this paragraph shall apply to all rooms, supplied or which have been acquired for the purpose of being supplied to employees of the Federal Government under specific Government direction as an incidental service in support of Government programs, for which the rent is or will be set and administered by an agency of the Federal Government. These provisions shall be applicable to rooms supplied or which have been acquired for the purpose of being supplied not only to direct Government employees but also to contractors, contractors' employees and all other persons whose housing is essential to the performance of the Government activity. The maximum rents for such rooms shall be established as follows: For rooms having established rents on the applicable date (which is February 1, 1952, or the effective date of regulation, whichever is later) the maximum rents shall be the established rents for such room on such applicable date for different terms of occupancy and different numbers of occupants. For rooms acquired after such applicable date the maximum rents shall be the maximum rents in effect on the date of acquisition. If a room did not have an established rent or a maximum rent for any—or for a particular—term or occupancy and number of occupants on the applicable date or on the date of acquisition after such applicable date, the landlord may establish such maximum rents by registration. If, after the applicable date or after the date of acquisition after such applicable date, a room is first rented for a particular term and number of occupants for which no maximum rent has been established hereunder, the maximum rent shall be the rent first charged for a particular term and number of occupants. Where on the date determining a maximum rent under this paragraph the landlord had a practice of making specific charges for certain services, furniture, furnishings, or equipment, the maximum rent shall be established on a variable basis, according to the services, furniture, furnishings, or equipment provided. Other provisions relating to the establishment of maximum rents (section 91 et seq.) shall be inapplicable to such rooms.

* * * * *

6. Section 99 is added to read as follows:

Sec. 99. *Rent based on seasonal demand.* (a) For rooms rented on a seasonal basis during the year preceding the maximum rent date (hereinafter called the "base year"), the maximum rent for different terms and number of occupants (hereinafter called "rental basis") shall be determined as follows:

(1) The maximum rent for each rental basis, from June 1 to September 30 (if this is the in-season) or from April 1 to November 30 (if this is the off-season), shall be the highest rent charged on such rental basis during the months of July and August of the base year.

(2) The maximum rent for each rental basis, from December 1 to March 31 (if this is the in-season) or from October 1 to May 31 (if this is the off-season), shall be the highest rent charged on such rental basis during the months of January and February of the base year.

(3) If a maximum rent is not established under subparagraph (1) or (2) of this paragraph for a particular rental basis, the landlord may establish such maximum rents by registration. The

rent shall be fair and reasonable and based on (i) the rents charged during the applicable 2-months period for the same room on any other rental basis, and (ii) the rents charged during the same period for comparable rooms in the same establishment on the same rental basis, and (iii) the prevailing rent in the defense-rental area for comparable rooms rented on the same basis during the 2-months period.

(4) If a maximum rent has not been established under subparagraph (1), (2) or (3) of this paragraph for the particular rental basis for the in-season or the off-season, the maximum rent for the in-season or the off-season, as the case may be, shall be the first rent charged in such season on such rental basis after the effective date of regulation.

(b) For the purposes of this section "rented on a seasonal basis" means (1) rented or occupied during the "in-season" (winter or summer) and vacant during the "off-season", or (2) rented during the "in-season" at a substantially higher rent than during the "off-season." Other provisions relating to the establishment of maximum rents (sections 91 et seq.) shall be inapplicable to such rooms.

7. Section 101 (b) is amended to read as follows:

SEC. 101. *Rent fixed by order of Director.* * * *

(b) The Director at any time on his own initiative or on petition of the landlord may enter an order fixing the maximum rent and specifying the minimum services for a room for a particular term or number of occupants for which no maximum rent has been established prior to issuance of the order under any other provision of this regulation. Such maximum rent shall be fixed on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or in the year preceding the maximum rent date in the case of a room which has any maximum rent established under section 99.

8. Section 113 is amended to read as follows:

SEC. 113. *Effective date of rent increase.* In all cases under sections 126 to 137 the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's application or petition: *Provided, however,* That where a maximum rent for a room is established under section 91 et seq. (relating to the establishment of maximum rents) of this regulation on the effective date of regulation and a petition for adjustment is filed by the landlord under section 127 or 129 within 45 days of the effective date of this regulation, the adjustment in the maximum rent shall be retroactive to the effective date of regulation.

9. Section 117 is amended to read as follows:

SEC. 117. *Difference in rental value.* In those cases involving a major capital improvement, an increase or decrease in living space, services, furniture, furnishings or equipment, or a deterioration, the adjustment in the maximum rent shall be the amount the Director finds would have been on the maximum rent date, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change: *And provided further,* That in cases involving an increase or decrease in living space or a change from unfurnished to fully furnished, the adjusted maximum rent shall be not less than the rent which the Director finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

10. Section 118 is amended to read as follows:

SEC. 118. *Rent generally prevailing.* In cases under sections 130 and 157, the adjustment shall be on the basis of the rent which the Director finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided, however,* That in cases under section 130, the adjustment may be on the basis of the rental agreement in force on the date or during the 30- or 60-day period establishing the maximum rent: *And provided further,* That in cases under section 157 where the maximum rent was established under section 99 the adjustment shall be on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations in the year preceding the maximum rent date.

11. Section 128 is amended to read as follows:

SEC. 128. *Change prior to maximum rent date.* There was on or prior to the maximum rent date, a substantial change in the room by a major capital improvement as distinguishable from ordinary repair, replacement and maintenance or a substantial increase in services, furniture, furnishings or equipment, and the rent on the date determining the maximum rent was fixed by lease or other rental agreement which was in force at the time of such change or increase.

12. Section 131 is amended to read as follows:

SEC. 131. *Seasonal demand.* (a) The maximum rent for the room is substantially lower than the rent at other times of the year by reason of seasonal demand for such room, or (b) the maximum rent was established under section 99 and is substantially lower than the rent at other times during the season by reason of seasonal demand for such room. In such cases the Director's order may, if he deems it advisable, provide for different maximum rents for different periods of the calendar year.

13. Section 132 is amended to read as follows:

SEC. 132. *Inequitable rents.* The landlord is suffering an inequity in that (a) the maximum rent for the housing accommodations (other than company housing accommodations, i. e. housing accommodations regularly rented to employees of the landlord) is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date for the defense-rental area, or during the year preceding the maximum rent date in the case of maximum rents established under section 99, or (b) the landlord has not been compensated for a substantial increase in the cost of operating and maintaining the housing accommodations since the maximum rent date for the defense-rental area. The adjustment under this section shall be in an amount sufficient to relieve the inequity.

14. Section 133 is amended to read as follows:

SEC. 133. *Change from year-round to seasonal renting or from seasonal renting to year-round renting.* (a) The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, and the establishment of seasonal variations in the rent would not in the opinion of the Area Rent Director be inconsistent with the purposes of the act.

(b) The maximum rents for the accommodations are established on a seasonal basis and the establishment of a year-round maximum rent would not in the opinion of the Area Rent Director be inconsistent with the purposes of the act. If the order is entered establishing a year-round maximum rent, section 42 (providing for a seasonal exemption) shall be inapplicable.

15. Section 157 (a) is amended to read as follows:

SEC. 157. *Rent higher than rent generally prevailing.* (a) The maximum rent for the room is substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or during the year ending on the maximum rent date in the case of maximum rents established under section 99, taking into consideration all relevant factors including any adjustments under sections 126 to 137 which may be applicable.

16. Section 157 (b) is amended to read as follows:

(b) Where the maximum rent for said room was originally established under paragraph (b) or (c) of section 4 of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or where the maximum rent is established under section 83, 84, 94 or 99 (a) (4), and the Director finds that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental commencing on or after July 1, 1948, or the effective date of regulation or the date determining the maximum rent, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent

which may later be fixed by an order under this section: *Provided, however,* That the order under this section may relieve the landlord or any successor landlord of the duty to refund the excess rent for any rental period during which the landlord neither negligently failed nor deliberately refused to register. The landlord or any successor landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Director within 3 months after the date of the filing of such registration statement. If a refund is required by the order under this section such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2.

17. Section 160 is amended to read as follows:

SEC. 160. *Seasonal demand.* (a) The maximum rent for the room is substantially higher than the rent at other times of year by reason of seasonal demand for such room, or (b) the maximum rent was established under section 99 and is substantially higher than the rent at other times during the season by reason of seasonal demand for such room. In such cases the Director's order may, if he deems it advisable, provide for different maximum rents for different periods of the calendar year.

18. Section 166 is amended to read as follows:

SEC. 166. *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings, or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Director at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from the effective date of regulation or date of first renting, whichever is later, but in no event earlier than July 1, 1947. If the Director is unable to ascertain such fact or facts he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or during the year ending on the maximum rent date in the case of maximum rents established under section 99, and, where appropriate, may determine the living space, services, furniture, furnishings and equipment included in such rent.

19. Section 211 (a) is amended to read as follows:

SEC. 211. *Registration*—(a) *Registration statements.* Every landlord of a controlled room rented or offered for rent shall file in triplicate a written statement on the form provided therefor, containing such information as the Director may require, to be known as a registration statement, registering all maximum rents for such room unless such maximum rents were heretofore registered in accordance with the provisions of former § 825.87 of Title 24 as it read on September 19, 1951 (16 F. R. 10694): *Provided, however,* That a landlord must re-register any maximum rents for rooms which are recontrolled after September 19, 1951, unless such maximum rents were in effect under Federal rent control on the maximum rent date: *And provided further,* That if maximum rents are established under section 99 the landlord is required to register the maximum rents established under such section whether the rooms were previously registered or not. If the maximum rent was established or re-established after September 19, 1951, such maximum rent must be registered within 45 days after effective date of regulation or within 10 days after the date it is established, whichever is later, through amending a registration previously filed or by filing a new registration. If the maximum rent is established under section 99 such maximum rent must be registered within 45 days after April 1, 1952, or effective date of regulation, or within 10 days after the date on which it is established, whichever is later.

* * * * *

20. Section 212 is amended to read as follows:

SEC. 212. *Posting maximum rents.* Every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and all numbers of occupants. Such maximum rents shall be posted within 45 days after effective date of regulation or within 10 days after the particular rent is established, whichever is later: *Provided, however,* That if the maximum rent is established under section 99 it shall be posted within 45 days after April 1, 1952, or effective date of regulation, or within 10 days after it is established, whichever is later. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. The card or sign shall also contain the following statement: "Any tenant who is in continuous occupancy in this establishment for 7 days or more after the effective date of the rent regulation shall upon his request to the landlord be permitted by the landlord to change to a weekly term of occupancy and to pay the maximum rent for that room for that term of occupancy from and after the date of his request. Similarly, any tenant who is in continuous occupancy in this establishment for 30 days or more after the effective date of the rent regulation shall, upon his request, be permitted to change to a monthly term of occupancy if a maximum rent is established for that term of occupancy. Tenants renting on a weekly or a monthly basis are protected by the eviction provisions of the rent regulation."

[F. R. Doc. 52-3437; Filed, Mar. 25, 1952; 8:50 a. m.]

[Rent Regulation 3, Amdt. 5]

RR 3—HOTELS

MISCELLANEOUS AMENDMENTS

Effective April 1, 1952, Rent Regulation 3 is amended as set forth below.

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

Issued this 21st day of March 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Section 16 is amended to read as follows:

SEC. 16. *The 60-day period determining the maximum rent.* "The 60-day period determining the maximum rent" means the 60-day period provided in section et seq. (relating to establishment of maximum rents) for determining the maximum rent of any room for a particular term and number of occupants.

2. Section 27 is amended to read as follows:

SEC. 27. *Resort housing.* This regulation does not apply to rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to September 1, 1951, or the effective date of regulation applicable to such rooms, whichever is later, or newly constructed or newly converted rooms which have been rented or occupied on a seasonal basis since they were first rented or occupied. "Rented or occupied on a seasonal basis" means (a) rented or occupied during the "in season" (winter or summer) and vacant during the "off season," or (b) rented during the "in season" at a substantially higher rent than during the "off season." This exemption shall be effective only from June 1 to September 30, inclusive, in the case of summer resort housing and only from December 1 to March 31, inclusive, for winter resort housing: *Provided, however,* That no room shall be exempt for both periods: *And provided further,* That sections 110, 112, 113, 116, and 117 shall be applicable to such rooms during the exempt period.

3. Section 45 (b) is amended to read as follows:

SEC. 45. *Deposits based on prior rental practices.* * * *

(b) *Maximum rents established under section 48, 49 (a), 53 (a) (3) (i) or 53 (a) (4) (i).* Where the maximum rent of a room is established on the effective date of regulation under section 48, 49 (a), 53 (a) (3) (i) or 53 (a) (4) (i), or was established on April 1, 1952 under section 53 (a) (3) (i) or 53 (a) (4) (i) no security deposit shall be demanded, received or retained, except in the amount (or in a lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent: *Provided, however,* That where such lease or other rental agreement provided for a security deposit the Director at any time on his own initiative, or on application of the tenant, may order a decrease in the amount of such deposit, or may order its elimination.

4. Section 52 is amended to read as follows:

SEC. 52. *Rent fixed by order of Director.* For rooms as to which no maximum rent for a particular term or number of occupants has been established under any other provision of this regulation, the maximum rent shall be the rent fixed by order of the Director as provided in this section. The Director at any time on his own initiative or on petition of the landlord may enter an order fixing the maximum rent and specifying the minimum services for a room for a particular term or number of occupants for which no maximum rent has been established prior to issuance of the order under any other provision of this regulation. Such maximum rent shall be fixed on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or in the year preceding the maximum rent date in the case of a room which has any maximum rent established under section 53.

5. Section 53 is added reading as follows:

SEC. 53. *Rent based on seasonal demand.* (a) For rooms rented on a seasonal basis during the year preceding the maximum rent date (hereinafter called the "base year"), the maximum rent for different terms and numbers of occupants shall be determined as follows:

(1) The maximum rent for different numbers of occupants on a daily basis from June 1 to September 30 (if this is the in-season) or from April 1 to November 30 (if this is the off-season) shall be: (i) The rent for which the rooms were offered for different numbers of occupants on a daily basis on August 1 of the base year, or (ii) if on August 1 of the base year the rooms were not offered for rent or were not offered for a particular number of occupants on a daily basis, the maximum daily rent shall be the rent for which the rooms were first offered thereafter (during the same season) on a daily basis for a particular number of occupants.

(2) The maximum rent for different numbers of occupants on a daily basis from December 1 to March 31 (if this is the in-season) or from October 1 to May 31 (if this is the off-season) shall be: (i) The rent for which the rooms were offered for different numbers of occupants on a daily basis on February 1 of the base year, or (ii) if on February 1 of the base year the rooms were not offered for rent or were not offered for a particular number of occupants on a daily basis, the maximum daily rent shall be the rent for which the rooms were first offered thereafter (during the same season) on a daily basis for a particular number of occupants.

(3) The maximum rent for different numbers of occupants on a weekly or monthly basis from June 1 to September 30 (if this is the in-season) or from April 1 to November 30 (if this is the off-season) shall be: (i) The highest rent for which the rooms were rented for different numbers of occupants on a weekly or monthly basis during the months of July and August of the base year, or (ii) if during said months of July and August the rooms were not rented for a particular number of occupants on a weekly or monthly basis, the maximum weekly or monthly rent shall be the rent for which the rooms were offered on a weekly or monthly basis for a particular number of occupants on August 1 of the base year.

(4) The maximum rent for different numbers of occupants on a weekly or monthly basis from December 1 to March 31 (if this is the in-season) or from October 1 to May 31 (if this is the off-season) shall be: (i) The highest rent for which the rooms were rented for different numbers of occupants on a weekly or monthly basis during the months of January and February of the base year, or (ii) if during the said months of January and February the rooms were not rented for a particular number of occupants on a weekly or monthly basis, the maximum weekly or monthly rent shall be the rent for which the rooms were offered on a weekly or monthly basis for a particular number of occupants on February 1 of the base year.

(5) If a weekly or monthly maximum rent for a particular number of occupants has not been established under subparagraph (3) or (4) of this paragraph for the in-season or the off-season, the maximum weekly or monthly rent for the in-season or the off-season (as the case may be) shall be the first rent charged in such season for that particular term and number of occupants after the effective date of regulation.

(b) For the purposes of this section "rented on a seasonal basis" means (1) rented or occupied during the "in-season" (winter or summer) and vacant during the "off-season," or (2) rented during the "in-season" at a substantially higher rent than during the "off-season." Other provisions relating to the establishment of maximum rents (section 47, et seq.) shall be inapplicable to such rooms.

6. Section 65 is amended to read as follows:

SEC. 65. *Rent generally prevailing.* In cases under sections 71 and 84 of this regulation, the adjustment shall be on the basis of the rent which the Director finds was generally prevailing in the defense-rental area for comparable rooms on the maximum rent date: *Provided, however,* That in cases under section 71 of this regulation the adjustment may be on the basis of the rental agreement in force on the date or during the sixty-day period establishing the maximum rent: *And provided further,* That in cases under section 84 where the maximum rent was established under section 53 the adjustment shall be on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations in the year preceding the maximum rent date.

7. Section 69 is amended to read as follows:

SEC. 69. *Change prior to maximum rent date.* There was on or prior to the maximum rent date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance or a substantial increase in services, furniture furnishings or equipment, and the rent on the date determining the maximum rent was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

8. Section 72 is amended to read as follows:

SEC. 72. *Seasonal demand.* (a) The maximum rent for the room is substantially lower than the rent at other times of year by reason of seasonal demand for such room, or (b) the maximum rent was established under section 53 and is substantially lower than the rent at other times during the season by reason of seasonal demand for such room. In such cases the Director's order may, if he deems it advisable, provide for different maximum rents for different periods of the calendar year.

