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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 465.11]

PART 373—SECURITY SERVICING AND LIQUIDATIONS; FARM HOUSING LOANS

SUBPART A—GENERAL SECURITY SERVICING

GENERAL SECURITY SERVICING OF FARM HOUSING LOANS

Subchapter E, Title 6, Code of Federal Regulations (13 F. R. 9449, 14 F. R. 2435, 15 F. R. 3077, 16 F. R. 7379) is amended to add Subpart A, Part 373 to read as follows:

Sec.

AUTHORITY: §§ 373.1 to 373.11 issued under sec. 510 (g), 63 Stat. 438; 42 U. S. C. 1480 (g). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 373.1 *General.* Subject to the policies and procedures prescribed in this part and insofar as the Government's interest is concerned:

(a) The State Director is authorized to:

(1) Approve the grant of easements and rights-of-way by a borrower.

(2) Approve the sale of all or a portion of farm, or appurtenance thereto attached.

(3) Approve the sale of water rights.

(4) Approve the sale or lease of mineral rights.

(5) Assign, without recourse, notes and security instruments.

(6) Execute releases, subordinations, and other instruments necessary in connection with proper security servicing.

(b) The State Director or his delegate is authorized to:

(1) Determine when it appears that a borrower can secure refinancing credit and require refinancing when other acceptable credit is available.

(2) Execute a lease or caretaker's agreement on behalf of a borrower.

(3) Make or authorize the advance of funds on behalf of a borrower, and charge the amount thereof to the borrower's Farm Housing loan account.

(c) The State Field Representative is authorized to:

(1) Approve the sale of timber.

(2) Approve the use of timber, sand, gravel and stone, for making necessary improvements on the security property.

(3) Approve the sale of sand, gravel, stone and coal.

(4) Approve the sale or lease of naval stores.

(d) The County Supervisor is authorized to:

(1) Approve the sale(s) of timber when the proceeds of the sale(s) will not exceed $300 within the calendar year.

(2) Approve the sale(s) of sand, gravel, stone or coal when the proceeds of the sale(s) will not exceed $300 within the calendar year.

(3) Approve the sale(s) or lease of naval stores when the proceeds of the sale(s) or lease will not exceed $300 within the calendar year.

(Secs. 501, 502 (b), 510 (a), (b), (c), (d), (e), 63 Stat. 432, 433, 437; 42 U. S. C. 1471, 1472 (b), 1480 (a), (b), (c), (d), (e))

§ 373.2 *Refinancing.* Farm Housing borrowers are required upon request of the State Director or his delegate to proceed with diligence to refinance the balance of their Farm Housing indebtedness through cooperative or other responsible private credit sources. The County Supervisor will review all outstanding Farm Housing loan accounts immediately following December 31, and in consultation with the County Committee determine those borrowers who have reduced their indebtedness to the extent that they are likely to be able to obtain credit elsewhere. The County Supervisor will request such refinancing when he and the County Committee determine that the borrower's security position and debt-paying ability indicate he is able to obtain the necessary credit upon reasonable terms and conditions. Final deter-

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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.

mination with respect to requiring a borrower to refinance will be made by the State Director or his delegate. Except as specified herein, refinancing will be effected in accordance with the policies and procedures outlined in Subpart A of Part 372 of this chapter.

(Sec. 502 (b), 63 Stat. 433; 42 U. S. C. 1472 (b))

§ 373.3 *Partial release, subordination or consent under the terms of Farm Housing security instruments*—(a) *Policies with respect to transactions involving partial release or subordination, other than subordinations to permit reamortization or extension or prior liens or to permit loans to refinance or increase prior liens.* The following policies will apply where partial release or subordination of the security instrument is desired in connection with the granting of easements and rights-of-way; the sale of any portion of the farm, or appurtenances thereto attached; the sale of water rights; the sale or lease of sand, gravel, coal, oil, gas, or other minerals or mineral rights; the sale or lease of naval stores; and, the cutting and sale of timber.

(1) In those cases where there are prior lien holders, the County Supervisor will advise the borrower that he must furnish at the time application is made for release or subordination of the Government's lien, a conformed copy of the prior lien holder's executed agreement(s) to release or subordinate, showing the terms thereof. The copy of such agreement(s) will be attached to the original of Form FHA–696 and will be processed therewith.

(2) A cash consideration for any transaction hereunder shall not be accepted until the closing of the transaction. If the prospective purchaser or lessee tenders funds with his offer to purchase or lease, such funds shall be placed in escrow for delivery at the closing.

(3) The "rents and profits" clause of the Farm Housing mortgage may be subordinated to enable a borrower or his tenant to obtain a crop loan when such subordination is requested by the crop lender and such action is in the best interest of the Government.

(4) Ordinarily, the Government will, with respect to its interest in the security property, execute partial releases or subordinations: *Provided*, That:

(i) The transaction will not adversely affect the security interests of the Government.

(ii) The consideration (monetary or other) for any sale or lease is adequate.

(iii) The borrower enters into a satisfactory arrangement with the Government with respect to the disposition of any proceeds derived from the transaction.

(iv) The proposed transactions will not reduce the borrower's income-producing ability to the extent that it will jeopardize his repayment of the Farm Housing loan.

(v) The borrower has obtained an acceptable agreement from the prior lien holder, when the Government is in the junior lien position.

(b) *Policies with respect to subordinations to permit reamortization or extension of prior liens, or to permit loans to refinance or increase prior liens.* The following policies will apply where subordination of the security instrument is desired in connection with the reamortization or extension of the prior lien(s), or in connection with a loan to refinance or increase the prior lien(s) by either the prior lien holder or another lender making the refinancing loan:

(1) In the case of a refinancing loan or the reamortization or extension of the prior lien, where no additional advance is involved, the amount of the new lien must not be greater than the unpaid balance of the prior lien(s) as of the date of the transaction, including the principal and interest balances and other unpaid advances made under the prior lien(s). Therefore, funds will not be included in refinancing loans for use by the borrower in paying fees, purchasing stock, and so forth, in connection with obtaining the refinancing loan. Such costs must be paid by the borrower from personal funds.

(2) The borrower must be unable to refinance the Farm Housing indebtedness on satisfactory terms and conditions.