9. Section 73 is amended to read as follows:

SEC. 73. *Inequitable rents.* The landlord is suffering an inequity in that (a) the maximum rent for the room is substantially lower than the rent generally prevailing in the defense-rental area for comparable rooms on the maximum rent date for the defense-rental area or during the year preceding the maximum rent date in the case of maximum rents established under section 53, or (b) the landlord has not been compensated for a substantial increase in the costs of operation and maintaining the room since the maximum rent date for the defense-rental area. The adjustment under this section shall be in an amount sufficient to relieve the inequity.

10. Section 74 is amended to read as follows:

SEC. 74. *Change from year-round to seasonal renting or from seasonal renting to year-round renting.* (a) The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, and the establishment of seasonal variations in the rent would not in the opinion of the Area Rent Director be inconsistent with the purposes of the act.

(b) The maximum rents for the accommodations are established on a seasonal basis and the establishment of a year-round maximum rent would not in the opinion of the Area Rent Director be inconsistent with the purposes of the act. If the order is entered establishing a year-round maximum rent, section 27 (providing for a seasonal exemption) shall be inapplicable.

11. Section 84 is amended to read as follows:

SEC. 84. *Rent higher than rent generally prevailing.* (a) The maximum rent for the room is substantially higher than the rent generally prevailing in the defense-rental area for comparable rooms on the maximum rent date or during the year ending on maximum rent date in the case of maximum rents established under section 53, taking into

consideration all relevant factors including any adjustments under sections 68 to 74 which may be applicable.

(b) Where a maximum rent is established under section 49 (d) or 53 (a) (5) of this regulation, and the Director finds that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on the date determining the maximum rent, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section: *Provided, however,* That the order under this section may relieve the landlord or successor landlord of the duty to refund the excess rent for any rental period during which the landlord or successor landlord neither negligently failed or deliberately refused to register. The landlord or successor landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Director within 3 months after the date of filing of such registration statement. If a refund is required by the order under this section such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2.

12. Section 87 is amended to read as follows:

SEC. 87. *Seasonal demand.* (a) The maximum rent for the room is substantially higher than the rent at other times of year by reason of seasonal demand for such room, or (b) the maximum rent was established under section 53 and is substantially higher than the rent at other times during the season by reason of seasonal demand for such room. In such cases the Director's order may, if he deems it advisable, provide for different maximum rents for different periods of the calendar year.

13. Section 88 is amended to read as follows:

SEC. 88. *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings, or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Director at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from the date determining maximum rent or effective date whichever is later. If the Director is unable to ascertain such fact or facts he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable rooms on the maximum rent date, or during the year ending on the maximum rent date in the case of maximum rents established under section 53, and, where appropriate, may determine the living space, services, furniture, furnishings and equipment included in such rent.

14. Section 110 is amended to read as follows:

SEC. 110. *Registration.* Within 45 days after the effective date of regulation every landlord of a room subject to this regulation, rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Director shall require, to be known as a registration statement. Any maximum rent established after the effective date under section 47 or paragraph (d) of section 49 which has not been reported on the first registration statement shall be reported within 10 days after such rent is established, or within 45 days after the effective date, whichever is later, either by amending the registration statement previously filed or by filing a new registration statement. Any maximum rent established under section 53 must be registered within 45 days after April 1, 1952, or within 45 days after the effective date of regulation, or within 10 days after first renting, whichever is later.

15. Section 111 is amended to read as follows:

SEC. 111. *List of actual daily rates.* If daily rates are established under section 47, the landlord shall file, attached to each copy of the first registration statement filed, a list of actual daily rates charged on the maximum rent date for various numbers of occupants. If daily rates are established under section 53, the landlord shall file, attached to each copy of the registration statement filed, a list of actual daily rates charged for various numbers of occupants on August 1 and February 1 of the base year. Each room shall be identified and the rate actually charged and the number of persons in occupancy on the applicable date shall be clearly set forth.

16. Section 114 is amended to read as follows:

SEC. 114. *Posting maximum rents.* Within 45 days after the effective date of regulation, or within 10 days after a maximum rent is established under section 47, or paragraph (d) of section 49, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent: *Provided, however,* That if the maximum rent is established under section 53 the posting shall take place within 45 days after April 1, 1952, or within 45 days after the effective date of regulation, or within 10 days after first renting the room, whichever is later. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Director, the landlord within 10 days after the effective date of the order shall alter the card or sign so that it states the changed rent or rents. The sign or card shall, in addition, state the following: "Any tenant who is in continuous occupancy in this hotel for 30 days or more, shall, upon his request to the landlord, be permitted by the landlord to change to a weekly or monthly term of occupancy and to pay the maximum rent established for his room for that term of occupancy, from and after the date of his request. The landlord shall not be obligated to rent on a monthly basis if no maximum rent is established on that basis for the room occupied by the tenant at the time of his request. Tenants renting on a weekly or monthly term are protected by the eviction provisions of the rent regulation."

[F. R. Doc. 52-3439; Filed, Mar. 25, 1952; 8:50 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

CURUNDU MILITARY RESERVATION

CROSS REFERENCE: For amendment to the tabulation in § 21.3, insofar as it relates to Curundu Military Reservation, *see* Canal Zone Order 26 in Appendix to this chapter, *infra*.

Appendix—Canal Zone Orders

[Canal Zone Order 26]

REVISING THE BOUNDARY OF PARCEL NO. 1 OF CURUNDU MILITARY RESERVATION, CANAL ZONE [1]

By virtue of the authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of Act September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, that portion of the boundary of Parcel No. 1 of Curundu Military Reservation, as described in Executive Order No. 6713 of May 21, 1934, which lies between monument No. 26 and monument No. 48, is hereby revised and redescribed as follows:

Beginning at point No. 26 (formerly a 1½-inch g. i. pipe, set in concrete), which is now an unmarked point located southwesterly from Gaillard Highway pavement, and 100 feet northeasterly from the Panama Railroad right-of-way, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 8°59′ N. plus 2,460.4 feet and longitude 79°34′ W. plus 5,084.0 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 47° 16′ 40″ E., 120.8 feet, crossing Gaillard Highway, to monument No. 26–A, which is a brass plug in an 8-inch square concrete post, located 100 feet northeasterly from the centerline of the Gaillard Highway pavement;

N. 47° 17′ 10″ E., 813.2 feet, through monuments Nos. 26–1, which is a 2-inch iron pipe set in concrete, and 26–2, which is a 2½-inch iron pipe set in concrete, to monument No.

[1] Map filed as part of original document.

27, which is a brass plug in an 8-inch square concrete post, the distances being 236.1 feet, 337.3 feet and 239.8 feet, successively, from beginning of the course;

N. 28° 48' 50" E., 1832.7 feet, through monuments Nos. 27-1, 27-2, 27-3, 27-4, 27-5, 27-6, and 27-7, which are 2½-inch iron pipes set in concrete, to monument No. 27-8, which is a brass plug in an 8-inch square concrete post, the distances being 140.4 feet, 258.5 feet, 202.6 feet, 312.0 feet, 452.9 feet, 212.9 feet, 150.3 feet and 103.1 feet, successively, from beginning of the course;

N. 20° 39' 40" E., 1,005.4 feet, through monuments Nos. 28, 28-1 and 28-2, which are 2½-inch iron pipes set in concrete, to monument No. 29, which is a brass plug in an 8-inch square concrete post, the distances being 348.1 feet, 306.0 feet, 151.2 feet and 200.1 feet, successively, from beginning of the course;

N. 20° 03' 20" W., 576.2 feet, through monument No. 29-1, which is a 2½-inch iron pipe set in concrete, to monument No. 30, which is a brass plug set in the upstream curb, near the southeast corner of the unused concrete bridge across the Rio Cardenas, the distances being 516.3 feet and 59.9 feet, successively, from beginning of the course;

Upstream, along the left bank of the Rio Cardenas, to monument No. 31, which is a 2-inch iron pipe set in concrete, located on the right bank of the Rio Dos Bocas, the geodetic position of which is in latitude 9°00' N. plus 900.8 feet and longitude 79°34' W. plus 3,399.0 feet;

Upstream, in an easterly direction, along the right bank of the Rio Dos Bocas, to monument No. 32, which is a 2-inch iron pipe set in an 8-inch square concrete post, located westerly from the C-8 Road, the geodetic position of which is in latitude 9°00' N. plus 958.7 feet and in longitude 79°34' W. plus 754.0 feet;

S. 36° 09' 30" E., 78.0 feet, to monument No. 33, which is a 2-inch iron pipe set in an 8-inch square concrete post, located easterly from the C-8 Road, on the right bank of the Rio Dos Bocas;

Upstream in an easterly direction, along the right bank of the Rio Dos Bocas, to monument No. 34, which is a 2½-inch iron pipe set in an 8-inch square concrete post, located 100 feet southerly from the centerline of the C-12 Road, the geodetic position of which is in latitude 9°00' N. plus 1,507.6 feet and in longitude 79°33' W. plus 4,094.6 feet;

Southerly, along a line parallel to, and 100 feet westerly from the centerline of the C-12 Road, to monument No. 34-A, which is a 2-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°59' N. plus 5,777.0 feet and longitude 79°33' W. plus 4,419.1 feet:

S. 87° 45' 40" W., 846.3 feet, through monument 34-B, which is a 1¼-inch iron pipe set in concrete, and monument 34-C, which is a 2-inch iron pipe set in concrete, to monument 34-D, which is a 2-inch iron pipe set in concrete, the distance being 253.7 feet, 320.0 feet and 272.6 feet, successively, from beginning of the course;

S. 02° 34' 40" W., 174.3 feet, to monument 34-E, which is a 2-inch iron pipe set in concrete;

S. 23° 27' 20" E., 316.8 feet, through monument 34-F, which is a 2-inch iron pipe set in concrete, to monument 34-G, which is a 2-inch iron pipe set in concrete, the distances being 124.8 feet and 192.0 feet, successively, from beginning of the course;

S. 42° 03' 50" E., 382.3 feet, through monument 34-H, which is a 2-inch iron pipe set in concrete, to monument 34-I, which is a 2-inch iron pipe set in concrete, the distances being 138.5 feet and 243.8 feet, successively, from beginning of the course;

S. 54° 22' 40" E., 496.5 feet, to monument 34-J, which is a 2-inch iron pipe set in concrete;

N. 88° 56' 40" E., 44.7 feet, to monument 34-K, which is a 2-inch iron pipe set in concrete;

N. 88° 56' 10" E., 266.1 feet, to monument 34-L, which is a 2-inch iron pipe set in concrete, located at right angles and 100 feet southwesterly from the centerline of the C-12 Road;

S. 33° 28' 30" E., 152.2 feet, to monument, 32-A, which is a 3-inch iron pipe set in concrete, located on the northerly boundary of Albrook Air Force Base (as established by General Order Number 6 of Headquarters Caribbean Air Command, dated 26 February 1951 and General Order Number 46 of Headquarters United States Army Caribbean dated 1 June 1951), at right angles to, and 100 feet southwesterly from the centerline of C-12 Road;

S. 33° 38' 50" W., 656.4 feet, to monument No. 32, which is a 2-inch iron pipe;

S. 33° 39' 20" W., 1,623.6 feet, through monuments Nos. 31, 30, and 29, which are 2-inch iron pipes, to monument No. 28, which is a 2-inch iron pipe, the distances being 809.1 feet, 299.9 feet, 249.1 feet and 265.5 feet, successively, from beginning of the course;

S. 60°03'20" W., 1,485.1 feet, through monuments Nos. 27, 26, 25 and 24, which are 2-inch iron pipes, to monument No. 23, which is an 8-inch square concrete post, further described as old Curundu Military Reservation boundary monument No. 33, on top of Corozal Hill, the distances being 331.3 feet, 225.5 feet, 229.1 feet, 203.0 feet and 497.2 feet, successively, from beginning of the course;

S. 60° 09' 30" W., 2,524.3 feet, through monuments Nos. 33-1 and 33-2, which are 2-inch iron pipes, located on opposite sides of the C-8 Road, 33-3 and 33-4, which are 2½-inch iron pipes to monument No. 37, which is an 8-inch square concrete post, the distances being 1,044.3 feet, 64.6 feet, 598.5 feet, 391.8 feet and 425.1 feet, successively, from beginning of the course;

S. 47° 58' 20" W., 178.8 feet, to monument "A", which is an 8-inch square concrete monument on the southwesterly side of the short street in front of the Chapel in the Post of Corozal;

N. 43° 04' 30" W., 42.4 feet, to monument B-1, which is a brass plug in the southwesterly curb of the short street in front of the Chapel in the Post of Corozal;

N. 76° 19' 20" W., 23.8 feet, to monument A-3, which is a brass plug in the curb on the southeasterly side of Hospital Road;

S. 48° 20' 50" W., 189.9 feet, to monument A-2, which is a brass plug in the southeasterly curb of Hospital Road;

S. 09° 01' 50" W., 5.2 feet, to monument A-1, which is a brass plug in the easterly curb of Gaillard Highway;

S. 43° 53' 30" E., 70.8 feet, to monument "B", which is a 3-inch iron pipe set in concrete;

S. 43° 56' 10" E., 360 feet, more or less, to an unmarked point called No. 47-1, located 100 feet northeasterly from the centerline of the Panama Railroad right-of-way and on the existing boundary of the Curundu Military Reservation between monuments Nos. 47 and 48;

The directions of the lines refer to the true meridian.

The surveys over the above described revised boundary were made in January 1946, December 1950, August, September and December 1951, and are recorded in Field Books numbered M-384, M-477 and M-488, and the geodetic positions of all points, referred to the Panama-Colon datum of the Canal Zone triangulation system, are on file in the office of the Surveys Branch, Engineering and Construction Bureau, The Panama Canal Company.

The area of Parcel No. 1, as revised by this order, is 8,574 acres, more or less, and that portion of the revised boundary is as shown on Canal Zone Government Drawing No. M-6116-44, entitled "Map Showing Revised Boundary of Curundu Military Reservation (Parcel No. 1) Between Monument No. 26 and Monument No. 48 In the Vicinity of Corozal Cemetery, Canal Zone," scale 1 : 5,000, dated January 17, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, C. Z.

FRANK PACE, Jr.,
Secretary of the Army.

MARCH 18, 1952.

[F. R. Doc. 52-3408; Filed, Mar. 25, 1952; 8:54 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PARCELS ADDRESSED TO CERTAIN A. P. O.'S

In § 34.95 *Parcels addressed to certain A. P. O.'s* amend subparagraph (5) of paragraph (a) to read as follows:

(5) *Size and weight limit* (i) Parcels (other than official air parcel post) addressed to A. P. O.'s in care of postmasters at New York, San Francisco, Seattle, and New Orleans; and to Navy and Marine Corps units, including ships, addressed in care of fleet post offices at New York and San Francisco, shall be subject to the following limitations:

(*a*) Limit of size: 30 inches.

(*b*) Limit of weight: 2 pounds.

(*c*) "Official air parcel post" will be considered to embrace mail addressed to official titles such as commanding officer, officer in charge, or supply officer of any military or naval installation base, unit, vessel, and other Government departments or agencies served through military post offices.

(ii) The limitations in subdivision (i) of this subparagraph do not apply to air parcels mailed at overseas military post offices.

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

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

[F. R. Doc. 52-3392; Filed, Mar. 25, 1952; 8:52 a. m.]

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

DENMARK, ICELAND, NORWAY, SWEDEN, COLOMBIA

a. In § 127.241 *Denmark* amend the table of fees in subdivision (i) of paragraph (b) (4) to read as follows:

Limit of indemnity:	Fee (*cents*)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $200	60
From $200.01 to $300	65
From $300.01 to $330	70

b. In § 127.277 *Iceland* amend the table of fees in subdivision (i) of paragraph (b) (4) to read as follows:

Limit of indemnity:	Fee (*cents*)
Not over $10	20
From $10.01 to $25	25

Limit of indemnity—Continued	Fee (cents)
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $200	60
From $200.01 to $300	65
From $300.01 to $330	70

c. In § 127.320 *Norway (including Spitzbergen)* amend the table of fees in subdivision (i) of paragraph (b) (4) to read as follows:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $200	60
From $200.01 to $300	65
From $300.01 to $330	70

d. In § 127.359 *Sweden* amend the table of fees in subdivision (i) of paragraph (b) (3) to read as follows:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $200	60
From $200.01 to $300	65
From $300.01 to $330	70

e. In § 127.232 *Colombia* amend subdivision (iv) of paragraph (a) (10) to read as follows:

(iv) Each commercial invoice covering books or periodicals must bear the sender's declaration in the form given under "Observations" in the caption "Parcel Post" (see paragraph (b) (8) of this section) and a copy must be sent direct to the International Section, Ministry of Posts and Telegraphs, Bogota, Colombia. If this is not done, or if the invoices are improperly prepared, the shipments may be returned from Colombia as undeliverable.

(R. S. 161, 396, Secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

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

[F. R. Doc. 52-3391; Filed, Mar. 25, 1952; 8:52 a. m.]