(3) The terms and conditions of the refinancing loan or reamortization or extension of the prior lien must be at least as favorable insofar as the borrower's ability to repay the Farm Housing loan is concerned, as the terms and conditions of the loan(s) being refinanced, reamortized, or extended.

(4) When the subordination is granted to permit an additional advance, the following will also be observed:

(i) The additional advance must be necessary to finance land or building improvement, or the purchase of additional land, which is necessary to the successful operation of the farm and the repayment of the Farm Housing loan.

(ii) The proposed improvements or land purchase when completed must increase the value of the security property by an amount at least equal to the additional advance.

(c) *Disposition of proceeds from sales or leases.* Based upon the circumstances surrounding the case and the nature of the transaction, proceeds derived from the sale or lease of the security property will be applied on the prior lien account(s); applied on the Farm Housing loan account; used to accomplish approved farm development or enlargement; used as a regular income; or, used to restore damages.

(1) *Use of proceeds to pay prior lien account(s).* If there is a prior lien account(s) and the prior lien holder requests that the proceeds from any sale or lease be applied on the prior lien account, such consent will be granted. If, however, the prior lien holder agrees to a proration of the proceeds between the prior lien and the Farmers Home Administration, the proceeds allotted to the Farmers Home Administration may be used as provided in paragraph (c) (2), (3), or (4), of this section, based upon the circumstances surrounding the case and the nature of the transaction involved.

(2) *Use of proceeds as extra payment on the Farm Housing loan account.* For the purpose of this subpart, the following transactions are considered as depleting: (i) The granting of easements or rights-of-way, (ii) the sale of any portion of the farm or appurtenances thereto attached, (iii) the sale of water rights, (iv) the sale of sand, gravel, coal, oil, gas, or other minerals or mineral rights (including royalty payments under oil, gas, or mineral leases), (v) the sale or lease of naval stores, and (vi) the sale of timber cut on a basis other than a sustained yield plan. Therefore, the proceeds derived from these transactions, if not used to pay prior lien indebtedness in accordance with subparagraph (1) of this paragraph, will be applied as an extra payment on the Farm Housing loan account unless otherwise authorized by the State Director as provided in subparagraph (3) of this paragraph. However, proceeds received in connection with the sale or lease of the security property which represent payment for borrower labor or out-of-pocket expense by the borrower will be considered as regular income and may be used accordingly.

(3) *Use of proceeds to accomplish farm development and enlargement.* The State Director may, with the consent of the prior lien holder, if any, authorize the use of the proceeds from the sale of the security property, as referred to in subparagraph (2) of this paragraph, to accomplish farm development and enlargement, provided appropriate safeguards are observed to assure that the fiscal interests of the Government are diligently protected, and that the purposes for which the funds are to be used are such as could be accomplished with the type of Farm Housing loan obtained by the borrower. Authority to give the Government's consent to the sale of Farm Housing security and use the proceeds for farm development or enlargement will be exercised only by the State Director.

(i) The County Supervisor, State Field Representative, and County Committee will submit their recommendations to the State Director with respect to the proposed sale of security property and the use of all the proceeds for the proposed farm development or enlargement, or the use of part of the proceeds for such purposes and the balance as a payment on prior lien accounts, if any, or as an extra payment on the Farm Housing loan account.

(ii) If the transaction is approved by the State Director, the proceeds proposed for use in farm development or enlargement will be deposited in the borrower's supervised bank account and disbursed under the same controls as those governing Farm Housing loan funds.

(4) *Use of proceeds as regular income.* For the purpose of this subpart, the fol-

lowing transactions are considered as non-depleting: An oil, gas and mineral lease, so long as delay rentals are being paid under the lease (that is, prior to production), and cutting of timber on the basis of a sustained yield plan. Therefore, proceeds received as bonus payments and delay rentals (but not royalties) and from the sale of timber cut on the basis of a sustained yield plan will be considered as regular income and may be used accordingly.

(5) *Use of proceeds to restore damages.* Damage to security property is sometimes incurred in connection with the carrying out of the terms and conditions of an easement, right-of-way permit, and so forth. In this connection, proceeds received as damages for facilities damaged or destroyed, such as productivity of soil, fences, farm roads, buildings, and so forth, may be used by the borrower to restore such items, provided restoration of the facility is necessary to the successful operation of the farm. However, any such proceeds not so used will be applied on the prior lien indebtedness, if any, or as an extra payment on the Farm Housing loan account.

(d) *Preparation and processing of Form FHA–696, "Application for Partial Release, Subordination or Consent."* When a Farm Housing borrower desires to obtain from the Government a partial release, subordination or consent under the terms of the Farm Housing security instrument, he will make application therefor on Form FHA–696.

(Sec. 510 (b), 63 Stat. 437; 42 U. S. C. 1480 (b))

§ 373.4 *Actions which adversely affect security.* When actions taken by the borrower or other parties, including prior lien holders, which adversely affect or may so affect the Government's security for the indebtedness on a Farm Housing farm come to the attention of the County Supervisor and the circumstances are such that the County Supervisor cannot correct the situation with the help of the County Committee and State Field Representative, such facts as are known or can be discovered shall be reported at once to the State Director. Actions falling in this class include but are not limited to the unauthorized cutting and removal of timber, encroachment by the occupant of the adjoining land, boundary line disputes, the filing of an action in court or other action by prior lien holders or others which affect the borrower's title to the land, and condemnation proceedings seeking to take all or a part of the farm for public or semipublic use. The borrower will ordinarily be expected to represent his own interests in condemnation suits, trespass cases, and other cases affecting title to his farm.

(Secs. 502 (b), 510 (d), 63 Stat. 433, 437; 42 U. S. C. 1472 (b), 1480 (d))

§ 373.5 *Vacated farms.* Leasing of a Farm Housing farm or obtaining a caretaker on behalf of the borrower will be done only when it is necessary to protect the interest of the Government and will not be used as an alternative for or as a means of delaying prompt liquidation of the loan. Where that necessity arises and the Government is the junior lien holder, the County Supervisor will ascertain whether or not the prior lien holder(s) will take action to lease or place the property under the care of a caretaker. If the prior lien holder(s) refuses or fails to lease or obtain a caretaker, the County Supervisor will initiate such action.

(a) *Lease of farm on behalf of borrower.* In those cases where it is necessary to lease on behalf of the borrower, the following procedure will be applicable:

(1) The County Supervisor will arrange to lease the farm. If concurrence of any prior lien holder is necessary under the terms of the prior lien(s) or in order to insure the proposed lessee of adequate security of tenure, the County Supervisor will obtain such concurrence before the lease is effected.

(2) Rent proceeds will be applied on the borrower's Farm Housing loan account unless a prior lien(s) exists and the prior lien holder(s) demands such proceeds be applied on the prior lien account(s). The County Supervisor will issue Form FHA–37, "Receipt for Payment," in the name of the borrower and will indicate on the receipt that the funds were derived from rents and list the name(s) of the lessee(s). The County Supervisor will deliver an informal receipt to the lessee.

(3) Rent proceeds will not be used for payment of taxes or property insurance premiums, or maintaining the property. If such expenses are not paid by the borrower or prior lien holder(s), if any, and if the State Director determines payment is necessary to protect the interest of the Government, they will be paid by use of Standard Form 1034, "Public Voucher for Purchase and Services Other Than Personal," or certified invoice in accordance with the applicable instructions. Vouchers or certified invoices processed to pay such expenses will be charged to the borrower's Farm Housing loan account. If the lease provides that the lessee will perform certain items of maintenance, it will also provide that he will do so by a specified date.

(b) *Operation of farm under caretaker's agreement.* If the County Supervisor is unable to lease the property and it is necessary for the protection of the Government's security that the property be cared for pending liquidation, a caretaker should be obtained in accordance with instructions from the State Director. In the event it is necessary to secure a caretaker, the caretaker will be required to sign a written agreement.

(Secs. 502 (b), 510 (a), (d), 63 Stat. 433, 437; 42 U. S. C. 1472 (b), 1480 (a), (d))

§ 373.6 *Inspections in connection with maintenance of security property.* The County Supervisor will make an on-the-farm inspection of the security property at least once during each calendar year. In making a property maintenance inspection, it is desirable that the borrower work closely with the County Supervisor, if the borrower is present when the inspection is made. If the borrower is not present, the needed maintenance should be made known to the operating tenant if there is such tenant. When the borrower is not present at the time the inspection is made, the County Supervisor will contact the borrower as soon as possible and discuss the needed maintenance with him. When the County Supervisor is unable to discuss the matter with the borrower, he will advise him by memorandum of the maintenance work that needs to be performed. When a borrower fails to maintain the security property to the extent that the Government's security position is being jeopardized, the County Supervisor will so notify the State Director.

(Sec. 502 (b), 63 Stat. 433; 42 U. S. C. 1472 (b))

§ 373.7 *Advances to protect security.* While title to the property is vested in the borrower, it may become necessary in order to protect the Government's security, to advance funds to pay real estate taxes, property insurance premiums, caretaker's expense or maintenance expense. Any such advances will be made only upon authorization of the State Director and will be made in accordance with policies stated or referred to in this subpart. All advances made to protect the Government's security will be made from building loan allotment for the respective State and such advances will be charged to the borrower's Farm Housing account.

(Sec. 502 (b), 63 Stat. 433; 42 U. S. C. 1472 (b))

§ 373.8 *Death of borrower.* Upon the death of a Farm Housing borrower, the decision as to whether the family will continue to operate or have the farm operated and otherwise fulfill the covenants of the security instrument, ordinarily will be decided by the surviving obligor(s) on the note. Ample time will be allowed the family within which to make this determination, unless the circumstances of the particular case require a prompt decision in order to safeguard the interest of the Government.

(Sec. 502 (b), 63 Stat. 433; 42 U. S. C. 1472 (b))

§ 373.9 *Sale of farm by a Farm Housing borrower.* If a section 503 Farm Housing borrower sells his farm, all circumstances and information pertinent to the case will be furnished the National Office in order that the State Director may be advised with respect to the method of servicing. If a section 502 or section 504 Farm Housing loan borrower sells his farm, the case will be handled as outlined in the remainder of this section.

(a) *Loans for which closing instruments were prepared prior to October 1, 1950.* A security instrument prepared by the representative of the Office of the Solicitor prior to October 1, 1950, does not contain a covenant requiring that the borrower secure permission from the Government to sell the farm covered by such security instrument. Therefore, when a Farm Housing borrower who has executed such a security instrument sells his farm, the following will be observed:

(1) *Eligibility for assistance.* When it becomes known to the County Supervisor that a Farm Housing borrower has

sold his farm subject to the Government's mortgage, he will contact the purchaser to determine if the purchaser is interested in entering into an agreement whereby he would legally assume the indebtedness if found eligible for assistance under Title V of the Housing Act of 1949. If the purchaser is found to be eligible, the County Supervisor will proceed in accordance with subparagraph (2) of this paragraph. If the purchaser is not interested in assuming the indebtedness or is found ineligible for assistance under Title V, the County Supervisor will proceed as outlined in subparagraph (3) of this paragraph.

(2) *Sale to individual eligible for Title V assistance.* When a Farm Housing borrower sells his farm subject to the Government's mortgage, to an individual who is eligible for assistance under Title V of the Housing Act of 1949, the State Director will authorize the County Supervisor to prepare and process a transfer docket in accordance with applicable instructions, if the purchaser desires to enter into such transfer arrangement. If the purchaser is not willing to enter into such transfer arrangement, the case will be handled as outlined in subparagraph (3) of this paragraph.

(3) *Sale to individual not eligible for Title V assistance.* When a Farm Housing borrower sells his farm subject to the Government's mortgage to an individual who is not eligible for assistance under Title V of the Housing Act of 1949, the Farmers Home Administration will not officially recognize the purchaser as being the party responsible under the security instrument. The account will be carried in the name of the borrower and all correspondence, notices, statement of account, and so forth, will be addressed to the borrower. Payments, however, may be accepted from the purchaser and scheduled for application on the account of the borrower. In that case the County Supervisor will issue Form FHA-37 in the name of the borrower and indicate thereon that the remittance was received from (Name of Purchaser) for application on the borrower's Farm Housing loan account. The County Supervisor will deliver an informal receipt to the purchaser. As long as the payments are kept current and the property covered by the security instrument is adequately maintained, the account will be so serviced.