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

GREECE (INCLUDING CRETE AND DODECANESE ISLANDS)

In § 127.269 *Greece (including Crete and Dodecanese Islands (Astypalaia, Chalki, Kalymnos, Karpathos, Kassos, Kastellorizon, Kos, Leipsos, Leros, Nissiros, Patmos, Rodos, Symi and Tilos))* amend paragraph (b) (5) as follows:

1. Redesignate subdivisions (ii) and (iii) as (iii) and (iv), respectively.

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

(ii) Exemption from duty is granted for limited amounts of food, clothing and certain other articles sent as gifts for the personal use of the addressee or his family. Interested patrons may obtain further information from the Office of International Trade, Department of Commerce, Washington 25, D. C., or from any field office of that Department.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 52-3393; Filed, Mar. 25, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR Parts 7, 8, 9, 14, 16, 17, 18, 19, 24]

MEAT INSPECTION REGULATIONS

NOTICE OF PROPOSED AMENDMENTS

Notice is hereby given in accordance with the provisions of section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority conferred upon him by the Meat Inspection Act, as amended (21 U. S. C. 71-91), the so-called Horse Meat Act (21 U. S. C. 96), § 306 of the Tariff Act of 1930 (19 U. S. C. 1306), and the act of August 28, 1950 (5 U. S. C. Sup. 576), is considering amending the Meat Inspection Regulations (9 CFR, Chapter 1, Subchapter A) as follows:

1. Section 7.4 would be amended to read as follows:

§ 7.4 *Overtime work of meat inspection employees.* The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of an employee of the division on any Saturday, Sunday, or holiday, or for more than 8 hours on any day, including Monday through Friday, shall, sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Secretary of Agriculture therefor $2.40 per man-hour for each hour of inspection service so furnished. It will be administratively determined from time to time which days constitute holidays.

2. Section 8.3 (a) would be amended to read as follows:

(a) Official establishments and premises on or in which any product is prepared or handled by or for persons to whom certificates of exemption have been issued, shall be maintained in sanitary condition, and to this end the requirements of paragraphs (b) to (h), inclusive, of this section shall be complied with.

3. Section 8.15 would be amended to read as follows:

§ 8.15 *Tagging insanitary equipment, utensils, rooms or compartments.* When, in the opinion of a division employee, any equipment, utensil, room, or compartment at an official establishment is unclean or its use would be in violation of any of the regulations in this subchapter, he will attach a "U. S. Rejected" tag thereto. No equipment, utensil, room, or compartment so tagged shall again be used until made acceptable. Such tag so placed shall not be removed by anyone other than a division employee.

4. Section 9.4 would be amended to read as follows:

§ 9.4 *Cripples and downers.* All seriously crippled animals and animals commonly termed "downers," if not marked "U. S. condemned," as required elsewhere in this part, shall be marked and treated as suspects in accordance with § 9.2.

5. Section 14.5 (b) would be amended to read as follows:

(b) Specimens of diseased, condemned, and inedible materials, including pig or lamb embryos and specimens of animal parasites, may be released for research and other purposes when authorized by the chief of division, provided that the applicant for such specimens shall have arranged with and received permission from the official establishment to obtain them. The application to the division for the release of such material for research purposes should include the following information: (1) The name of the organization or individual conducting the research, (2) the name of the official establishment from which the material is to be obtained, and (3) the kind and amount of material desired. In addition, the application should contain a statement that the material will be used for research purposes only and that the organization or individual conducting the research assumes full responsibility for the results of research involving this material.

6. Section 16.2 would be amended to read as follows:

§ 16.2 *Preparation of marking devices bearing inspection legend without advance approval prohibited; exception.* Except for the purpose of submitting a sample or samples of the same to the chief of division for approval, no person shall procure, make, or prepare, or cause to be procured, made, or prepared, labels, brands, or other marking devices bearing the inspection legend or any abbreviations, copy or representation thereof, for use on any product without the written authority therefor of the chief of division. However, when any sample label, brand, or other marking device is approved by the chief of division, new supplies of such labels and new brands and other marking devices of a character exactly similar to such approved sample may be procured, made, or prepared, for

use in accordance with the regulations in this subchapter, without further approval by the chief of division.

7. Section 16.13 (b) would be amended by changing the period at the end thereof to a colon and adding the following: *And provided further*, That imitation sausage packed in properly labeled containers having a capacity of 1 pound or less and of a kind usually sold at retail intact, need not bear the mark "imitation" on each link or piece if no other marking or labeling is applied to the product.

8. Section 16.13 (g) would be revoked and § 16.13 (h) would be renumbered § 16.13 (g).

9. Section 16.15 (b) would be revoked, and §§ 16.15 (c) and 16.15 (d) would be renumbered as §§ 16.15 (b) and 16.15 (c), respectively.

10. Section 17.2 (c) would be amended to read as follows:

(c) Stencils, box dies, inserts, tags, and like devices shall not bear an inspection legend or any abbreviation or representation thereof: *Provided*, That with the approval of the chief of division, box dies including the inspection legend and establishment number may be used in marking wooden boxes of light material having a maximum capacity of five pounds, fiber board containers, and wood wire-bound boxes and crates with at least 90 percent of the total wood surfaces being veneer wood not over one-sixth of an inch thick and of such quality that matter imprinted on it is legible.

11. Section 17.8 (c) (27) would be amended to read as follows:

(27) Product labeled "Chili Con Carne" shall contain not less than 40 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredient under specific declaration on the label. The mixture may contain not more than 8 percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soya flour, dried milk or dried skim milk.

12. Section 17.8 (c) would be amended by adding thereto the following subparagraphs:

(48) Products labeled "Pork With Barbecue Sauce" and "Beef With Barbecue Sauce" shall contain not less than 50 percent meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72 percent meat computed on the weight of the fresh uncooked meat. When cereal, vegetable flour, dried skim milk or similar substances are used in preparing the products, such fact shall be prominently stated as a part of the name of the product.

(49) The weight of smoked products such as hams, pork shoulders, pork shoulder picnics, pork shoulder butts, beef tongues, and the like, except hams, pork shoulder picnics, and similar products prepared for canning shall not exceed the weight of the fresh uncured article. Hams, pork shoulder picnics, and similar products prepared for canning shall be prepared to conform to the limitations provided in § 18.7 (n) of this subchapter in the case of ham for canning.

(50) The terms "Animal Fat" and "Meat Fat" may be used synonymously to identify rendered fats obtained from cattle, sheep, swine, or goats in the name of product and ingredient statement for such meat food products as shortening and uncolored oleomargarine. The terms "Animal Fat" or "Meat Fat" shall not be used to identify such well known single commodities as lard, rendered pork fat, oleo oil, oleo stearin, oleo stock and the like when prepared and packed as such.

(51) "Beef with Gravy" and "Gravy with Beef" shall not be made with beef which, in the aggregate for each lot contains more than 30 percent trimmable fat, that is, fat which can be removed by thorough practical trimming and sorting.

13. Section 18.6 (a) (6) would be amended to read as follows:

(6) Beef rounds, beef bungs, beef middles, beef bladders, calf rounds, hog bungs, hog middles, and hog stomachs which are to be used as containers of meat food product shall be presented for inspection turned with the fat surface exposed.

14. Section 18.10 (b) would be amended to read as follows:

(b) Products containing pork muscle tissue (including hearts, pork stomachs and pork livers) or the pork muscle tissue which forms an ingredient of such products, including, or of the character of, those named in this paragraph, are classed as articles which shall be effectively heated, refrigerated, or cured at a federally inspected establishment to destroy any possible live trichinae: Bologna; frankfurts; viennas; smoked sausage; knoblauch sausage; mortadella; all forms of summer or dried sausage, including mettwurst; cooked loaves; roasted, baked, boiled, or cooked ham, pork shoulder, or pork shoulder picnic; Italian-style ham; Westphalia-style ham; smoked boneless pork shoulder butts; cured meat rolls; capocallo (capicola, capacola); coppa; fresh or cured boneless pork shoulder butts, hams, loins, shoulders, picnics, and similar pork cuts, in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed; cured boneless pork loin; boneless back bacon (Canadian style bacon); pork cuts such as hams, shoulders and picnics, which are subjected to smoking at sufficiently high temperatures to impart a partially cooked appearance to the meat (ordinarily, such cuts fall in this class when heated to an internal temperature above 120° F.).

15. The seventh sentence of the last paragraph of § 18.10 (c) (2) would be amended to read as follows:

A duplicate copy shall be retained in the station file.

16. Part 19 would be revoked.

17. Section 24.1 (d) would be amended to read as follows:

(d) A numbered meat inspection stamp shall be affixed to each tank car of inspected and passed lard or similar edible product, and to each door of each railroad car or other closed vehicle containing a full load of inspected and passed loose meat shipped direct to Canada, Cuba, or Mexico.

18. Section 24.2 (c) would be amended to read as follows:

(c) Only one certificate shall be issued for each consignment, except that for sufficient reasons new certificates may be issued by inspectors in charge. A certificate issued in lieu of another should show in the left hand margin the notation "Issued in lieu ____". A certificate that is cancelled when another is issued in lieu thereof, shall show in the left hand margin the number of the certificate which was issued in lieu, as follows: No. ____ in lieu.

19. Section 24.2 (f) would be amended to read as follows:

(f) The triplicate of the certificate shall be retained in the station file.

20. Section 24.2 (i) would be revoked.

21. Section 24.2 (j) would be renumbered § 24.2 (i) and § 24.2 (k) would be renumbered § 24.2 (j).

22. Section 24.2 (i) as renumbered would be amended to read as follows:

(i) No erasures or alterations shall be made on a certificate. All certificates rendered useless through clerical error or otherwise and all certificates cancelled for whatever cause shall be destroyed.

23. Section 24.3 (f) would be amended to read as follows:

(f) *Colombia.* Form MI 412–7, which is printed in English on the obverse side and in Spanish on the reverse side, shall be issued in quintuplicate for lard destined to Colombia, South America. The certificate shall be fully executed and signed on both sides. The fifth copy shall be retained in the station file.

24. Section 24.5 (a) would be amended to read as follows:

(a) A regular blue animal-casings certificate may be issued for animal casings destined to countries other than Australia, Austria, Canada, France, Great Britain, Netherlands, New Zealand, Poland, and Union of South Africa, upon request of exporters.

25. Section 24.5 (b) would be amended to read as follows:

(b) Form MI 415–5 shall be issued in duplicate for animal casings destined to Australia, Austria, Canada, and Poland. Upon the request of the exporter, Form MI 415–5 may be issued to cover animal casings destined to any foreign country if the factual knowledge available justifies such certification.

26. Section 24.5 (e) would be amended to read as follows:

(e) *France.* Form MI 412–8 shall be issued in duplicate for each consignment of animal casings destined to France.

Such casings must be derived only from animals which have been U. S. inspected and passed. When necessary, inspectors will require affidavits from exporters covering the origin of animal casings. The duplicate copy of the certificate issued for animal casings shall be retained in the station file.

27. The last two sentences of § 24.5 (h) would be amended to read as follows:

Furthermore, all such casings intended for exportation to New Zealand shall first be examined by Division inspectors and only those found fit for use as sausage containers in official establishments shall be certified. A copy of each certificate shall be placed in the station file.

The purpose of the foregoing proposed amendments is to bring into the regulations orders and instructions that have been given to the field operating force of the Meat Inspection Division and inspected establishments during the past year, and to incorporate new material controlling the composition of certain meat food products along lines which have been thoroughly investigated by that Division.

Any person who wishes to submit written data or arguments concerning the proposed amendments may do so by filing them with the Chief of the Meat Inspection Division, Bureau of Animal Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 21st day of March 1952.

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

[F. R. Doc. 52-3417; Filed, Mar. 25, 1952; 8:48 a. m.]

[9 CFR Parts 71, 78]

INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the provisions of the acts of Congress approved May 29, 1884, as amended (21 U. S. C. 112–119, 130 and Pub. Law 238, 82d Cong.); February 2, 1903, as amended (21 U. S. C. 111, 120–122); and March 3, 1905, as amended (21 U. S. C. 123–128), is considering amending the regulations governing the interstate transportation of animals and poultry appearing in Title 9, Chapter 1, Subchapter C, Code of Federal Regulations (9 CFR and Supp., Part 71 et seq.) in the following respects:

1. By adding to the definitions appearing in § 71.1 a new paragraph (l) defining the word "interstate," for the purposes of said Subchapter C, to read as follows:

(l) *Interstate.* From one State, Territory or the District of Columbia to any other State, Territory, or the District of Columbia.

2. By adding, at the end of said Subchapter C, a new Part 78, to read as follows:

PART 78—BRUCELLOSIS AND PARATUBERCULOSIS IN DOMESTIC ANIMALS

§ 78.1 *Interstate movements of paratuberculosus and brucellosis-affected domestic animals for immediate slaughter, when permitted.* Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis or which, never having been vaccinated for brucellosis, have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be shipped, transported, received for transportation, or otherwise moved interstate for immediate slaughter to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or to a public stockyard where Federal inspection is maintained, for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) Cattle which have reacted to either of such tests shall be marked for identification by branding the letter "B" for brucellosis or the letter "T" for paratuberculosis, as the case may be, on the left jaw, not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted," or a similar State reactor tag. The metal tag only, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(b) The reactors shall be accompanied to destination by a certificate issued by a Bureau inspector or a regularly employed State inspector engaged in cooperative brucellosis or paratuberculosis-eradication work, showing (1) that the animals have reacted to a test recognized by the Secretary of Agriculture for brucellosis or paratuberculosis, as the case may be; (2) that they may be moved interstate; and (3) the purpose for which they are to be moved.

(c) The transportation agency shall plainly write or stamp upon the face of each of the waybills, conductors' manifests, or memoranda pertaining to shipments of such reactors the words "Brucellosis Reactors" or "Paratuberculosis Reactors," as the case may be, and a statement to the effect that the vehicle or compartment of the boat in which the animals are to be transported is to be cleaned and disinfected.

(d) The vehicle or the compartment of the boat in which the reactors are transported interstate shall be cleaned and disinfected under the supervision of a Bureau inspector or a regularly employed cooperating State livestock inspector, by the final carrier, at destination, in accordance with the provisions of §§ 71.9 to 71.11, inclusive, of this subchapter.

(e) Any vehicle from which reactors moving interstate are transferred enroute to destination shall be cleaned and disinfected in accordance with the provisions of §§ 71.9 to 71.11, inclusive, of this subchapter, by the carrier having possession of the vehicle at the time of transfer.

(f) The reactors shall not be shipped or transported in vehicles or in compartments of boats containing healthy animals susceptible to brucellosis or paratuberculosis unless all of the animals are for immediate slaughter and unless the reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle or compartment.

§ 78.2 *Reshipments of purebred reactors.* Purebred animals which have been moved interstate for breeding purposes, and which, subsequent to such movement, have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis or which, never having been vaccinated for brucellosis, have, subsequent to such movement, reacted to a test recognized by the Secretary of Agriculture for brucellosis, may be reshipped interstate for purposes other than immediate slaughter in accordance with the following requirements:

(a) The reactors shall be returned to the point of origin, consigned to the original owner.

(b) The reactors shall not be shipped or transported in vehicles or in compartments of boats containing healthy animals susceptible to brucellosis or paratuberculosis unless such reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle or compartment.

(c) The reactors shall be accompanied to destination by a certificate issued by a Bureau inspector or a regulary employed State inspector engaged in cooperative brucellosis or paratuberculosis-eradication work, showing (1) that the animals have reacted to a test recognized by the Secretary of Agriculture for brucellosis or paratuberculosis, as the case may be; (2) that they may be shipped interstate; and (3) the purpose for which they are to be shipped.

(d) Test charts for the original test and any subsequent retest, showing that such tests were properly conducted, shall be submitted for examination to the Bureau or State inspector who issues the certificate.

(e) Reactor cattle shall be marked for identification by branding the letter "B" for brucellosis or the letter "T" for paratuberculosis, as the case may be, not less than 2 nor more than 3 inches high, on the left jaw, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. reacted", or a similar State reactor tag. The metal tag only, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(f) The reactors shall not be shipped to any State or Territory or the District of Columbia without specific provision by the appropriate livestock sanitary official thereof for the segregation or quarantine of such reactors until their death by slaughter or from natural causes.

(g) The reactors shall not again be moved interstate except for immediate slaughter in accordance with the provisions of § 78.1.

(h) The vehicle or the compartment of the boat in which the reactors are transported interstate shall be cleaned and disinfected under the supervision of a Bureau inspector or a regularly employed cooperating State livestock inspector, by the final carrier, at destination in accordance with the provisions of §§ 71.9 to 71.11, inclusive, of this subchapter.

So far as they pertain to the movement of domestic animals and poultry, the acts of Congress of May 29, 1884, February 2, 1903, and March 3, 1905, previously cited, regulate their movement "from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia." The word "interstate", used in the regulations in Subchapter C, means literally, "between States" or "from one State to another State." In that sense, it is too restrictive since it does not cover the Territories and the District of Columbia. Therefore it is proposed to define the word "interstate," as used in Subchapter C, in order to conform the regulations to the legislation on which they are based.

Sections 6 and 7 of the act of Congress approved May 29, 1884 (21 U. S. C. 115 and 117), in substance, prohibit the movement, from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, of any livestock that are affected with any communicable disease. By act of October 30, 1951 (Pub. Law 238, 82d Cong.), Congress amended that prohibition so as to permit the movement from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, for immediate slaughter, in accordance with regulations prescribed by the Secretary of Agriculture, of domestic animals which have reacted to a test recognized by him for paratuberculosis or which, never having been vaccinated for brucellosis, have reacted to a test recognized by him for brucellosis. The act of October 30, 1951, also authorized the Secretary of Agriculture, in his discretion and under such regulations as he might prescribe, to permit domestic animals which have been moved from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, for breeding purposes, and which subsequently have so reacted to a test for brucellosis or paratuberculosis recognized by the Secretary of Agriculture, to be reshipped to the original owner at the point of origin. The regulations proposed to be embodied in new Part 78 are designed to carry out these purposes of the act of October 30, 1951, with a minimum of inconvenience to the livestock shippers while, at the same time, providing adequate safeguards against the interstate dissemination of the named diseases.

All persons who desire to submit written data, views, or arguments, regarding these proposed amendments may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within 15 days after the date of publication of this notice in the FEDERAL REGISTER.

(Secs. 6 and 7, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, Pub. Law 238, 82d Cong.; 21 U. S. C. 111, 115–117, and 125)

Done at Washington, D. C., this 21st day of March 1952.

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

[F. R. Doc. 52-3416; Filed, Mar. 25, 1952; 8:48 a. m.]

Production and Marketing Administration

[7 CFR Part 961]

[Docket No. AO-160-A-12]

HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tenative marketing agreement and to the order, as amended, was formulated, was conducted at Philadelphia, Pennsylvania, on February 25 through 28, 1952, pursuant to notice thereof which was issued on February 14, 1952 (17 F. R. 1567).

The material issues of record related to:

1. Special pricing for surplus milk in certain uses during April, May, and June.
2. Regulation of plants disposing of Class I milk in both the Philadelphia and New York marketing areas.
3. Adjustment of the Class I price formula calculation to accommodate the revised wholesale price index.
4. The listing of certain plants as producer milk plants in the order.
5. A change in the definition of "producer milk plant" which would result in regulation of a plant disposing of any Class I milk in the marketing area during April, May, and June.
6. Insertion of the term "concentrated milk" in the order provision which defines Class I utilization.
7. Prices applicable to producer milk sold outside the marketing area.
8. Use of equivalent prices and indexes when a price or index specified by the order is not published or reported in the manner described by the order.
9. Renumbering of the sections, paragraphs, subparagraphs and subdivisions of the order in accordance with the revised Federal Register procedure.

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

1. *Surplus prices for certain uses during April, May, and June.* A special price not lower than the New York Class III price should apply during April, May, and June 1952 to milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk.

Both handlers and producers made proposals at the hearing which would provide for a special price, substantially lower than the regular Class II price, for milk disposed of during the flush months in certain uses. The purpose of such lower price would be to induce handlers to accept all producer milk during the months of highest production, and to reduce the monetary loss which might be incurred by a producers' organization if it arranged for the marketing of milk not accepted by handlers. The proposals for such special pricing applied only to the months of April, May, and June.

Some possibility of a larger volume of producer milk in spring months this year than in recent years is indicated by the higher level of producer receipts in the just past December and January as compared to receipts in the same months one and two years previous. In 1949 and also in 1950 the order was amended to provide special prices during the flush season in order to facilitate the disposal of surplus milk. It was testified, that even so, one producer organization found it necessary in the spring months of 1950 to handle large volumes of milk for its members which had not been accepted by handlers.

In considering the problem of appropriate pricing for surplus milk in flush months, it should be recognized that the order already provides, by an amendment of April 1, 1950, a 10 cent per hundredweight greater deduction in calculation of the Class II prices for April, May, and June than in other months, and provides special pricing for butterfat used to make butter. The special surplus prices proposed at the hearing would be lower than either of these, and would apply to milk used in evaporated milk, milk chocolate, and cheese other than cottage cheese under the handler proposal, and also to milk used for butter and nonfat dry milk under the producer proposal. Testimony supported these uses as the most likely outlets for quantities of milk which handlers do not consider necessary for normal Class II uses.

Inasmuch as plants supplying this market are interspersed with plants sup-

plying the New York market, the relationship of surplus milk prices under the orders for these two markets is important. Since July 1950 the Class III price under the New York order has been less than the Philadelphia Class II price by amounts varying from a few cents to about 45 cents per hundredweight. These two prices for surplus milk are not strictly comparable, since the Philadelphia Class II includes cream for fluid use, while the New York Class III does not. However, inasmuch as the Class III price may be expected to be a principal competitive factor affecting the disposition of surplus milk by Philadelphia handlers in the lower valued uses, a price under the Philadelphia order based on the same formula and applicable to the proposed products, except butter, should aid materially in disposing of surplus milk in this market.

It is concluded that in the case of milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk, the price should be calculated by the same formula used under the New York order to calculate the Class III price, with appropriate recognition of the applicable location differentials and the difference in basic butterfat test. Since the New York Class III price is for the 201 to 210 mile zone, and Philadelphia order prices are f. o. b. the market, 73 cents should be deducted from the computed market values of butterfat and nonfat milk solids instead of the 80 cents deduction used under the New York order.

Butterfat used for making butter would not be included in the group of products to which this special pricing would apply, since the order already provides a special price for this use which may be expected to be lower.

Data in the record show that large quantities of nonfat dry milk were manufactured by handlers in their own plants during flush months of recent years. In the case of skim milk made into powder, there is no substantial use for the residual butterfat in the specified uses to which the special lower price would apply. In order to apply the lower price in case of milk used for making nonfat dry milk, the price should apply to the volume of whole milk from which the powder is manufactured. The same method of accounting would apply in the case of other skim milk used in the other specified products to the extent that the corresponding butterfat content of the whole milk was not so used.

A special butterfat differential should apply to milk in the proposed special surplus price classification, inasmuch as the regular Class II butterfat differential might, in some cases, result in an imputed negative value for the skim milk portion. For this purpose it appears reasonable to apportion the 73 cent deduction subtracted from the market values of butterfat and nonfat dry milk in arriving at the special surplus price in the same manner as in the case of milk used in the manufacture of butter. A butterfat differential would then be calculated by adding 2 cents to the average butter price computed pursuant to § 961.4 (a) (2) (i), multiplying by 1.22 and by 4, subtracting 19 cents, and dividing by 40.

As proposed by handlers, the special price would apply only to milk shipped in bulk to a manufacturing plant and used in the specified products. Omission of the shipping requirement would appear to better promote economic handling of the milk by encouraging more manufacturing in handlers' own plants.

The price recommended herein for surplus milk used in the specified products is designed to apply particularly to conditions likely to obtain during April, May and June 1952 and should be restricted to these months.

2. *Philadelphia plants disposing of milk in New York.* Milk disposed of as Class I in the New York metropolitan marketing area by producer milk plants under the Philadelphia order should be priced at the Philadelphia order Class II price.

During April, May, and June 1950 and April through August 1951, three plants were Philadelphia producer milk plants in one or more of such months and disposed of substantial quantities of milk in the New York metropolitan milk marketing area as Class I milk. These plants became producer milk plants under the Philadelphia order by reason of shipping milk, part of which was Class I, to the Philadelphia marketing area (or to a producer milk plant supplying the Philadelphia marketing area) on more than four separate days in the month. The total Class I milk in these plants for the months in which they disposed of Class I milk in both markets was 16,940,329 pounds, of which 2.3 percent was disposed of in Philadelphia, 19.4 percent in New Jersey and 78.3 percent in the New York marketing area. Although these plants disposed of most of their milk in the New York market, they had not qualified as New York pool plants for these months. If they had qualified as New York pool plants, they would have been precluded under § 961.1 (a) (6) from becoming Philadelphia producer milk plants.

In this instance no payments were made into the New York pool on milk sold in the area, for, although the New York order requires payment of the difference between class prices under the two orders, the Philadelphia order prices such milk at the New York Class I–A price, and hence there was no difference.

It is apparent that the three plants mentioned were not operating as a regular part of the Philadelphia milk supply, since a very minor part of their milk was sold in the market, and they entered the market during months when milk was most plentiful from regular sources. Also, they were not operating as a part of the regular supply for the New York market, inasmuch as they had not qualified as New York pool plants. This type of operation, which may be based on minimal shipments to the Philadelphia market, in effect allows a plant which is not a regular source of supply for the New York market to market milk as Class I in the New York market without contributing any value to the New York pool, and accordingly may be considered as displacing producer milk which would otherwise be used in Class I. It is reasonable that the payments required to producers under the Philadelphia order should be adjusted in a manner which will allow payment into the producer settlement fund under the New York order on such milk.

Although the amount of milk marketed in the New York marketing area by plants which are nominally Philadelphia producer plants has been a minor portion of the total fluid sales in that market, it is apparent that, because of the ease with which any plant may become a Philadelphia producer plant under the terms of the order, the possibility exists of extensive use of this device to avoid payments into the New York pool. It does not appear desirable to remedy this situation by changing the order provisions defining a producer milk plant, since exclusion from this definition of plants (other than New York pool plants) because of shipments to the New York market, would open the Philadelphia market to unregulated handlers.

Under the terms of the orders, it is also evident that plants which are a regular part of the supply for the Philadelphia market could dispose of a portion of their surplus milk by shipping it to the New York market for fluid use. This milk would displace New York order producer milk ordinarily used in such fluid outlets, and accordingly it is reasonable that such milk should contribute value to the New York pool. Since this milk would otherwise be surplus milk in the Philadelphia producer plant, Philadelphia producers would be entitled to only the Class II price on such milk, assuming the balance of the value is required to be paid into the New York order producer settlement fund. The New York order provides for collection of such payment.

3, 4, 5, 6, 7, 8, 9. Action on issues numbered 3 through 9 is reserved for a further decision on the record of this hearing.

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

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

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

Rulings on proposed findings and conclusions. Briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the

proposed amendments. 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 the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following order amending the order, as amended, regulating the handling of milk in the Philadelphia marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and is hereby proposed to be further amended.

1. In § 961.4 (a) (2) add the following:

(iii) During the months of April, May and June 1952, in the case of milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk, subtract from the sum of the values computed in subdivisions (i) and (ii) of this subparagraph any excess over the sum of the butterfat and skim milk values computed as follows:

Compute a butterfat value by adding to the average butter price per pound computed pursuant to subdivision (i) of this subparagraph 2 cents, multiply the sum by 1.22 and by 4, and deduct 19 cents; and compute a skim milk value by multiplying by 7.8 the weighted average (using the weight of 70 for roller process prices and a weight of 30 for spray process prices) of the prices per pound of roller process and spray process nonfat dry milk solids, for human consumption, in carlots, f. o. b. manufacturing plants in the Chicago area, as published by the United States Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month, and subtract 54 cents.

2. In § 961.4 (b) (2) change the period at the end of the sentence to a semicolon (;) and add the following: "and in the case of milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk, during April, May and June 1952, divide the butterfat value computed pursuant to § 961.4 (a) (2) (iii) by 40."

3. Amend § 961.4 (d) by changing the last proviso contained therein to read as follows: "*And provided further*, That in the case of Class I milk disposed of in an area where the handling of milk is regulated by another order of the Secretary the price effective under such other order shall apply, except that when disposed of in the New York metropolitan milk marketing area the price for such milk shall be the Class II price pursuant to subdivisions (i) (exclusive of the proviso) and (ii) of § 961.4 (a) (2)."

Issued this 21st day of March 1952.

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

[F. R. Doc. 52-3495; Filed, Mar. 25, 1952; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

AIR TRAFFIC RULES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Part 60 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by April 30, 1952. Copies of such communications will be available after May 2, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Part 60 of the Civil Air Regulations provides for the regulation of air traffic and contains the general rules of the air governing the navigation of aircraft. On September 7, 1951, the Bureau issued Draft Release No. 51-7, which was also published as a notice of proposed rule making (16 F. R. 9097), in which certain amendments to Part 60 were proposed. Considerable comment was received which was directed mainly to the provisions affecting visual flight rule and minimum altitude sections. As a result of such comment, the Bureau has decided not to recommend to the Board amendments to those sections at this time. On the other hand, the Bureau considers that proposed amendments published at the same time affecting special flight operations, acrobatics, and air shows are presently needed. These proposals received only slight comment, and the Bureau wishes to give interested persons further opportunity for study and comment. Accordingly, these proposals are being recirculated and republished in substantially the same form.

It is proposed to amend § 60.1 (b) to provide approval for the conduct of special flight operations by means of a direct authorization by the Administrator rather than by a waiver as presently required. As the note to this paragraph indicates, such authorization must be obtained only when the operations cannot otherwise be performed in accordance with the flight rules of Part 60.

Recently, control areas have been extended beyond the limits of the civil airways, and some question has been raised as to whether acrobatics may be performed in such areas. Therefore, in order to clarify the situation and to further safety by limiting acrobatics in controlled airspace to certain defined areas, the Administrator will have discretion under proposed § 60.16 (b) to designate portions of controlled airspace for acrobatic flight training. This proposal is also designed to afford opportunity for such flight training to those located in areas having little uncontrolled airspace reasonably available. Not only will the system of individual waivers as presently in effect be eliminated, but an additional advantage will be gained since it is expected that these areas will be designated as "caution" or "acrobatic" areas, and the publication of such designation will provide notice to the public. It is intended that such areas will be designated only when the area is needed to prevent undue hardship on an operator, and that they will be so located that the activity to be conducted therein will not constitute a hazard to the normal flow of traffic in the control area or control zone.

Finally, a new § 60.24 is proposed to require separate authorization of air races and other exhibition-type flight activities. Authorization under this section will also be required for exhibition parachute jumps in order to insure that the conditions under which the jump is to be made will not be detrimental to the safety of persons or property.

It is therefore proposed to amend Part 60 of the Civil Air Regulations substantially as follows:

1. By amending § 60.1 (b) and the note following that paragraph to read as follows:

§ 60.1 *Scope.* * * *

(b) Aircraft engaged in special flight operations which are conducted in accordance with the terms of a written authorization issued by the Administrator.

NOTE: Authorization for specific operations which cannot be conducted within the provisions of the regulations of this part, such as certain pest control or seeding operations, may be obtained from the nearest Aviation Safety District Office of the Civil Aeronautics Administration.

2. By amending § 60.16 (b) to read as follows:

§ 60.16 *Acrobatic flight.* * * *

(b) Within any control area or control zone, except in such portions thereof as are designated by the Administrator for acrobatic flight training, and under such conditions as he may prescribe, or

3. By adding a new § 60.24 to read as follows:

§ 60.24 *Air races, air shows, exhibition parachute jumps, or similar aeronautical demonstrations.* No air race, air show, exhibition parachute jump, or similar aeronautical demonstration shall

be conducted except in accordance with such terms and conditions as the Administrator may prescribe.[1]

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposed amendments may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated March 20, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 52-3458; Filed, Mar. 25, 1952; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 110]

DESTRUCTION OF RECORDS WITH REGARD TO CARS OR PROTECTIVE SERVICE FURNISHED AGAINST HEAT OR COLD

NOTICE OF PROPOSED RULE MAKING

MARCH 17, 1952.

Notice is hereby given to all persons which furnish cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company subject to section 20 (6) of the Interstate Commerce Act, as amended, and which are not now subject to any accounting regulations prescribed pursuant to the Act, that the Commission, by division 1, has under consideration the matter of regulations to govern the destruction of records which pertain or relate to the cars or protective service so furnished. As presently advised those regulations will require the permanent retention of all records relating to the ownership or long-term lease of carrier property and will require records relating to the maintenance and operation of such carrier property to be preserved three years.

Any interested party may on or before April 30, 1952, file written views or opinions to be considered in this connection. Unless otherwise found necessary after consideration of representations so received, the regulations will be made effective June 1, 1952.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3421; Filed, Mar. 25, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[418.114]

PETROLEUM OIL FOOTS

TARIFF CLASSIFICATION

MARCH 20, 1952.

It appears probable that a correct interpretation of paragraph 1558, Tariff Act of 1930, requires that certain "crude by-products obtained as foots in a petroleum oil refining process" be classified thereunder as nonenumerated manufactured articles. Under an established and uniform practice such foots now are classified as distillates obtained from petroleum, under paragraph 1733, free of duty.

The merchandise in question is obtained by treating the lubricating oil fraction of petroleum with concentrated sulphuric acid, and treating the resultant acid sludge with sodium hydroxide.

Pursuant to § 16.10a (d), Customs Regulations of 1943 (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying such merchandise under paragraph 1733, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of such petroleum oil foots which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice.

No hearings will be held.

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

[F. R. Doc. 52-3444; Filed, Mar. 25, 1952; 8:51 a. m.]

[1] The terms and conditions which may be prescribed by the Administrator will be found in Civil Aeronautics Manual 60.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 5, Region II]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

MARCH 19, 1952.

Pursuant to the following-listed determinations 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 or reserved for power purposes, are hereby opened to disposition under the public-land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and as to DA–713 and DA–728 subject to the stipulation that, if and when the lands are needed for development, any structures or improvements located thereon that may be found to interfere with such development will be removed or located without expense to the United States, its licensees or permittees; and as to DA–750 subject to the stipulations that:

(a) In carrying on the mining and/or milling operations contemplated, the mineral locators will, by means of substantial dykes or aqueduct structures, confine all tailings and/or debris in such manner that the same will not be carried by storm water or otherwise into the water courses of the region;

(b) Mineral locators, their heirs, successors or assigns, shall not use or conduct mining or any other operations upon the power project lands in such manner as will conflict with or hinder the uses and purposes of the United States, its permittees or licensees in connection with the use of the lands for power development; and

(c) The locators further agree that the United States, its licensees and permittees shall not be held liable for any damage to the improvements or workings of the locators resulting from the use of the lands for purposes of power development.