(b) *Loans for which closing instruments were prepared on or after October 1, 1950:* Security instruments prepared by the representative of the Office of the Solicitor on or after October 1, 1950, contain a covenant requiring the borrower to secure the consent of the Government to sell or otherwise dispose of property covered by the Farm Housing loan security instrument. The purpose of requiring the Government's consent is to prevent the benefits of a Farm Housing loan from accruing to a person who is not eligible for assistance under Title V of the Housing Act of 1949.

(1) *Sale to an individual eligible for Title V assistance.* When a Farm Housing borrower requests permission to sell his farm to an individual eligible for Title V assistance, and does not propose to pay the account in full from the proceeds thereof, the County Supervisor will endeavor to work out a transfer in accordance with applicable instructions whereby the purchaser will assume the obligations of the borrower. If such transfer cannot be arranged, the County Supervisor will so notify the State Director. Upon failure of the borrower and prospective purchaser to arrange for such a transfer, the State Director will not approve the sale and will demand payment in full of the borrower's indebtedness to the Farmers Home Administration.

(2) *Sale to an individual not eligible for Title V assistance.* When a Farm Housing borrower sells his farm to an individual not eligible for Title V assistance, payment in full of the borrower's indebtedness to the Government will be required.

(Sec. 502 (b), 63 Stat. 433; 42 U. S. C. 1472 (b))

§ 373.10 *Assignment of Farm Housing notes and security instruments.* There will be cases wherein the borrower will be refinancing his Farm Housing indebtedness and the lender will request assignment of the note(s) and security instrument(s) as a condition to making the loan. When refinancing is required in accordance with § 373.2, the State Director may assign, without recourse, the note(s) and security instrument(s) held by the Farmers Home Administration evidencing and securing the Farm Housing loan(s).

(Secs. 502 (b), 510 (d), 63 Stat. 433, 437; 42 U. S. C. 1472 (b), 1480 (d))

§ 373.11 *Compromise, adjustment, reduction or cancellation of Farm Housing indebtedness.* Compromise, adjustment, reduction or cancellation of Farm Housing indebtedness that is not affected in connection with the transfer of the property in accordance with applicable instructions, or in connection with voluntary conveyance of title to the Government in accordance with applicable instructions, will be consummated on the basis of the value of the security and the borrower's ability to pay. Such cases will be considered on an individual case basis. In no case will the debt be settled for an amount less than the value of the security or for an amount less than the borrower's ability to pay. In those cases where the State Director is of the opinion that a basis for compromise, adjustment, reduction or cancellation exists, he will proceed to process such cases as prescribed in § 372.11 of this chapter.

(Sec. 510 (c), (f), 63 Stat. 437, 438; 42 U. S. C. 1480 (c), (f))

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

APRIL 15, 1952.

Approved: May 7, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-5212; Filed, May 9, 1952; 8:45 a. m.]

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

Subchapter C—Loans, Purchases, and Other Operations

[721 (Honey 52)-1; 1952 Honey Bulletin 1, Amdt. 1]

PART 624—HONEY

SUBPART—1952 HONEY PRICE SUPPORT PROGRAM

PMA COMMODITY OFFICES

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3698 containing the requirements with respect to the 1952 Honey Price Support Program are hereby amended as follows:

That portion of § 624.326 *PMA Commodity Offices* containing the address of the New Orleans Commodity Office is hereby amended as follows:

New Orleans 16, Louisiana, Wirth Building, 120 Marais Street: Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup., 714b. Interprets or applies Sec. 5, 62 Stat. 1072, Secs. 201, 401, 63 Stat. 1052, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup., 1446, 1421)

Issued this 7th day of May 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

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

[F. R. Doc. 52-5253; Filed, May 9, 1952; 8:54 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 7—NONCOMPETITIVE INDEFINITE APPOINTMENT OF FORMER EMPLOYEES AND INDEFINITE EMPLOYEES OF OTHER AGENCIES; AND PROMOTION, DEMOTION, AND REASSIGNMENT OF INDEFINITE EMPLOYEES

NONCOMPETITIVE INDEFINITE APPOINTMENTS

Subdivisions (ii), (iii) and (iv) of § 7.105 (a) (2) are amended, and a new subdivision (v) is added as set out below. As amended, § 7.105 (a) (2) reads as follows:

§ 7.105 *Agency authority and general requirements for noncompetitive indefinite appointments.* (a) After September 1, 1950, the employment noncompetitively of former Federal employees, and of indefinite employees of other agencies, shall be by indefinite appointment. The Commission hereby delegates authority to agencies to make such indefinite appointments subject to the following conditions:

* * * * *

(2) (i) Any former Federal employee without competitive status may be appointed in a defense activity, provided his former employment was under an indefinite appointment during which he obtained such specialized experience as is needed to perform the duties of the position to which his appointment is proposed: *Provided*, That in making such appointments agencies shall give preference first to all 10-point preference applicants, both status and nonstatus, and second to all 5-point preference applicants, both status and nonstatus, having such specialized experience.

(ii) Any employee (with or without competitive status) serving in a nondefense activity under indefinite appointment in a competitive position (or in an excepted position to which he was appointed in accordance with the Commission's regulations for the competitive service) may be appointed in any defense activity. Any former employee without competitive status who last served in a nondefense activity under indefinite appointment in a competitive position (or in an excepted position to which he was appointed in accordance with the Commission's regulations for the competitive service) may be appointed in any defense activity if he is selected within 30 days of separation.

(iii) Any employee or former employee without competitive status who last served under indefinite appointment in a competitive position (or in an excepted position to which he was appointed in accordance with the Commission's regulations for the competitive service) and who has received a notice of separation because of reduction in force may be appointed in any agency if he is selected within 90 days of separation because of reduction in force.

(iv) Any former employee without a competitive status who entered the military service while serving under an indefinite appointment in a competitive position (or in an excepted position to which he was appointed in accordance with the Commission's regulations for the competitive service) may be appointed in any agency if he is selected within 90 days after his honorable separation from the military service.

(v) Any employee or former employee without competitive status who last served under indefinite appointment in a competitive position (or in an excepted position to which he was appointed in accordance with the Commission's regulations for the competitive service) may be appointed in any agency if he is unable to move with his office to a different locality and if he is selected for appointment after notification that the office is to move but within 90 days of separation because of inability to move with his office.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. Doc. 52-5214; Filed, May 9, 1952; 8:45 a. m.]

TITLE 7—AGRICULTURE

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

[Orange Reg. 216]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.577 *Orange Regulation 216*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 12, 1952. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 15, 1951, and will so continue until May 12, 1952; the recommendation and supporting information for continued regulation subsequent to May 11 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 6; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period begining at 12:01 a. m., e. s. t., May 12, 1952, and ending at 12:01 a. m., e. s. t., May 19, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area I or in Regulation Area II, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box; or

(iv) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet, (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container, and (*c*) are of a size not smaller than a size that will pack 200 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box.

(2) As used in this section, the term "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container" and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

Shipments of Temple oranges grown in the State of Florida are subject to the provisions of Orange Regulation 215 (7 CFR 933.574; 17 F. R. 3227).

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

Done at Washington, D. C., this 8th day of May 1952.

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

[F. R. Doc. 52-5284; Filed, May 9, 1952; 8:54 a. m.]

[Grapefruit Reg. 161]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.578 *Grapefruit Regulation 161*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the ap-

plicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 12, 1952. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 17, 1951, and will so continue until May 12, 1952; the recommendation and supporting information for continued regulation subsequent to May 11 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 6; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 12, 1952, and ending at 12:01 a. m., e. s. t., May 19, 1952, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(ii) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(iii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any white seedless grapefruit, grown in Regulation Area I, which grade U. S. No. 2 Bright, U. S. No. 2, or U .S. No. 2 Russet, which are of a size larger than a size that will pack 64 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vii) Any white seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Bright, U. S. No. 2, or U. S. No. 2 Russet, which are of a size larger than a size that will pack 54 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section "handler," "variety," "ship" and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack" and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

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

Done at Washington, D. C., this 8th day of May 1952.

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

[F. R. Doc. 52-5283; Filed, May 9, 1952; 8:54 a. m.]

PART 943—MILK IN THE NORTH TEXAS MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the North Texas marketing area, hereinafter referred to as the "order" it is hereby found and determined that § 943.44 (c) and a certain provision of § 943.44 (e) of the order do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order from the effective date hereof through June 30, 1952.

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest, in that the (1) information upon which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area; and (3) this action will immediately relieve certain restrictions imposed upon certain milk by the order. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

It is therefore ordered, That the following provisions of the order be and they are hereby suspended for the period from the effective date of this order through June 30, 1952, inclusive:

(1) Section 943.44 (c) in its entirety; and

(2) In § 943.44 (e) the provision, "located not more than 200 miles distant by shortest highway distance as determined by the market administrator".

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

Done at Washington, D. C., this 7th day of May 1952 to be effective immediately.

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

[F. R. Doc. 52-5219; Filed, May 9, 1952; 8:47 a. m.]

[Lemon Regulation 433, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

b. *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.540 (Lemon Regulation 433, 17 F. R. 4108) are hereby amended to read as follows:

(ii) District 2: 600 carloads.

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

Done at Washington, D. C., this 8th day of May 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-5309; Filed, May 9, 1952; 8:53 a. m.]

[Lemon Regulation 434]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.541 *Lemon Regulation 434.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 7, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 11, 1952, and ending at 12:01 a. m., P. s. t., May 18, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 433 (17 F. R. 4108) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

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

Done at Washington, D. C., this 8th day of May 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-5308; Filed, May 9, 1952; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5829]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WINDSOR PEN CORP. ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 3.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling:* § 3.1280 *Price;* § 3.1325 *Source or origin; imported product or parts as domestic.* Subpart—*Misrepresenting oneself and goods; prices:* § 3.1805 *Exaggerated as regular and customary.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* In connection with the offering for sale, sale and distribution of mechanical pens or fountain pens in commerce, (1) offering for sale or selling mechanical pencils, the mechanisms, actions or movements of which are of foreign origin, without affirmatively and clearly disclosing on or in immediate connection with said pencils, the country of origin of such mechanisms, actions or movements; (2) representing, directly or by implication, that mechanical pencils containing mechanisms, actions or movements of foreign origin, are wholly of domestic origin; or, (3) supplying customers or purchasers of fountain pens or mechanical pencils with price tags or stickers therefor bearing amounts which are in excess of the prices at which such articles are usually or customarily sold to the purchasing public; or otherwise representing that such articles are sold for amounts in excess of their usual and customary selling prices to the purchasing public; 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, Windsor Pen Corporation et al. Docket 5829, February 19, 1952]

In the Matter of Windsor Pen Corporation, a Corporation, and Morris Fink and Sady Fink, Individually and as Officers of Said Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on December 1, 1950, issued and subsequently served its complaint 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 that act. Hearings were held in this matter before a hearing examiner duly designated by the Commission. Respondents' answer to the complaint was read into the record by their counsel at the initial hearing herein. At a subsequent hearing, counsel supporting the complaint and counsel for the respondents stipulated and agreed that a statement of facts thereupon read by them into the record might be taken as the facts in this proceeding and in lieu of evidence in support of the complaint and in opposition to the charges stated therein, and that such statement of facts might serve as the basis for findings as to the facts, conclusion and order disposing of the proceeding. Thereafter, the proceeding regularly came on for final consideration by said hearing examiner upon the complaint, the answer thereto, the stipulated facts, proposed findings and conclusions presented by counsel for respondents, and oral argument by counsel, and said hearing examiner filed his initial decision herein on July 12, 1951.

Counsel for the respondents Windsor Pen Corporation and Morris Fink, on August 9, 1951, filed with the Commission an appeal from said initial decision. Thereafter, this proceeding having regularly come on for final hearing by the Commission upon said appeal, including the brief in support thereof, memorandum of authorities filed in opposition thereto and oral argument of counsel; the Commission issued its order denying said appeal.