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
DA-664 California	Power-site reserve No. 560 of Oct. 30, 1916.	Under applicable public land laws.	California: T. 12 N., R. 8 W., M. D. M., sec. 30, SE¼NE¼, containing 40 acres.
DA-676 California	Proposed project No. 247 of Sept. 1, 1922.	do	California: T. 33 N., R. 6 W., M. D. M., sec. 30, SE¼, containing 160 acres.
DA-686 California	Power-site reserve No. 322 of Dec. 11, 1912.	do	California: T. 13 S., R. 24 E., M. D. M., sec. 8, SE¼SE¼, containing 40 acres.
DA-705 California	Proposed project No. 687 of Jan. 18, 1926.	do	California: T. 19 N., R. 5 E., M. D. M., sec. 22, SW¼SW¼, containing 40 acres.
DA-713 California	Power-site reserve No. 201 of Aug. 30, 1911.	do	California: T. 11 N., R. 11 E., M. D. M., sec. 30, SE¼SE¼, containing 40 acres.
DA-714 California	Proposed project No. 284 of July 31, 1922.	do	California: T. 5 N., R. 13 E., M. D. N., sec. 5, lot 4; sec. 6, lot 4, containing 87.81 acres.
DA-728 California	Power-site reserve No. 87 of July 2, 1910.	do	California: T. 6 N., R. 13 E., M. D. N., sec. 22, S½NE¼; sec. 23, lot 4, containing 104.23 acres.

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
DA-750 California.....	Power-site reserve No. 87 of July 2, 1910; project No. 137 of June 26, 1925, as amended; project 225 of Aug. 6, 1924; project 707 of Mar. 26, 1927.	For mining purposes only.	California: T. 7 N., R. 13 E., M. D. N., sec. 32, unpatented portion of SW¼ containing less than 153.72 acres.
DA-756 California.....	Proposed project No. 187 of Apr. 17, 1924.	.....do.....	California: T. 20 N., R. 11 E., M. D. N., sec. 35, NE¼NW¼, containing 40 acres within the Tahoe National Forest.

The character of the above-described lands outside of national forests is rough, hilly to mountainous non-agricultural land which is primarily suitable for forestry, grazing or hunting purposes except as to DA-705, DA-728 and DA-750 which contain some evidence of being mineral in character. It is unlikely that they will be classified as suitable for homestead, desert-land, or small tract use.

The lands described shall be subject to application by the State of California for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 91st day after the date of publication. At that time the said 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 from the Land Office at Sacramento, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52-3382; Filed, Mar. 25, 1952; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043).

Almar Manufacturing Co., Inc., Washington, Ga., effective 3-12-52 to 3-11-53; 10 percent of the productive factory force (plastic rainwear).

Ashland Shirt & Pajama Co., Ashland, Pa., effective 3-13-52 to 3-12-53; 10 percent of the productive factory force (men's shirts).

Barbizon of Utah, Inc., 150 West Twelfth North, Provo, Utah, effective 4-5-52 to 4-4-53; 10 percent of the productive factory force (ladies' lingerie).

Barbizon of Utah, Inc., 150 West Twelfth North, Provo, Utah, effective 3-13-52 to 9-12-52; 40 learners for expansion purposes (ladies' lingerie).

Blue Bell, Inc., Fulton, Miss., effective 3-13-52 to 9-12-52; 30 learners for expansion purposes (work shirts).

Carlisle Manufacturing Co., Manti, Utah, effective 3-13-52 to 3-12-53; 10 percent of the productive factory force (dress shirts).

Cowden Manufacturing Co., East Main Street, Stanford, Ky., effective 3-15-52 to 3-14-53; 10 percent of the productive factory force (overalls).

Cowden Manufacturing Co., East Main Street, Stanford, Ky., effective 3-15-52 to 9-14-52; 20 learners for expansion purposes (overalls).

Gort Girls' Frocks, Inc., 75 Stark Street NE., Wilkes-Barre, Pa., effective 3-17-52 to 3-16-53; 10 percent of the productive factory force (children's dresses).

Hebson Garment Co., Inc., 25 East G Street, Anniston, Ala., effective 3-12-52 to 3-11-53; five learners (pajamas, etc.).

Hurlock Garment Co., Inc., Hurlock, Md., effective 3-12-52 to 3-11-53; 10 learners (blouses).

Jean Lang Dress Co., 600 First Avenue North, Minneapolis, Minn., effective 3-14-52 to 3-13-53; 10 percent of the productive factory force (dresses).

Mitchell Garment Co., Inc., Third Street, Farmville, Va., effective 3-13-52 to 3-12-53; five learners (children's wash dresses).

Olan Dress Co., 808 Chestnut Street, Kulpmont, Pa., effective 3-11-52 to 3-10-53; 10 learners (dresses).

Olan Dress Corp., Oak and Independence Streets, Shamokin, Pa., effective 3-14-52 to 3-13-53; 10 learners (dresses).

Piedmont Blouse Co., Inc., 321 South Davie Street, Greensboro, N. C., effective 3-13-52 to 3-12-53; four learners (ladies' woven underwear).

R & G Sportswear Corp., 1216 Main Street, Northampton, Pa., effective 3-16-52 to 3-15-53; 10 learners (pajamas).

Royal Manufacturing Co., Inc., Sandersville, Ga., effective 3-10-52 to 3-9-53; 10 percent of the productive factory force or 10 learners, whichever is greater (sportshirts).

Saluda Shirt Co., Inc., 9-11-13 Main Street, Saluda, S. C., effective 3-14-52 to 9-13-52; 15 learners for expansion purposes (sport shirts).

Stafford-Hayes, Inc., 402 South State Street, Clarks Summit, Pa., effective 3-17-52 to 3-16-53; 10 learners (ladies' dresses, blouses, sportswear).

Levi Strauss & Co., 220 North Houston Avenue, Denison, Tex., effective 3-14-52 to 9-13-52; 30 additional learners for expansion purposes (denim coats and jackets) (supplemental certificate).

Strutwear, Inc., Glencoe, Minn., effective 3-13-52 to 3-12-53; five learners to be engaged in the manufacture of women's blouses and women's nightwear and underwear from purchased woven fabric only (ladies' woven underwear).

Wentworth Manufacturing Co., Lake City, S. C., effective 3-6-52 to 5-22-52; 75 learners for expansion purposes (dresses) (replacement supplemental certificate).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Aris Fabric Corp., 28 Woodruff Street, Saranac Lake, N. Y., effective 3-15-52 to 3-14-53; five learners (fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Granite Hosiery Mills, Mount Airy, N. C., effective 3-15-52 to 3-14-53; 5 percent of the productive factory force.

Silver-Knit Hosiery Mills, Inc., 401 South Hamilton Street, High Point, N. C., effective 3-16-52 to 3-15-53; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Saluda Shirt Co., Inc., Saluda, S. C., effective 3-14-52 to 3-13-53; five learners in the production of men's and boys' shorts (men's and boys' shorts).

Strutwear, Inc., Glencoe, Minn., effective 3-13-52 to 3-12-53; five learners to be engaged in the manufacture of women's nightwear and underwear from purchased knitted fabric only (women's underwear and nightwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Conway Textile, Inc., Conway, S. C., effective 3-17-52 to 9-16-52; 10 learners; sewing machine operators; 240 hours at 65 cents per hour (novelty curtains).

Paperlynen Co., Division of White Castle System, Inc., 555 West Goodale Street, Columbus, Ohio, effective 3-13-52 to 9-12-52; five learners; folding; 160 hours at 65 cents per hour (paper hats and caps).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Puerto Rico Hosiery Mills, Inc., Arecibo, P. R., effective 3-7-52 to 9-6-52; 38 learners; knitters, 320 hours at 25 cents per hour, 320 hours at 30 cents per hour, 320 hours at 35 cents per hour; seamers, 320 hours at 25 cents per hour, 320 hours at 30 cents per hour, 320 hours at 35 cents per hour; menders, 160 hours at 25 cents per hour, 160

hours at 30 cents per hour, 160 hours at 35 cents per hour; examiners, 80 hours at 25 cents per hour, 80 hours at 30 cents per hour, 80 hours at 35 cents per hour (full fashioned hosiery).

Raval, Inc., Bayamon, P. R., effective 3-5-52 to 9-4-52; 146 learners; machine sewing operation in the manufacture of ladies' and girls' dungarees; 240 hours at 25 cents per hour (needlework).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C. this 18th day of March 1952.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F. R. Doc. 52-3345; Filed, Mar. 25, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5083]

ISLAND AIR FERRIES, INC.; RENEWAL CASE

NOTICE OF HEARING

In the matter of the application of Island Air Ferries, Inc., for amendment of its certificate of public convenience and necessity under section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (h) and 1001 of said act, that a hearing in the above-entitled proceedings is assigned to be held on April 7, 1952, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by the application, as amended, particular attention will be directed to the questions whether the public convenience and necessity require the renewal of the certificate held by Island Air Ferries, Inc. so as to continue, for a period of 5 years commencing August 19, 1951, or such lesser period as the Board may determine, its authorization to engage in air transportation with respect to persons and property on route No. 89, and whether Island Air Ferries, Inc. is fit, willing and able to provide such transportation service.

For further details concerning the issues involved in the proceeding, interested persons are referred to the application, the amended application, and the report of prehearing conference which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in opposition to or in support of the application, must file with the Board on or before April 7, 1952, a written statement setting forth such relevant propositions of fact or law as he desires to advance.

Dated at Washington, D. C., March 21, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-3459; Filed, Mar. 25, 1952; 8:52 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request 20—DPAV-24]

REQUEST TO PARTICIPATE IN FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON 4.2" MORTAR SHELL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on 4.2" Mortar Shell in accordance with the revised voluntary plan entitled "Plan and Regulations of Ordnance Corps Covering the Integration Committee on 4.2" Mortar Shell," dated August 13, 1951, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

The revised voluntary plan provides for the formation and operation of this 4.2" Mortar Shell Integration Committee and will make available to all the participating companies the production experience and techniques of each. It will also, among other things, integrate the facilities of the participants which will result in the quick attainment of maximum production and the maintenance thereof. This revised voluntary plan has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of the 4.2" Mortar Shell Integration Committee in accordance with the revised plan entitled "Plan and Regulations of Ordnance Corps Covering the Integration Committee on 4.2" Mortar Shell," dated August 13, 1951, a copy of which is herewith enclosed.

In my opinion, your participation in the activities of this committee will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the revised plan and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal anti-trust laws and the Federal Trade Commission Act will be given only upon such acceptance, provided that the activities of the 4.2" Mortar Shell Integration Committee and your participation therein are within the limits set forth in the revised plan.

In the event that you accept this request will you kindly send a copy of your acceptance to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G-4, United States Army, Pentagon Building, Washington 25, D. C.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Hardwicke-Etter Company,
Sherman, Texas.

Lempco Products, Inc.,
5490 Dunham Road,
Bedford, Ohio.

Lehigh Foundries, Inc.,
1500 Lehigh Drive,
Easton, Pennsylvania.

Rheem Manufacturing Company,
P. O. Box 9178,
Lester, Pennsylvania.

Scaife Company,
Oakmont, Pennsylvania.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: March 20, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52-3517; Filed, Mar. 25, 1952; 11:20 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6400]

PACIFIC POWER & LIGHT CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF SECURITIES

MARCH 20, 1952.

Notice is hereby given that on March 11, 1952, the Federal Power Commission issued its order entered March 11, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3384; Filed, Mar. 25, 1952; 8:45 a. m.]

[Docket No. E-6405]

SCRANTON ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING MERGER OR CONSOLIDATION

MARCH 20, 1952.

Notice is hereby given that on March 12, 1952, the Federal Power Commission issued its order entered March 11, 1952,

authorizing and approving merger or consolidation of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3385; Filed, Mar. 25, 1952; 8:45 a. m.]

[Docket No. E-6406]

COLUMBIA-SOUTHERN CHEMICAL CORP.

NOTICE OF ORDER AUTHORIZING ESTABLISHMENT AND MAINTENANCE OF PERMANENT INTERCONNECTION FOR EMERGENCY USE

MARCH 20, 1952.

Notice is hereby given that on March 12, 1952, the Federal Power Commission issued its order entered March 11, 1952, authorizing establishment and maintenance of permanent interconnection for emergency use only in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3386; Filed, Mar. 25, 1952; 8:45 a. m.]

[Docket Nos. G-329, G-1865]

MISSISSIPPI POWER AND LIGHT CO. AND MISSISSIPPI VALLEY GAS CO.

NOTICE OF FINDINGS AND ORDER

MARCH 20, 1952.

In the matters of Mississippi Power and Light Company, Docket No. G-329; Mississippi Valley Gas Company and Mississippi Power and Light Company, Docket No. G-1865.

Notice is hereby given that on March 11, 1952, the Federal Power Commission issued its order entered March 11, 1952, issuing certificate of public convenience and necessity, permitting and approving abandonment by sale, and dismissing application for certificate of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3387; Filed, Mar. 25, 1952; 8:45 a. m.]

[Docket No. G-1677]

COLORADO INTERSTATE GAS CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 20, 1952.

Notice is hereby given that on March 14, 1952, the Federal Power Commission issued its order entered March 13, 1952, amending order (17 F. R. 1840) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3388; Filed, Mar. 25, 1952; 8:45 a. m.]

[Docket Nos. G-1694, G-1695, G-1699, G-1749, G-1777]

CITY GAS CO. OF PHILLIPSBURG, N. J., ET AL.

NOTICE OF ORDERS DISMISSING APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND PETITIONS TO INTERVENE

MARCH 20, 1952.

In the matters of City Gas Company of Phillipsburg, New Jersey, Docket No. G-1694; The Manufacturers Light and Heat Company, Docket No. G-1695; Texas Eastern Transmission Corporation, Docket No. G-1699; Penn-Jersey Pipe Line Co. (a de facto corporation), Docket No. G-1749; Allentown-Bethlehem Gas Company, Docket No. G-1777.

Notice is hereby given that on March 13, 1952, the Federal Power Commission issued its orders entered March 11, 1952, dismissing applications for certificates of public convenience and necessity and petitions to intervene in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3389; Filed, Mar. 25, 1952; 8:46 a. m.]

[Docket Nos. G-1710, G-1842]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER RECONVENING HEARING

MARCH 18, 1952.

On January 30, 1952, after the hearing with respect to Docket No. G-1710 had been concluded and Transcontinental Gas Pipe Line Corporation had presented its testimony and evidence in Docket No. G-1842 in support of increased rates and charges suspended by the Commission's order of November 27, 1951, the proceeding in Docket No. G-1842 was recessed to be reconvened upon order of the Commission.

The Commission orders: The public hearing in Docket No. G-1842 reconvene on April 2, 1952, at 10:00 a. m. e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: March 20, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3432; Filed, Mar. 25, 1952; 8:49 a. m.]

[Docket No. G-1861]

MISSISSIPPI GAS CO.

NOTICE OF FINDINGS AND ORDER

MARCH 20, 1952.

Notice is hereby given that on March 12, 1952, the Federal Power Commission issued its order entered March 11, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3390; Filed, Mar. 25, 1952; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ASSISTANT COMMISSIONER OR DEPUTY ASSISTANT COMMISSIONER FOR DEVELOPMENT

CENTRAL OFFICE ORGANIZATION AND FINAL DELEGATION OF AUTHORITY

Section II, *Central Office organization and final delegations of authority to the Central Office officials* is amended as follows:

Section II, paragraph ¶ 9 is amended as follows:

9. The authority of the Housing and Home Finance Administrator under Delegation No. 14 of the National Production Authority, as amended, to approve or disapprove construction schedules of prime contractors and related allotments of controlled materials for residential construction and in connection therewith to apply or assign to others the right to apply DO ratings and allotment numbers and symbols for procurement of materials and products other than controlled materials which are required for such construction, in accordance with the provisions of CMP Regulation No. 6 is hereby delegated to the Assistant Commissioner for Development or the Deputy Assistant Commissioner for Development to the extent such authority has been delegated to me by the Housing and Home Finance Administrator in 16 F. R. 7687 with respect to the construction of multi-unit residential structures by Federal, state and local public agencies.

Effective as of the 14th day of March 1952.

Date approved: March 14, 1952.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 52-3394; Filed, Mar. 25, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26901]

FERTILIZER BETWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 21, 1952.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1221.

Commodities involved: Fertilizer and fertilizer materials, carloads.

Between: Points in southern territory, including adjacent points.

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1221, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3422; Filed, Mar. 25, 1952; 8:48 a. m.]

[4th Sec. Application 26902]

AUTOMOBILE PARTS FROM CINCINNATI, OHIO, TO DETROIT, MICH.

APPLICATION FOR RELIEF

MARCH 21, 1952.

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

Filed by: L. C. Schuldt, Agent, for carriers parties to tariffs named on page 1 of the application, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile engine, driving gear, or steering gear parts, also transmissions and parts, carloads.

From: Cincinnati, Ohio.

To: Detroit, Mich.

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

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3423; Filed, Mar. 25, 1952; 8:48 a. m.]

[4th Sec. Application 26903]

SAWDUST FROM MEMPHIS, TENN., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

MARCH 21, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for the Missouri Pacific Railroad Company and St. Louis Southwestern Railway Company, pursuant to fourth-section order No. 16101.

Commodities involved: Sawdust, green, carloads.

From: Memphis, Tenn.

To: St. Louis, Mo.

Grounds for relief: Circuitous routes and 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 emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3424; Filed, Mar. 25, 1952; 8:49 a. m.]

[4th Sec. Application 26904]

IRON OR STEEL PIPE FROM POINTS IN MIDDLE WEST AND EAST TO POINTS IN SOUTHWEST

APPLICATION FOR RELIEF

MARCH 21, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3982.

Commodities involved: Wrought iron or steel pipe, and related articles, carloads.