The Commission is of the opinion, however, that the order contained in the hearing examiner's initial decision is ambiguous in certain respects. 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,[1] conclusion drawn therefrom[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That respondent Windsor Pen Corporation, a corporation, and its officers, and respondent Morris Fink, individually and as an officer thereof, and their respective agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of mechanical pencils or fountain pens in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling mechanical pencils, the mechanisms, actions or movements of which are of foreign origin, without affirmatively and clearly disclosing on or in immediate connection with said pencils, the country of origin of such mechanisms, actions or movements.

2. Representing, directly or by implication, that mechanical pencils containing mechanisms, actions or movements of foreign origin, are wholly of domestic origin.

3. Supplying customers or purchasers of fountain pens or mechanical pencils with price tags or stickers therefor bearing amounts which are in excess of the prices at which such articles are usually or customarily sold to the purchasing public; or otherwise representing that such articles are sold for amounts in excess of their usual and customary selling prices to the purchasing public.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to the respondent Sady Fink.

It is further ordered, That respondents Windsor Pen Corporation and Morris Fink 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: February 19, 1952.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 52-5236; Filed, May 9, 1952; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52990]

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

FREE ENTRY OF CERTAIN TEXTILE MACHINES AND PARTS THEREOF

1. In view of the provisions of Public Law 286, 82d Congress, adding a new paragraph to Title II (free list) of the Tariff Act of 1930, § 10.43 (a), Customs Regulations of 1943 (19 CFR 10.43 (a)) is amended to read as follows:

(a) The importer of articles claimed to be exempt from duty under paragraph 1631,[39] 1773,[40] or 1817,[40a] Tariff Act of 1930, shall file, as evidence that such articles are entitled to free entry, a declaration on customs Form 3321 of an executive officer or other authorized representative of the institution for which the articles are imported. In the case of articles claimed to be free under paragraph 1817, the affidavit required by that paragraph shall also be furnished.

2. A new footnote 40a is inserted following footnote 40 and reads as follows:

40a Any society or institution incorporated or established solely for educational, religious, or charitable purposes may import free of duty any textile machine or machinery, or part thereof, for its own use in the instruction of students and not for sale or for any commercial use, under such rules and regulations as the Secretary of the Treasury may prescribe: *Provided*, That free entry hereunder shall be conditioned upon the presentation to the collector of customs of an affidavit of a responsible officer of the importing society or institution that the substantial equivalent of the imported article is not manufactured in the United States. (Tariff Act of 1930, as amended, par. 1817 (free list); 19 U. S. C. 1201, par. 1817). (R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interpret or apply pars. 1631, 1773, sec. 201, 46 Stat. 675, 681, par. 1817, Pub. Law 286, 82d Cong.; 19 U. S. C. 1201, pars. 1631, 1773)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: May 5, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-5239; Filed, May 9, 1952; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 25, Revision 1, Interpretation 2]

CPR 25—REVISED CEILING PRICES OF BEEF ITEMS SOLD AT RETAIL

INT. 2—BONELESS CHUCK SOLD AS STEW MEAT (APPENDIX 5 J, L, M)

Since the issuance of Interpretation 1 of Ceiling Price Regulation 25, Revised, inquiries have been received as to whether choice beef chuck may be prediced into cubes ranging from 1 to 2 inches in size and then labeled as choice chuck and sold at the ceiling price for that item, as defined in Appendix 5 (j) (6) of the regulation.

Although Appendix 5 (j) (6) contains no limitation upon the size of cuts which may be sold as boneless chuck, it limits boneless chuck to "pot-roasts". Also, Interpretation 1 points out that the pieces of boneless chuck "should be sufficiently large to permit grade and cut identification." Cubes ranging from 1 to 2 inches in size cannot be identified as to grade or cut; nor are they of the size suitable for pot-roasts. Therefore such pieces may not be sold as boneless chuck.

Appendix 5 (l) of the regulation defines regular pre-diced stew beef as "beef from which all bones, cartilage and tendons have been removed. The meat shall be cut in cubes no smaller than one inch. Fat content shall not exceed 25 percent." Lean pre-diced stew beef is similarly defined in Appendix 5 (m), except that trimmable fat must be removed and the cubes may not be smaller than 1½ inches. If the items which are being priced meet the requirements as set forth in Appendix 5 (l) or 5 (m), they may be labeled and sold as regular or lean pre-diced stew beef, as the case may be.

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

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

MAY 9, 1952.

[F. R. Doc. 52-5325; Filed, May 9, 1952; 11:35 a. m.]

[Ceiling Price Regulation 113, Revision 1, Supplementary Regulation 2]

CPR 113—WHITE FLESH POTATOES

SR 2—"PREVAILING COSTS" FOR GROWER SALES OF CALIFORNIA (SOUTH OF AND INCLUDING MONTEREY, SAN BENITO, FRESNO, MADERA AND MONO COUNTIES) POTATOES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 2 to Ceiling Price Regulation 113, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 1 to Ceiling Price Regulation 113, Revision 1 was issued to establish dollar-and-cent amounts to be used in calculating ceiling prices for sales of Maine potatoes by growers. This was done to relieve price pressure against sellers beyond the producer level. The Statement of Considerations to SR 1 stated that "if this problem appears to confront sellers in other areas, OPS will name dollar-and-cent amounts for these services upon receipt and analysis of proper data." It appears that this same problem has arisen in southern California. Specifically, the area in California affected by this supplementary regulation is south of and including Monterey, San Benito, Fresno, Madera and Mono counties. The dollar-and-cent amounts set forth in this supplementary regulation are to be used as the costs or charges, "prevailing in the area in which your farm is located" in computing ceiling prices for growers in California (south of and including Monterey, San Benito, Fresno, Madera and Mono counties) under section 2 (h) of CPR 113, Revision 1.

Before issuing this supplementary regulation the Director of Price Stabilization has consulted with individual members of the industry affected, including both growers and shippers of potatoes in California and has given full consideration to their recommendations. It was deemed impracticable to consult formal industry advisory committees or trade

[1] Filed as part of the original document.

associations because of the necessity for speed. It is the judgment of the Director that the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.

1. What this supplementary regulation does.

2. "Prevailing costs" for grower sales of California (south of and including Monterey, San Benito, Fresno, Madera and Mono counties) potatoes.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended, 50 U. S. C. App. Sup. 2101–2110, E. O. 10161; Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies CPR 113, Revision 1 by setting forth specific dollar-and-cent amounts to be used as the costs "prevailing in the area in which your farm is located" in determining ceiling prices under section 2 (h) of CPR 113, Revision 1, for sales by growers of potatoes produced in California (south of and including Monterey, San Benito, Fresno, Madera and Mono counties).

SEC. 2. *"Prevailing costs" for grower sales of California potatoes (south of and including Monterey, San Benito, Fresno, Madera and Mono counties).* If you calculate your ceiling price for sales of potatoes produced in California (south of and including Monterey, San Benito, Fresno, Madera and Mono counties) under section 2 (h) of CPR 113, Revision 1, you shall use the following dollar-and-cent amounts as the costs or charges "prevailing in the area in which your farm is located."

Prevailing costs in California (south of and including Monterey, San Benito, Fresno, Madera and Mono counties) per cwt.

	Amount per cwt.
Hauling from farm to country shipping point including field sack rental	$0.13
Washing, grading, packing in new 100 lbs. burlap bags and loading on the carrier	.52
Country shipper's selling charge	.10
Total	.75

Example. Assume you are a grower of potatoes and are selling in April potatoes in bulk ex your farm located in California (south of and including Monterey, San Benito, Fresno, Madera and Mono counties). For that part of the particular lot of potatoes which grades out U. S. No. 1, you calculate your ceiling price as follows:

	Amount per cwt.
Adjusted base price under section 2 (b) of CPR 113, Revision 1: Your adjusted base price for April determined under section 2 (b) is	$3.90
Prevailing costs under SR 2 to CPR 113, Revision 1: You subtract the "prevailing costs" under this supplementary regulation	.75
Your ceiling price: Your ceiling price is	3.15

If you were selling similar potatoes in May, you would calculate your ceiling price as follows:

	Amount per cwt.
Your adjusted base price for May determined under section 2 (b) is	$3.50
Prevailing costs under SR 2 to CPR 113, Revision 1: You subtract the "prevailing costs" under this supplementary regulation	.75
Your ceiling price: Your ceiling price is	2.75

All other provisions of CPR 113, Revision 1, not inconsistent with this supplementary regulation remain in full force and effect.

Effective date. This supplementary regulation is effective May 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 9, 1952.

[F. R. Doc. 52-5328; Filed, May 9, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Interpretation 54]

GCPR, INT. 54—PURCHASES OF MILK BY PROCESS ON CLASS BASIS [SEC. 11 (b)]

In order to clarify whether it is proper for processors to compute parity adjustments of a fluid milk product on the basis of prices paid for milk by classes, the following interpretation is hereby issued:

Since milk is usually sold by producers on a class basis, each class depending on the utilization of the milk and bringing a different price, a processor who buys milk on a class basis shall compute his parity adjustment for the price of a fluid milk product pursuant to section 11 (b) of the GCPR on the basis of prices paid by him, both in the GCPR base period and the current period, for the class of milk from which the product is made.

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

HERBERT N. MALETZ,
Chief Counsel, Office of Price Stabilization.

MAY 9, 1952.

[F. R. Doc. 52-5326; Filed, May 9, 1952; 11:35 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amendment 2 to Area Milk Price Regulation 15]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 15—FRESNO DISTRICT, CALIFORNIA

ADDITION OF APPENDIX COVERING KINGS COUNTY, AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Congress, Pub. Law 96, 82d Congress), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Area Milk Price Regulation 15 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Area Milk Price Regulation 15 includes the following additions and changes:

1. Appendix IV is added to prescribe ceiling prices for fluid milk sold in Kings County.

2. Appendix I, "Madera-Merced Marketing Area", is revised to reflect a one-quarter cent per quart increase in the wholesale ceiling price and a one-half cent increase for the retail store carry-out ceiling price. Proportionate adjustments are made in the ceiling prices for half-gallon and gallon containers.

3. The tables of ceiling prices (section 1 of each appendix) contained in Appendix II, Fresno County Marketing Area, and Appendix III, "Tulare County Marketing Area," are revised to include quantity by differentials in the ceiling prices for sales of bulk milk. These quantity differentials have been long established in these areas and were inadvertently omitted in the original Appendices.

The inclusion of Appendix IV, "Kings County Marketing Area," resulted from a petition initiated by the largest processor in the area. Additional data was obtained from other important processors in the area so that the total volume considered represents approximately 85 percent of the total sales in the Kings County Marketing Area.

Kings County is one of the few substantially populated areas of California which is not a State of California Bureau of Milk Control Marketing Area. Processors have uniformly followed the minimum producer prices prescribed by the State Bureau of Milk Control for the Tulare County Marketing Area which adjoins Kings County. Wholesale and retail store carry-out prices have also tended to follow the minimums established by the Bureau of Milk Control for Tulare County. However, there have been historical price differentials between milk sold in glass containers and milk sold in paper containers in Kings County where none has existed in Tulare County. The home-delivered price has also not reflected the 1 cent differential over out-of-store prices that exists in the Tulare County Marketing Area.

The prices set forth in Appendix IV reflect prices in effect during the first six months of 1950 plus raw material cost increases, increased additional paper carton costs, processing costs, and delivery cost increases shown by the petitioner. Differentials between paper and glass containers are retained. Ceiling prices of by-products and cream are established on the same basis as in other Appendices to the order. In general, these ceiling prices reflect an allowance for cream of 60 percent of the raw material cost increases over prices prevailing in the General Ceiling Price Regulation base period and provide that ceiling prices for chocolate drink, buttermilk and skim milk shall be at a level which reflects the dollars-and-cents differen-

tials existing in the individual seller's General Ceiling Price Regulation base period. The ceilings, therefore, on standard whole milk provided in Appendix IV are at the same levels as are now current in the area; i. e., at General Ceiling Price Regulation levels including the pass through of producer price increases which have been incurred since January, 1951.