From: Cincinnati, Ohio, Covington and Newport, Ky., and Waynesburg, Pa.

To: Points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3982, Supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3425; Filed, Mar. 25, 1952; 8:49 a. m.]

[4th Sec. Application 26905]

COAL FROM POINTS IN ILLINOIS TO FORT WAYNE, IND.

APPLICATION FOR RELIEF

MARCH 21, 1952.

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

Filed by: R. G. Raasch, agent for carriers parties to the schedules listed below.

Commodities involved: Bituminous coal, carloads.

From: Danville, Ill., group and Murdock, Ill.

To: Fort Wayne, Ind.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: NYC RR. tariff I. C. C. No. 164, Supp. 327; B&O RR. tariff I. C. C. No. 2992, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3426; Filed, Mar. 25, 1952; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2787]

INTERSTATE POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF BONDS AND COMMON STOCK

MARCH 20, 1952.

Interstate Power Company ("Interstate"), a registered holding company, having filed a declaration and an amendment thereto, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder with respect to the following transactions:

Interstate proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $2,000,000 principal amount of First Mortgage Bonds, __ Percent Series, due 1982. The bonds will be issued under and secured by the company's existing Indenture, dated January 1, 1948, as supplemented and amended, and a proposed new Supplemental Indenture to be dated as of January 1, 1952.

Interstate also proposes to issue and sell 345,833 additional shares of its $3.50 par value common stock. The shares of common stock are to be offered first to the holders of the presently outstanding common stock for subscription in the ratio of one share of additional common stock for each six shares now held. In addition, stockholders will be entitled to a conditional privilege to subscribe for and purchase at the subscription price, all unsubscribed shares of common stock proposed to be offered, subject to allotment. Rights to subscribe and the conditional privilege of additional subscription will be evidenced by a single form of warrant which may be exercised, sold or transferred to others by assignment and may be divided or combined as desired. No fractional shares of additional common stock will be issued. It is stated that the subscription agent will buy and sell rights for the account of warrant holders exercising subscription rights, and sell rights for the account of warrant holders not exercising subscription rights without any charge for such service. In each case, the purchase or sale may not exceed five rights. The company also proposes to issue and sell at competitive bidding under Rule U-50 of the act, such of the 345,833 shares of common stock as shall not have been subscribed for, as described above. At least 42 hours prior to the time for the submission and opening of bids, Interstate will advise the prospective bidders of the subscription price per share for the shares of new common stock, which will also be the price per share at which unsubscribed shares will be sold to the successful bidder. Prospective bidders will be required to specify the aggregate amount to be paid by Interstate as compensation for their commitment.

The declarant states that because of the longer time schedule required in connection with the proposed offer of subscription rights to common stockholders, it will not be possible to consummate the proposed bond and stock financing prior to April 10, 1952, the maturity date of its presently outstanding 2¾ percent notes. Interstate, therefore, requests authority to extend the maturity of said notes from April 10, 1952, to May 10, 1952, such extension to be at the rate of interest of 3¼ percent per annum.

According to the filing, Interstate intends to use the proceeds from the sales of the bonds and common stock to pay off the presently outstanding 2¾ percent notes in the principal amount of $4,250,000, and to finance the 1952 construction program estimated at $6,851,000.

The filing requests that the Commission enter an order, to become effective upon its issuance, permitting the declaration to become effective forthwith. It is also requested that the ten day waiting period specified in Rule U-50 be shortened to the extent necessary to enable bids to be submitted in respect of the bonds and unsubscribed common stock by 11:30 a. m., New York time on April 2, 1952.

Notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith; and that Interstate's request to shorten the bidding period, and to extend the maturity date of its presently outstanding 2¾ percent promissory notes, be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following additional conditions:

(1) That the proposed issuance and sale by Interstate of $2,000,000 principal amount of First Mortgage Bonds, __ Percent Series, due 1982, and 345,833 shares of common stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered, with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and hereby is, reserved;

(2) That jurisdiction is reversed in respect of any and all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

It is further ordered, That the ten-day bidding period prescribed by Rule U-50 be, and the same hereby is, shortened to a period of six days.

It is further ordered, That Interstate's request to extend the maturity date of its presently outstanding 2¾ percent promissory notes in the principal amount of $4,250,000 from April 10, 1952, to May 10, 1952, at an interest rate of 3¼ percent per annum be, and the same hereby is, granted.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F. R. Doc. 52-3405; Filed, Mar. 25, 1952; 8:48 a. m.]

[File No. 70-2789]

NARRAGANSETT ELECTRIC CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION HERETOFORE RESERVED WITH RESPECT TO RESULTS OF COMPETITIVE BIDDING AND CERTAIN FEES

MARCH 20, 1952.

The Narragansett Electric Company ("Narragansett"), a public-utility subsidiary company of New England Electric System, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder regarding the issue and sale at competitive bidding of $7,500,000 principal amount of Series C bonds, due March 1, 1982; and

The Commission having by order dated March 10, 1952, approved said application, as amended, subject to the condition that the sale of said bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 should have been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record so completed; and subject to the reservation of jurisdiction with respect to all fees for services rendered by the system service company and the Trustee, and for legal, engineering and accounting services, including the fees of independent counsel to the underwriters; and

Narragansett having, on March 20, 1952, filed a further amendment to its application setting forth the action taken by it to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids with respect to said bonds, the following bids were received:

Bidder	Annual interest rate, percent	Price to company [1] percent of principal	Annual cost to company, percent
Kuhn, Loeb & Co	3¼	102.084	3.2655
Salomon Bros. & Hutzler	3¼	102.02119	3.2668
Kidder, Peabody & Co	3¼	101.901	3.2750
Lehman Bros	3¼	101.8849	3.2758
Union Securities Corp	3¼	101.841	3.2781
The First Boston Corp	3¼	101.83	3.2787
Halsey, Stuart & Co. Inc	3¼	101.72	3.2844
White, Weld & Co	3¼	101.3199	3.3053

[1] Exclusive of accrued interest from Mar. 1, 1952.

The amendment further stating that Narragansett has accepted the bid of Kuhn, Loeb & Co. for said bonds, as set

forth above, and that the bonds will be offered for sale to the public at a price of 102.384 percent of their principal amount, plus accrued interest from March 1, 1952, resulting in an underwriter's spread of 0.30 percent of the principal amount of the bonds, or an aggregate of $22,500; and

The record having been amended and completed with respect to the fees for services rendered by the system service company and the Trustee and for legal, engineering and accounting services, including the fees of independent counsel for underwriters, incurred in connection with the proposed issuance and sale of said bonds, as follows:

	Fees	Expenses
To be paid by Narragansett:		
New England Power Service Co., an affiliated service company	$16,759	
Edwards & Angell, special counsel	5,000	$30
Lybrand, Ross Bros. & Montgomery, accountants	3,200	
Jackson & Moreland, engineers	4,161	651
Rhode Island Hospital Trust Co., trustee	4,150	
To be paid by the successful bidders:		
Milbank, Tweed, Hope & Hadley, counsel to the underwriters	6,500	900

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said bonds, the interest rate thereon, the redemption prices thereof, or the underwriter's spread; and the Commission also finding that the fees requested for services rendered by New England Power Service Company and the Trustee and for legal, engineering and accounting services, including the fees of independent counsel to the underwriters, are not unreasonable; and it appearing to the Commission that the jurisdiction heretofore reserved over the transactions until the results of competitive bidding should be made a matter of record in this proceeding, and over the aforesaid fees should be released:

It is ordered, That the jurisdiction heretofore reserved over said transactions until the results of competitive bidding should be made a matter of record in this proceeding be, and the same hereby is, released; and that said application as further amended be, and the same hereby is, granted, subject to the provisions of Rule U-24.

It is further ordered, That jurisdiction heretofore reserved over fees for services rendered by the system service company and the Trustee and for legal, engineering and accounting services, including the fees to the independent counsel to the underwriters, be, and the same hereby is, released.

It is further ordered, That this order become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3401; Filed, Mar. 25, 1952; 8:47 a. m.]

[File No. 70-2806]

NEW ENGLAND ELECTRIC SYSTEM AND CONNECTICUT RIVER POWER CO.

ORDER AUTHORIZING REDEMPTION OF PREFERRED STOCK AND REDUCTION OF AUTHORIZED CAPITAL STOCK

MARCH 20, 1952.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary company, Connecticut River Power Company ("CRP"), having filed a declaration with this Commission, pursuant to sections 6, 7 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-23, U-42 and U-45 thereunder in respect of the following proposed transactions:

CRP presently has outstanding 12,000 shares of 6 percent Cumulative Preferred Stock, $100 par value, of which 7,297 shares are held by NEES and 4,703 shares are publicly held. NEES proposes to surrender to CRP, as a capital contribution, said 7,297 shares and CRP proposes, subject to such prior surrender, to purchase and redeem said publicly held shares at $110 per share plus accrued dividends to the date of call. Following said purchase and redemption, CRP further proposes to reduce its authorized capital stock by $1,200,000, the aggregate amount of its outstanding preferred stock.

It is represented in the declaration that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The declaration states that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $500 for NEES and $1,000 for CRP, or an aggregate of $1,500.

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

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested nor ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3395; Filed, Mar. 25, 1952; 8:46 a. m.]

[File No. 70-2807]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER GRANTING AUTHORITY TO ISSUE AND SELL SHORT-TERM NOTES

MARCH 20, 1952.

Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transactions:

New Hampshire proposes to issue and renew, from time to time up to and including June 30, 1952, notes having a maturity of three months or less up to the maximum amount of $7,500,000 at any one time outstanding (including notes presently outstanding in the amount of $1,675,000). Each such note, including the renewal notes, will be made payable to The First National Bank of Boston and will bear interest at the rate of 3¼ percent per annum, subject to change in interest rates for prime paper. The application states that the interest rate for prime paper at the present time is 3 percent per annum. In case the interest rate should exceed 3½ percent on any note, the company will file an amendment to its application stating the interest rate and other details of the note or notes at least five days prior to the execution and delivery thereof and asks that such amendment become effective without further order of the Commission at the end of the five-day period unless the Commission shall have notified the company to the contrary within said period.

The proceeds from the sale of the notes will be used primarily for construction purposes. The application states that the company's construction program for the year 1952 will require cash expenditures of approximately $11,900,000. It is also stated that the company intends, in May or June 1952, to issue $4,000,000 principal amount of First Mortgage Bonds and $2,500,000 of Preferred Stock, and, toward the end of the year, to issue a sufficient number of shares of Common Stock to raise approximately $4,000,000. However, it is stated that market conditions, among other things, may require some variation of the proposed financing.

It is represented that no State commission or any other Federal commission has jurisdiction over the proposed transactions, and that no expenses, other than legal fees estimated at $135, will be paid in connection with the proposed transactions. The applicant requests that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers

that said application be granted, effective forthwith:

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

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3397; Filed, Mar. 25, 1952; 8:46 a. m.]

[File No. 70-2809]

SUBURBAN GAS AND ELECTRIC CO.

ORDER AUTHORIZING PROPOSED NOTE ISSUES

MARCH 20, 1950.

Suburban Gas and Electric Company ("Suburban"), a public-utility subsidiary of New England Electric System ("NEES"), a registered holding company, having filed a declaration with this Commission pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 and Rule U-23 thereunder in respect of the following proposed transactions:

Suburban presently has outstanding $1,075,000 principal amount of unsecured promissory notes payable to The First National Bank of Boston and proposes to issue to that bank, from time to time but not later than March 31, 1952, additional unsecured promissory notes in an aggregate face amount not exceeding $375,000. Each of said notes will mature not later than six months after its issue date and will bear interest at the prime interest rate at the time of its issuance. It is stated in the declaration that, at the present time, said prime interest rate is 3 percent per annum. It is further stated that if said prime interest rate is in excess of 3¼ percent at the time any of the proposed notes are to be issued, Suburban will file an amendment to its declaration setting forth therein, among other things, the amount of the proposed note and the proposed rate of interest thereon at least five days prior to the date of execution and delivery of said note and Suburban requests that unless the Commission notifies it to the contrary within said five day period, the amendment shall become effective at the end thereof. The declaration indicates that the proposed notes may be prepaid, in whole or in part, prior to maturity without payment of a premium.

The declaration further states that the proceeds from the proposed notes are to be used to pay for construction work and costs of conversion to the use of natural gas.

The declaration further states that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $250. It is represented 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 upon its issuance.

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested nor ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3400; Filed, Mar. 25, 1952; 8:47 a. m.]

[File No. 70-2813]

WORCESTER COUNTY ELECTRIC CO.

ORDER AUTHORIZING PROPOSED ISSUANCE OF NOTE

MARCH 20, 1952.

Worcester County Electric Company ("Worcester County"), a public-utility subsidiary company of New England Electric System, a registered holding company, having filed a declaration with this Commission, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-42 thereunder in respect of the following proposed transactions:

Worcester County proposes to issue on March 25, 1952, an unsecured promissory note to The First National Bank of Boston in the face amount of $1,000,000 due six months after said date and bearing interest at the prime interest rate generally being charged by banks in Boston five days prior to said date. It is stated in said declaration that at the present time such prime interest rate is 3 percent per annum. It is further stated that in the event that such prime interest rate should exceed 3¼ percent per annum, Worcester County will file an amendment to its declaration setting forth therein, among other things, the terms of the proposed note and the proposed rate of interest thereon at least five days prior to the date of execution and delivery of said note. Worcester County requests that unless the Commission notifies it to the contrary within said five-day period, the amendment shall become effective at the end of such period.

Worcester County presently has outstanding $3,600,000 principal amount of unsecured promisory notes and proposes to use the proceeds of the note proposed to be isued to pay a presently outstanding $1,000,000 note which matures March 25, 1952.

The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $300.

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

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested nor ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24 and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3396; Filed, Mar. 25, 1952; 8:46 a. m.]

[File No. 70-2818]

SOUTH JERSEY GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO PROPOSED AMENDMENTS TO CHARTER TO PROVIDE FOR CUMULATIVE VOTING AND PRE-EMPTIVE RIGHTS; AND SOLICITATION OF STOCKHOLDERS

MARCH 20, 1952.

South Jersey Gas Company ("South Jersey"), a subsidiary of The United Corporation, a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-62 promulgated thereunder, with respect to the following proposed transactions:

South Jersey proposes to adopt amendments to its Certificate of Incorporation to provide for (1) cumulative voting for the election of directors; and (2) pre-emptive rights giving stockholders the right to purchase any new or additional shares of common stock, or securities convertible into common stock, that may be offered by the company, for money, unless such offer be a public offering or an offering to or through underwriters or investment bankers who shall have agreed promptly to make a public offering of all such shares. Such amendments will be voted on by the stockholders at the annual meeting of stockholders to be held on April 22, 1952. Declarant states that the adoption of

these amendments will require the affirmative votes of at least two-thirds in interest of the stockholders. South Jersey proposes to solicit proxies from its stockholders to be used at the annual meeting of stockholders and the solicitation material to be sent to stockholders has been filed as a part of the declaration.

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 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:

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

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3398; Filed, Mar. 25, 1952; 8:46 a. m.]

[File No. 70-2819]

COLUMBIA GAS SYSTEM, INC.

NOTICE REGARDING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF DEBENTURES

MARCH 20, 1952.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration with this Commission pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935, and Rule U-50 promulgated thereunder.

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

Columbia proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $60,000,000 principal amount of — Percent Debentures, Series "C" due 1977. Said Debentures would be issued under an Indenture dated June 1, 1950, as Supplemented by the First Supplemental Indenture dated August 1, 1950, and a Second Supplemental Indenture to be dated April 1, 1952.

The proceeds from the sale of said Debentures will be used to finance a major part of the Columbia system 1952 construction program and to repay $20,000,000 of Columbia's short-term notes maturing June 15, 1952. In that connection, Columbia states that the 1952 construction program for the system contemplates expenditures of approximately $75,000,000 together with the financing of approximately $3,000,000 of gas to be purchased for additional storage. In addition to the $60,000,000 to be raised through the sale of the proposed Debentures, Columbia states that it will be necessary to raise $18,000,000 later in 1952. However, the method of financing such latter amount has not yet been determined.

Notice is further given that any interested person may, not later than April 4, 1952 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 4, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3399; Filed, Mar. 25, 1952; 8:47 a. m.]

[File No. 70-2822]

UNITED GAS CORP.

NOTICE OF FILING REGARDING PURCHASE OF NOTES BY GAS UTILITY COMPANY FROM NONUTILITY SUBSIDIARY

MARCH 20, 1952.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, has filed an application with the Commission pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 9 (a) (1), 10 (a) (1), 10 (b) and 10 (c) thereof as applicable to the proposed transactions which are summarized as follows:

Atlas Processing Company ("Atlas") was organized by United and certain other non-affiliated companies to conduct operations at the Carthage Field of United in connection with the upgrading of gasoline (Holding Company Act Release No. 9563). As of December 31, 1951, Atlas had outstanding $243,273 principal amount of 4 percent First Mortgage Notes, $550,000 principal amount of Five Year 4 percent Second Mortage Notes and 10,000 shares of no par value common stock. United holds a 25 percent interest in each of these securities, the remainder of the First Mortgage Notes being held by certain banks, and the remainder of the other securities being held ratably by the other interested companies.

In its process of upgrading straight run motor fuel, Atlas has found that benzene was present in the amount of 3.8 percent by volume. Atlas proposes to install a benzene extraction unit and a platform unit in its Shreveport Plant. The extraction unit which will take out approximately 400 barrels of benzene per day is estimated to cost approximately $2,500,000. The platform unit will further process the remaining raw material to restore the loss in anti-knock rating incurred by the removal of the benzene and to control the boiling range of the finished motor gasoline. It is estimated that this unit will cost $1,000,000.

Atlas proposes to finance construction of the plants through the issuance and sale of $3,500,000 principal amount of First Mortgage 4½ Percent Promissory Notes payable in equal quarter-annual installments designed to accomplish full repayment by October 1, 1957. United proposes to purchase $875,000 principal amount (25 percent) of such Notes, the remainder to be purchased by certain banks. Pursuant to an agreement to be entered into with the holders of the outstanding First Mortgage Notes, the Notes proposed to be issued and the then outstanding First Mortgage Five Year 4 Percent Promissory Notes of Atlas will be equally and ratably secured by a first mortgage on all of the present and after acquired properties of Atlas.

The outstanding Second Mortgage Notes will be expressly subordinated to the First Mortgage Notes proposed to be issued, and the maturities of such Second Mortgage Notes will be extended to a date not less than thirty days after the maturity of the First Mortgage Notes.

Notice is further given that any interested person may, not later than April 2, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 2, 1952, at 5:30 p. m., said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3404; Filed, Mar. 25, 1952; 8:47 a. m.]

[File No. 70-2823]

NORTHERN NATURAL GAS CO. AND PEOPLES NATURAL GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING REGARDING PROPOSAL TO DISSOLVE AND LIQUIDATE A WHOLLY OWNED UTILITY SUBSIDIARY OF REGISTERED HOLDING COMPANY AND REGARDING REQUEST FOR FINDING THAT COMPANY HAS CEASED TO BE A HOLDING COMPANY

MARCH 20, 1952.

Notice is hereby given that Northern Natural Gas Company ("Northern"), a

registered holding company, and its direct and wholly owned subsidiary, Peoples Natural Gas Company ("Peoples"), a public utility company and the sole subsidiary of Northern, have filed a joint application-declaration, and an amendment thereto, pursuant to the act regarding the proposed dissolution in complete liquidation of Peoples and a request by Northern that the Commission find that it has ceased to be a holding company. The applicants-declarants have designated sections 5 (d), 9 (a), 10 (a), 12 (c) and 12 (f) of the act and Rules U-42 and U-43 promulgated thereunder as being applicable to the proposed transactions.

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

Northern, a holding company, also owns and operates natural gas pipe lines extending from Texas through Oklahoma, Kansas, Nebraska and Iowa and into Minnesota and South Dakota. It transmits gas purchased and produced in Texas, Oklahoma, and Kansas through these gas transmission lines to its principal markets in the states of Kansas, Nebraska, Iowa, Minnesota and South Dakota.

Peoples is a gas utility company purchasing gas from its parent, Northern, at the city and town borders in 89 cities and towns in Kansas, Nebraska, Iowa, and Minnesota and distributing this gas, at retail, to customers in those cities and towns.

Northern proposes to acquire from Peoples all of the latter's assets and assume all of its liabilities. Thereafter, Northern is to transfer to Peoples all of the outstanding common stock of Peoples whereupon that stock is to be canceled and Peoples will be completely liquidated and dissolved. The filing states that the management of Northern considers this program desirable to simplify further the corporate structure and operations of the Northern system.

The filing also states that the only other regulatory Commission having jurisdiction in this matter is the State Corporation Commission of Kansas.

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to said joint application-declaration and that the filing should not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said matter under the applicable provisions of the act and the rules and regulations promulgated thereunder be held on April 8, 1952, at 10:00 a. m., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the Hearing Room Clerk in room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceeding should file with the Secretary of the Commission on or before April 2, 1952, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the joint application-declaration as amended and that on the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters or questions upon further examination:

(1) Whether the acquisition by Northern of the utility assets of Peoples will serve the public interest by tending towards the economical and efficient development of an integrated public utility system;

(2) Whether the proposed transactions are in all respects in the public interest and in the interest of consumers and investors;

(3) Whether the proposed accounting entries in connection with the proposed transactions are appropriate in the light of the standards of the act and in accordance with sound accounting principles;

(4) Whether the fees or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

(5) Whether the proposed transactions comply with all the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder;

(6) Whether in granting the application and permitting the declaration to become effective in connection with the proposed transactions it is necessary or appropriate to impose terms or conditions to insure adequate protection of the public interest or the interest of investors and consumers and to prevent circumvention of the act and the rules and regulations thereunder;

(7) Whether the Commission may appropriately grant Northern's request that the Commission find, prior to consummation of the proposed transactions, that Northern has ceased to be a holding company;

(8) Whether, after the consummation of the proposed transactions, the Commission may appropriately find that Northern has ceased to be a holding company and if so what terms and conditions, if any, in connection therewith are necessary for the protection of investors.

It is further ordered, That particular attention be directed in said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Northern, Peoples, the Federal Power Commission, the Minnesota Railroad and Warehouse Commission, the Kansas State Corporation Commission, the Iowa State Commerce Commission, the Nebraska State Railway Commission, and the South Dakota Public Utilities Commission; to the mayors of the following cities and towns: Garden City and Dodge City, Kansas; Beatrice, Elkhorn, Wayne, and Emerson, Nebraska; Glenwood, Hartley, Webster City and Madrid, Iowa; Claremont, Dodge Center, Jackson, Wells, Rosemont and Farmington, Minnesota; and that notice shall be given to all other persons by a general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list of this Commission for releases under the act; and that further notice be given to all persons by publication of a copy of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3403; Filed, Mar. 25, 1952; 8:47 a. m.]

[File No. 70-2826]

ALABAMA POWER CO.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

MARCH 20, 1952.

Notice is hereby given that an application has been filed with this Commission by Alabama Power Company ("Alabama"), a public utility subsidiary of The Southern Company, a registered holding company. The filing has designated section 6 (b) of the act and Rule U-50, promulgated thereunder, as applicable to the proposed transactions, which are summarized as follows:

Alabama proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of First Mortgage Bonds, — Percent Series due 1982, to be issued under and secured by Alabama's present Indenture, dated as of January 1, 1942, as heretofore supplemented on October 1, 1947, December 1, 1948, and September 1, 1951, and to be further supplemented by a Supplemental Indenture to be dated as of April 1, 1952. The interest rate and the price to the company for the bonds will be determined through the competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount. The company proposes to use the proceeds from the sale of these new bonds to provide a portion of the funds required for extensions and additions to the company's property.

The filing states that the issuance and sale of the proposed new bonds are subject to authorization by the Alabama Public Service Commission, the State Commission of the state in which Alabama is organized and doing business. Alabama requests that any order of this Commission granting the application shall become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than April 4, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 4, 1952, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3402; Filed, Mar. 25, 1952; 8:47 a. m.]

[File No. 70-2828]

NIAGARA MOHAWK POWER CORP.

NOTICE REGARDING PROPOSED AMENDMENT TO CHARTER TO INCREASE NUMBER OF AUTHORIZED SHARES OF COMMON STOCK

MARCH 20, 1952.

Notice is hereby given that a declaration has been filed with the Commission, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act"), by Niagara Mohawk Power Corporation ("Niagara Mohawk"). As of March 15, 1952, The United Corporation owned 9.63 percent of the outstanding voting securities of Niagara Mohawk.

Notice is further given that any interested person may, not later than April 3, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 3, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

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

Niagara Mohawk proposes, at the forthcoming annual meeting of its stockholders to be held on May 6, 1952, to submit to the stockholders, among other things, a proposal to amend the charter of Niagara Mohawk so as to increase the number of authorized shares of common stock from 11,094,662 shares to 12,594,662 shares, an increase of 1,500,000 shares. It is stated that the proposed increase in the number of authorized shares of common stock is for the purpose of placing the management in a flexible position with respect to the formulation of future financing programs. As of March 15, 1952, Niagara Mohawk had issued and outstanding 9,073,887 shares of common stock and 1,382,523 shares of Class A stock.

Niagara Mohawk proposes to solicit proxies from its stockholders to be used at the annual meeting of stockholders. The solicitation material to be sent to stockholders has been filed with the Commission pursuant to Rule U-62 promulgated under the act. The declaration with respect to such solicitation was permitted to become effective as of 5:30 p. m. on March 20, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3406; Filed, Mar. 25, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 18, Amdt. 2]

AMELIA EARHART LUGGAGE

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 18 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for luggage manufactured by Amelia Earhart Luggage, and having the brand names "Amelia Earhart" and "Cushion Edge."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 21, 1952.

This amendment also adds a new brand name "Airlite by Amelia Earhart Luggage" to the special order.

Amendatory provisions. Special Order 18 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 5, 1951", insert the words "as supplemented and amended by its application dated September 14, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 21, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 14, 1952.

3. In paragraph 1, delete the word "and" following the brand name "Amelia Earhart" and insert therefor a comma.

4. In paragraph 1, following the brand name "Cushion Edge" insert the word "and," then follow with the addition of the brand name "Airlite by Amelia Earhart Luggage."

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

MARCH 20, 1952.

[F. R. Doc. 52-3352; Filed, Mar. 20, 1952; 4:12 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 51, Amdt. 3]

TRIMOUNT CLOTHING CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 51, under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's suits, tuxedos, sport coats, slacks, topcoats and overcoats manufactured by Trimount Clothing Company, Inc. and having the brand name "Clipper Craft."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 12, 1952.

Amendatory provisions. Special Order 51, under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "January 10, 1952", the following date "February 12, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 12, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 10, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

MARCH 20, 1952.

[F. R. Doc. 52-3353; Filed, Mar. 20, 1952; 4:13 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 92, Amdt. 1]

ANNIS SPORTSWEAR, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 92 under section 43, Ceiling Price Regulation 7, established ceiling prices at retail for swim suits manufactured

by Annis Sportswear, Inc., and having the brand name "Sea Glamour".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated March 3, 1952.

Amendatory provisions. Special Order 92 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 11, 1951," insert the words "as supplemented and amended by its application dated March 3, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated March 3, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 14, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3354; Filed, Mar. 20, 1952; 4:13 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 137, Amdt. 2]

B. V. D. CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 137 under section 43 of Ceiling Price Regulation 7, established retail ceiling prices for men's underwear, sports shirts, pajamas, swim trunks and swim wear distributed by B. V. D. Company, Incorporated and having the brand name "B. V. D."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 19, 1951.

Amendatory provisions. Special Order 137 under section 43 of Ceiling Price Regulation 7, is amended in the following respects:

1. In paragraph 1, after the words "in the distributor's application dated March 20, 1951," insert the words "as supplemented and amended by its application dated November 19, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the wholesaler's supplemental application dated November 19, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 11, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3355; Filed, Mar. 20, 1952; 4:13 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 163, Amdt. 1]

PRINCE GARDNER CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 163 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and women's billfolds, secretaries, key containers, cigarette cases and women's French purses, manufactured by Prince Gardner Co. and having the brand names "Prince Gardner" and "Princess Gardner."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 25, 1952.

Amendatory provisions. Special Order 163 under section 43 of Ceiling Price Regulation 7, is amended in the following respects:

1. In paragraph 1, after the words "in its application dated March 23, 1952," insert the words "as supplemented and amended by its application dated February 25, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 25, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 9, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3356; Filed, Mar. 20, 1952; 4:13 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 234, Amdt. 2]

NAN BUNTLY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 234 under section 43 of Ceiling Price Regulation 7 corrects a clerical error in the special order.

Amendatory provisions. Special Order 734, amendment under section 43 of Ceiling Price Regulation 7 is corrected by deleting the words "Special Order 734", wherever they appear and substituting therefor the words "Special Order 234".

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3357; Filed, Mar. 20, 1952; 4:13 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 244, Amdt. 1]

LEE-ROWAN CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 244 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for clothes racks and hampers, creasers and dryers, manufactured by Lee-Rowan Company, and having the brand name "Lee Rowan."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated February 21, 1952.

This amendment also adds the words "storage unit," "hanger bar" and "sweater dryer" to the coverage of the special order.

Amendatory provisions. Special Order 244 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 16, 1951," insert the words "as supplemented and amended by its applications dated June 18, 1951 and February 21, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated June 18, 1951 and February 21, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later then April 14, 1952.

3. In paragraph 1, after the words "dryers" add the words "storage unit, hanger bar and sweater dryer."

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3358; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 250, Amdt. 1]

SOUTHERN SPRING BED CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 250 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for mattresses and box springs manufactured by Southern Spring Bed Company, and having the brand names "Red Cross and Southern Cross", "Southern Cross Firm-O-Matt", "Southern Cross Resstar", "Southern Cross Quilted", "Southern Cross Supreme", "Southern Cross Tuftless", "Southern Cross Rubberair", "Southern Cross King Size", "Blue Ribbon Tuftless".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 2, 1952.

This amendment also adds the brand name "Southern Cross Sleeper" to the special order.

Amendatory provisions. Special Order 250 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated April 6, 1951," insert the words "as supplemented and amended by its application dated January 2, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated January 2, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 18, 1952.

3. In paragraph 1, following the words "Blue Ribbon Tuftless", add the words "Southern Cross Sleeper".

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3359; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 254, Amdt. 3]

F. C. HUYCK & SONS (KENWOOD MILLS)

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 254 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for woven woolen bed blankets manufactured by F. C. Huyck & Sons (Kenwood Mills) and having the brand names "Kenwood Famous," "Kenwood Reverie," "Kenwood Sundown," "Kenwood Remembrance," "Kenwood Petite" and "Kenwood You're An Angel."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated March 4, 1952 and March 5, 1952.

This amendment also adds the brand names "Kenwood Cameo," "Kenwood Frosty Tone," "Kenwood Bonne Nuit Cherie," "Kenwood Renown," "Kenwood Arondac," "Kenwood Cralo" and "Kenwood Eventide" to the brand names listed in the special order.

Amendatory provisions. Special Order 254 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, insert after the date "February 1, 1952," the following dates: "March 4, 1952 and March 5, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated March 4, 1952 and March 5, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 14, 1952.

3. In paragraph 1 insert the new brand names "Kenwood Cameo," "Kenwood Frosty Tone," "Kenwood Bonne Nuit Cherie," "Kenwood Renown," "Kenwood Arondac," "Kenwood Cralo" and "Kenwood Eventide."

4. In paragraph 1 delete the word "and" after the brand name "Kenwood Petite," and insert therefor a "comma."

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3360; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 263, Amdt. 1]

AMITY LEATHER PRODUCTS CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 263 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and women's billfolds, and billfold sets, photo-folds, letter cases, key cases, tobacco pouches, travel kits, and ladies handbags manufactured by Amity Leather Products Company and having the brand names "Amity," "Rolfs," "Rolfs Handbags," and "Vanguard".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated November 28, 1951 and February 1, 1952.

Amendatory provisions. Special Order 263 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated March 30, 1951," insert the words "as supplemented and amended by its applications dated November 28, 1951 and February 1, 1952.

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental applications dated November 28, 1951 and February 1, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 20, 1951.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3361; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 311, Amdt. 1]

WADSWORTH WATCH CASE CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 311 establishes new retail ceiling prices for certain of the applicant's branded articles. These new retail ceiling prices are listed in paragraph 1 of the special order and marked with an asterisk. The ceiling prices established prior to this amendment and still in effect are listed without an asterisk.

The Director has determined, on the basis of information available to him, that the retail ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

Amendatory provisions. Special Order 311 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. Delete paragraph 1 of the special order and substitute therefor the following:

1. The following ceiling prices are established for sales by any seller at retail of men's and women's watches manufactured by the Wadsworth Watch Case Company, Inc., having the brand name "Wadsworth," and described in the manufacturer's application dated June 26, 1951, and supplemented and amended by the manufacturer's application dated February 18, 1952.

The ceiling prices listed below which are marked with an asterisk shall become effective on receipt of a copy of this order by the retailer, but in no event later than 30 days after the effective date of this order. Ceiling prices not marked with an asterisk are effective upon the effective date of this order.

Sales may, of course, be made below the retail ceiling prices.

THE WADSWORTH WATCH CASE CO., INC., DAYTON, KY.

MEN'S WATCHES

Model No.:	Retailer's ceiling price (tax included)
1-Y-1001	$19.95
4-S-1003	*19.95
4-S-1103	*19.95
4-S-1203	*19.95
1-Y-1002	*22.50
500-Y-1001	24.95
503-S-1103	*24.95
503-S-1203	*24.95
2-Y-2001	25.95
500-Y-1002	*25.95
7-Y-5003	*27.50
7-Y-5103	*27.50
2-Y-2003	*27.50
11-Y-2004	*27.50
501-Y-2001	29.75
2-Y-2002	29.75
12-Y-2004	*29.75
502-Y-5003	*32.50
502-Y-5103	*32.50
502-Y-2003	*32.50
503-Y-2004	*32.50
502-Y-2002	33.75
5-Y-5001	*33.75
5-Y-5101	*33.75
6-Y-5002	*33.75
6-Y-5102	*33.75
506-Y-2004	*33.75
10-Y-5004	*33.75
4-S-3001	35.75
503-S-3001	39.75
507-Y-5004	*39.75
3-S-4001	49.75
3-S-4101	*49.75
3-S-4002	49.75
3-S-4102	*49.75
13-Y-4005	*49.75
504-S-4001	*55.00
504-S-4002	*55.00
2-Y-4004	*55.00
2-Y-4104	*55.00
508-Y-4005	*55.00
14-Y-4005	*55.00
509-Y-4005	*59.50
5-A-4003	*59.50
6-Y-4006	*62.50
510-Y-4003	*65.00
510-Y-4006	67.50

LADIES' WATCHES

Model number	Retailer's Ceiling price (tax included)
100-Y-9001	*$19.95
100-Y-9101	*19.95
203-Y-9001	*24.95
203-Y-9101	*24.95
100-Y-7001	25.95
100-Y-7009	*25.95
100-Y-7005	*27.50
100-Y-7105	*27.50
100-Y-7008	*27.50
200-Y-7001	29.75
100-Y-7002	29.75
100-Y-7003	29.75
200-Y-7009	*29.75
100-Y-7010	*29.75
100-Y-7011	*29.75
101-Y-7004	*32.50
101-Y-7104	*32.50
200-Y-7005	*32.50
200-Y-7105	*32.50
200-Y-7006	*32.50
101-Y-7012	*32.50
201-Y-7002	33.75
202-Y-7003	33.75
202-Y-7010	*33.75
201-Y-7011	*33.75
100-Y-7006	*33.75
6-Y-7007	*35.75
9-Y-7107	*35.75
203-Y-7012	*37.50

2. Delete paragraph 2 of the special order and after the paragraph designation "2" write the words "deleted."

3. Delete paragraph 4 of the special order and substitute therefor the following:

4. Within 15 days after the effective date of this special order the supplier shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the supplier had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto issued prior to the date of the delivery.

Within 15 days after the effective date of any subsequent amendment to this special order, the supplier shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the supplier had delivered any article the sale of which is affected in any manner by the amendment.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3362; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 375, Amdt. 2]

MUNSINGWEAR, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 375 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's hosiery distributed by Munsingwear, Inc. and having the brand name "Munsingwear".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated October 4, 1951 and January 4, 1952.

Amendatory provisions. Special Order 375 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 10, 1951," insert the words "as supplemented and amended by its applications dated August 17, 1951, October 4, 1951, and January 4, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the wholesaler's supplemental applications dated October 4, 1951 and January 4, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 12, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3363; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 471, Amdt. 1]

WESTCLOX DIVISION OF GENERAL TIME CORP.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. This amendment to Special Order 471 issued under section 43 of Ceiling Price Regulation 7 to Westclox Division of General Time Corporation, establishes ceiling prices at wholesale of spring-driven clocks, pocket watches, wrist watches and self-starting clocks, having the brand name "Westclox".

Special Order 471 established ceiling prices at retail for these same items, but did not establish ceiling prices at wholesale. Such wholesale ceiling prices were requested by Westclox Division of General Time Corporation in its application dated June 5, 1951, and upon examination it appears that these prices may be established under Section 43 of Ceiling Price Regulation 7. Therefore, this amendment establishes ceiling prices at wholesale for the same articles having the brand name "Westclox".

This amendment establishes new retail and wholesale ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail and wholesale ceiling prices are established by incorporating into the special order the amended application dated March 6, 1952.

Amendatory provisions. 1. Delete paragraph 1 of the special order and substitute therefor the following:

1. *Ceiling prices.* The ceiling prices for sales at retail and sales at wholesale of spring-driven clocks, pocket watches, wrist watches and self-starting clocks sold through wholesalers and retailers and having the brand name "Westclox", shall be the proposed retail ceiling prices listed by Westclox Division of General Time Corporation hereinafter referred to as the "applicant" in its applications dated June 5, 1951 and March 6, 1952 and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the effective date of this special order, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. On and after the

date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than April 17, 1952 no seller at wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. Delete subparagraph 3 (a) (4) and substitute therefor the following:

(4) the applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)	(Column 3)
Item, style, or lot number or other description	Wholesaler's ceiling price for articles listed in Column 1	Retailer's ceiling price for articles listed in Column 1
----------	$----------	$----------

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3364; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 545, Amdt. 1]

DORBY CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 545 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for broilers distributed by Dorby Company and having the brand name "Dorby Infra-Red."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated October 23, 1951.

Amendatory provisions. Special Order 545 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated June 26, 1951," insert the words "as supplemented and amended by its application dated October 23, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the distributor's supplemental application dated October 23, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 17, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3365; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 555, Amdt. 1]

FORSTNER CHAIN CORP.

CEILING PRICES AT WHOLESALE AND RETAIL

Statement of considerations. Special Order 555, under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and women's jewelry distributed by the Forstner Chain Corporation, and having the brand name "Forstner."

Special order 555 established ceiling prices at retail for those same items but did not establish ceiling prices at wholesale. Such wholesale ceiling prices were requested by the Forstner Chain Corporation in its application dated June 21, 1951, and may be established under section 43 of Ceiling Price Regulation 7.

This amendment also establishes new wholesale and retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The wholesale and retail ceiling prices are established by incorporating into the special order the amended application dated January 25, 1952.

This amendment also adds the words "boys'" to paragraph 1 of the special order.

Amendatory provisions. Special Order 555, under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. Delete paragraph 1 of the special order and substitute therefor the following:

Ceiling prices. The ceiling prices for sales at wholesale and retail of men's, boys' and women's jewelry sold through wholesalers and retailers and having the brand name "Forstner" shall be the proposed wholesale and retail ceiling prices listed by Forstner Chain Corporation, 646 Nye Avenue, Irvington 11, New Jersey, hereinafter referred to as the "applicant" in its application dated June 21, 1951, as supplemented and amended by its application dated January 25, 1952 and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than October 20, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

The prices listed in the manufacturer's supplemental application dated January 25, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 7, 1952.

2. In subparagraph (a) (4) delete all after the sentence, "The notice shall be in substantially the following form," and substitute therefor the following:

(Column 1)	(Column 2)	(Column 3)
Style or lot number or other description	Wholesaler's ceiling price for articles listed in Column 1	Retailer's ceiling price for articles listed in Column 1
----------	$----------	$----------

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3366; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 556, Amdt. 1]

SESSIONS CLOCK CO.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. This amendment to Special Order 556, issued under section 43 of Ceiling Price Regulation 7 to The Sessions Clock Company, establishes ceiling prices at wholesale of clocks, having the brand name "Sessions".

Special Order 556 established ceiling prices at retail for these same items, but did not establish ceiling prices at wholesale. Such wholesale ceiling prices were requested by The Sessions Clock Company in its application dated June 13, 1951, and upon examination it appears that those prices may be established under section 43 of Ceiling Price Regulation 7. Therefore, this amendment establishes wholesale ceiling prices for the same articles having the brand name "Sessions".

This amendment establishes new retail and wholesale ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail and wholesale ceiling prices are established by incorporating into the special order the amended application dated December 17, 1951.

Amendatory provisions. 1. Delete paragraph 1 of the special order and substitute therefor the following:

1. *Ceiling prices.* The ceiling prices for sales at retail and sales at wholesale of clocks sold through wholesalers and retailers and having the brand name "Sessions" shall be the proposed retail and wholesale ceiling price listed by The Sessions Clock Company, hereinafter referred to as the "applicant" in its

applications dated June 13, 1951, and December 17, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the effective date of this special order, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than April 17, 1952 no seller at wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. Delete subparagraph 3 (a) (4) and substitute therefor the following:

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)	(Column 3)
Item, style, or lot number or other description	Wholesaler's ceiling price for articles listed in Column 1	Retailer's ceiling price for articles listed in Column 1
.....	$.....	$.....

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3367; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 615, Amdt. 2]

PLATT LUGGAGE, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 615 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and women's luggage manufactured by Platt Luggage, Incorporated and having the brand names "Guardsman", "Stowaway" and "Airess".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 22, 1952.

Amendatory provisions. Special Order 615 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2 insert after the date "January 30, 1952" the following date "February 22, 1952".

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated February 22, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 10, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3368; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 712, Amdt. 2]

A. N. KHOURI & BRO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 712 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for crystal dinnerware and decorative housewares distributed by A. N. Khouri & Bro. and having the brand name "Lalique."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 31, 1952.

Amendatory provisions. Special Order 712 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated June 20, 1951," insert the words "as supplemented and amended by its applications dated October 11, 1951, and January 31, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the wholesaler's supplemental application dated January 31, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 16, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3369; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 713, Amdt. 1]

WALTHAM WATCH CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 713 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for men's and women's watches and railroad and transportation watches, manufactured by Waltham Watch Company, and having the brand name "Waltham".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended applications dated December 31, 1951 and February 5, 1952.

Amendatory provisions. Special Order 713 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your supplier's application filed with the Office of Price Stabilization", insert the words "dated August 16, 1951, as supplemented and amended by your supplier's applications dated December 31, 1951, and February 5, 1952".

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental applications dated December 31, 1951, and February 5, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 14, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3370; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 720, Amdt. 2]

DECORATIVE CABINET CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 720, under section 43, Ceiling Price Regulation 7, established retail ceiling prices for wardrobes, chests, screens, cabinets, blanket boxes, hat boxes, sewing boxes, combination trays and utility combinations distributed by Decorative Cabinet Corporation and having the brand name "E-Z-Do."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices

under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated November 30, 1951.

This amendment also adds "tuckaways, vanity tops, drawer wides, waste baskets, storage vaults, shelf master, stools, servette tables, closet lite, handishelf table tops, fireplace, and circus wagon," having the brand name "E-Z-Do," to the coverage of the special order.

Amendatory provisions. Special Order 720 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated August 22, 1951," insert the words, "as supplemented and amended by its application dated November 30, 1951."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated November 30, 1951, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 10, 1952.

3. In paragraph 1 following the words "utility combinations" add the words "tuckaways, vanity tops, drawer wides, waste baskets, storage vaults, shelf master, stools, servette tables, closet lite, handishelf, table tops, fireplace, and circus wagon."

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3371; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 735, Amdt. 2]

M. I. NAKEN CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 735 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for silverware chests manufactured by M. I. Naken Co. and having the brand name "Naken."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 23, 1952.

Amendatory provisions. Special Order 735 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2 insert after the date "February 19, 1952," the following date "February 23, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated February 23, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 11, 1952.

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3372; Filed, Mar. 20, 1952; 4:14 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 772, Amdt. 1]

ROLLINS HOSIERY MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 772 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for women's hosiery manufactured by Rollins Hosiery Mills, Inc., and having the brand name "Munsingwear".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated January 23, 1952.

This amendment also changes the name of the supplier in the title and wherever it may appear in the special order by deleting the name "Rollins Hosiery Mills, Inc.", and substituting therefor the name "Rollins Hosiery Mills, Division of Munsingwear, Inc."

Amendatory provisions. Special Order 772 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 2, after the words "the retail prices listed in your supplier's application" insert the words "dated August 1, 1951, as supplemented and amended by your supplier's application dated January 23, 1952."

2. Insert following paragraph 2 now appearing in the special order the following:

The prices listed in your supplier's supplemental application dated January 23, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 31, 1952.

3. Delete from the title and wherever it may appear in the special order the name "Rollins Hosiery Mills, Inc." and substitute therefore the name "Rollins Hosiery Mills, Division of Munsingwear, Inc."

Effective date. This amendment shall become effective March 20, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3373; Filed, Mar. 20, 1952; 4:15 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 846]

REO MOTORS, INC.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Reo Motors, Inc., 1331 South Washington Ave., Lansing 20, Michigan, has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring such article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The following ceiling prices for sales at retail and wholesale of power lawn mowers, sold through retailers and wholesalers and having the brand name "Reo", shall be the proposed retail and wholesale ceiling prices listed by Reo Motors, Inc., 1331 South Washington Ave., Lansing 20, Michigan, hereinafter referred to as the "applicant" in its application dated November 27, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C., and supplemented and amended in the manufacturer's application dated March 7, 1952.

Different ceiling prices are established for eastern and western zones. The eastern zone is bounded on the west by and includes the states of North Dakota, South Dakota; eastern Wyoming bounded by and including the counties of Big Horn, Washakie, Natrona, and Carbon; eastern Colorado bounded by and including the counties of Routt, Eagle, Lake, Chaffee, Fremont, Custer, Huerfano and Las Animas; and the states of Oklahoma, Arkansas and Louisiana. The western zone is bounded on the east and includes the states of

Montana, western Wyoming bounded by and including the counties of Park, Hot Springs, Fremont, and Sweet Water; western Colorado bounded by and including the counties of Moffat, Rio Blanco, Pitkin, Garfield, Gunnison, Saguache, Alamosa, and Costilla; and the state of New Mexico.

On and after the date of receipt of a copy of this special order, but in no event later than May 20, 1952, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

Model No.	Ceiling price at retail (per unit)[1]	
	Eastern Zone	Western Zone
RF-25	$231.00	$234.85
WF-21	136.95	139.70
WF-18	114.95	117.15
WFE-18	96.25	98.45

[1] Price includes 10 percent Federal excise tax.

CEILING PRICE AT WHOLESALE[1]

Model No.	Eastern Zone		
	Each	6 to 24	25 or over
MF-25	$173.25	$168.90	$161.70
WF-21	102.70	100.10	95.85
WF-18	86.20	84.00	81.85
WFE-18	72.15	70.30	68.50

Model No.	Western Zone		
	Each	6 to 24	25 or over
MF-25	$176.10	$171.65	$164.40
WF-21	104.75	102.10	97.80
WF-18	87.85	85.65	83.45
WFE-18	73.80	71.95	70.10

[1] Price includes 10 percent Federal excise tax.

The manufacturer's prices are f. o. b. Factory at Lansing, Michigan with freight allowance (including present applicable transportation tax) at lowest obtainable carload or truckload rate, not to exceed a total of $2.50 per 100 pounds. The manufacturer's prices listed are subject to a discount of 2 percent 10th Prox. on approved credit.

2. *Marking and tagging.* On and after May 20, 1952, Reo Motors, Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after June 19, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to June 19, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 60 days after the effective date of the amendment. After 90 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90 day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner.

(4) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling prices established by such amendment must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(5) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order and amendment to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order, each purchaser for resale (other than retailers) shall send a copy of the order to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling prices for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective March 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3374; Filed, Mar. 20, 1952; 4:15 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 8]

ARNECKEVILLE FIELD, DEWITT COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Arneckeville Field, DeWitt County, Texas.

The Scurlock Oil Company of Houston, Texas, desires to eliminate the differentials it has heretofore imposed upon the crude petroleum produced from the Arneckeville Field, DeWitt County, Texas. During the base period, full production had not been attained and there was a lack of low cost pipeline transportation. As a result, the crude petroleum produced from the Arneckeville Field, DeWitt County, Texas, was sold at a lower price than is being and has been paid for crude petroleum of comparable quality produced in this same general area. It now appears that full production has been attained, adequate low cost pipeline transportation has been installed and the former differentials resulting in prices for this crude petroleum below the in-line ceiling price for comparable crude petroleum in the same general producing area should no longer be imposed.

From information available to this Office, it appears that the requested adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is $2.85 per barrel for 40° API gravity and above with a differential of 2¢ per barrel less for each degree of gravity below 40 degrees, down to $2.47 per barrel for 21° API gravity.

Special provisions. For the reasons set forth in the statement of considerations

and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Arnockeville Field, DeWitt County, Texas, shall be: $2.85 per barrel for 40° API gravity and above with a differential less of 2¢ per barrel for each degree of gravity below 40 degrees, down to $2.47 per barrel for 21° API gravities.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on March 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3349; Filed, Mar. 20, 1952; 4:12 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 9]

SAM HOUSTON FIELD, WALKER COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Sam Houston Field, Walker County, Texas.

The Scurlock Oil Company of Houston, Texas, desires to eliminate the differentials it has heretofore imposed upon the crude petroleum produced from the Sam Houston Field, Walker County, Texas. During the base period there was a lack of competitive factors and as a result the crude petroleum produced from the Sam Houston Field, Walker County, Texas, was sold at a lower price than is being and has been paid for crude petroleum of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From information available to this Office, it appears that the requested adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is $2.80 per barrel for 40° API gravity and above with a differential of 2¢ per barrel less for each degree of gravity lower than 40° API gravity, down to $2.38 per barrel for below 20° API gravities.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Sam Houston Field, Walker County, Texas, shall be: $2.80 per barrel for 40° API gravity and above with a differential of 2¢ per barrel less for each degree of gravity lower than 40° API gravity, down to $2.38 per barrel for below 20° API gravities.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on March 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3350; Filed, Mar. 20, 1952; 4:12 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 10]

HAM GOSSETT FIELD, KAUFMAN COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Ham Gossett Field, Kaufman County, Texas.

The Scurlock Oil Company of Houston, Texas, desires to eliminate the differentials it has heretofore imposed upon the crude petroleum produced from the Ham Gossett Field, Kaufman County, Texas. During the base period full production had not been attained and there was a lack of low cost pipeline transportation. As a result, the crude petroleum produced from the Ham Gossett Field, Kaufman County, Texas, was sold at a lower price than is being and has been paid for crude petroleum of comparable quality produced in this same general area. It now appears that full production has been attained and adequate low cost pipeline transportation, has been installed and that the former differentials resulting in prices for this crude petroleum below the in-line ceiling price for comparable crude petroleum in the same general producing area should no longer be imposed.

From information available to this Office, it appears that the requested adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is $2.67 per barrel for 40° API gravity and above with a differential of 2¢ per barrel less for each degree of gravity below 40° API, down to $2.25 per barrel for below 20° API gravities.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Ham Gossett Field, Kaufman County, Texas, shall be: $2.67 per barrel for 40° API gravity and above with a differential of 2¢ per barrel less for each degree of gravity lower than 40° API, down to $2.25 per barrel for below 20° API gravities.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on March 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 20, 1952.

[F. R. Doc. 52-3351; Filed, Mar. 20, 1952; 4:12 p. m.]