In the opinion of the District Director, the cost data submitted by the industry for Kings County, indicated that no ceiling price increases on standard whole milk are justified at this time.

The data submitted by the industry for the Madera-Merced Marketing Area, however, indicated justification for the increases allowed for standard whole milk. In issuing Area Milk Price Regulation 15 the wholesale price per quart was placed at ¼ cent below the minimum price of 19 cents established by the State of California Bureau of Milk Control, effective February 1, 1952. Cost data submitted at the time by the industry supported an 18¾ cents price but did not support a 19 cents price. Area Milk Price Regulation 15 also set up a price differential between store carry-out price and home delivered price which had not existed before and which was not reflected in state minimum prices. The reason for creating this differential was that cost figures indicated a necessary increase in home delivered prices to 21½ cents per quart but a 21½ cent store carry-out price was not indicated, as it would increase the retail store margin ¼ cent above the historical margin allowed by SR 63 for the area. Under Area Milk Price Regulation 15 the retail store price was therefore set at 21 cents per quart and the retail store margin decreased from 2½ cents per quart to 2¼ cents per quart. A review of cost data submitted by a representative number of milk processors and distributors in the area for the month of January, 1952 plus the 2.9 percent price increase for paperboard containers granted under Ceiling Price Regulation 133 on March 31, 1952 totalled up to cost increases supporting a 19 cents price per quart at wholesale. No increases in home delivered prices were allowable, however. The indicated increase of ½ cent per quart in store carry-out price allowed in Amendment 2 restores the 2½ cent retail store margin taken away under Area Milk Price Regulation 15. Under Amendment 2 all standard milk prices are now the same as state minimum prices established on February 1, 1952.

In the formulation of this amendment, the District Director of the Office of Price Stabilization has consulted with local industry representatives to the extent practicable, and has given consideration to their recommendations. In his judgment 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 by the Defense Production Act Amendments of 1951.

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

AMENDATORY PROVISIONS

Area Milk Price Regulation 15 is amended by adding thereto, Appendix IV (Kings County) and miscellaneous amendments covering Appendix I (Madera-Merced Marketing Area), Appendix II (Fresno County) and Appendix III (Tulare County) which appear hereafter.

APPENDIX I (REVISION I)

MADERA-MERCED MARKETING AREA

This appendix covers milk and cream (excluding sour cream) in the Madera-Merced Marketing Area, which comprises the counties of Madera and Merced, California:

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail home-delivered
Bulk milk, per gallon	$0.68		
Gallon bottle	.76	$0.86	$0.86
Half-gallon container (fiber or glass)	.38	.43	.43
Quart container (fiber or glass)	.19	.215	.215
Pint container (fiber or glass)	.11	.13	.13
Third-quart or three-quarter-pint container (fiber or glass)	.081		
Half-pint container (fiber or glass)	.063		

2. For the following items the ceiling price is the base period price plus the following additions:

Type of sale	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half-and-half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.24	.12	.06	.03	.015
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025
Other retail sales of standard milk (including homogenized)		.04	.02		

The "other retail sales" referred to above are sales f. o. b. distributor's processing plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 19 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses. For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same sized container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this subdivision shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $5.45 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in provision 1 of section A of article I, of Madera-Merced Order No. 16 issued by the State of California Bureau of Milk Control effective February 1, 1952.

APPENDIX II (REVISION I)

FRESNO COUNTY MARKETING AREA

This appendix covers milk and cream (excluding sour cream) in the Fresno County Marketing Area, which comprises all of Fresno County, California.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail home-delivered
10 gallons or more, bulk, per gallon	$0.67		
5 gallons and less than 10 gallons, bulk, per gallon	.68		
1 gallon and less than 5 gallons, bulk, per gallon	.69		
Gallon bottle	.74	$0.82	$0.86
Half-gallon container (fiber or glass)	.37	.41	.43
Quart container (fiber or glass)	.185	.205	.215
Pint container (fiber or glass)	.11	.125	.135
Third-quart or three quarter-pint container (fiber or glass)	.078		
Half-pint container (fiber or glass)	.066		

2. For the following items the ceiling price is the base period price plus the following additions:

Type of sale	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half-and-half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.24	.12	.06	.03	.015
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025
Other retail sales of standard milk (including homogenized)		.04	.02		

The "other retail sales" referred to above are retail sales f. o. b. distributor's plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 19 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk) the ceiling price shall be the ceiling price as heretofore provided for standard milk in the same sized container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this subdivision shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $5.48 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of Section A of Article I, of Fresno Order No. 29 issued by the State of California Bureau of Milk Control effective February 1, 1952.

APPENDIX III (REVISION I)

TULARE COUNTY MARKETING AREA

This appendix covers milk and cream (excluding sour cream) in the Tulare County Marketing Area, which comprises all of Tulare County, Calif.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail, home-delivered
10 gallons or more, bulk, per gallon	$0.67	-------	-------
5 gallons and less than 10 gallons, bulk, per gallon	.68	-------	-------
1 gallon and less than 5 gallons, bulk, per gallon	.69	-------	-------
Gallon bottle	.76	$0.84	$0.88
Half-gallon container (fiber or glass)	.38	.42	.44
Quart container (fiber or glass)	.19	.21	.22
Pint container (fiber or glass)	.11	.125	.135
Third-quart or three-quarter-pint container (fiber or glass)	.077	-------	-------
Half-pint container (fiber or glass)	.065	-------	-------

2. For the following items the ceiling price is the base period price plus the following additions:

Type of sale	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half-and-half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.24	.12	.06	.03	.015
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025
Other retail sales of standard milk (including homogenized)	-------	.04	.02	-------	-------

The "other retail sales" referred to above are retail sales f. o. b. distributor's processing plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 19 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses. For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same sized container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this subdivision shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $5.40 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of Section A of Article I, of Tulare Order No. 25 issued by the State of California Bureau of Milk Control effective January 16, 1952.

APPENDIX IV

KINGS COUNTY MARKETING AREA

This appendix covers milk and cream (excluding sour cream) in the Kings County Marketing Area, which comprises all of Kings County, California.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail, home-delivered
10 gallons or more, bulk, per gallon	$0.67	-------	-------
5 gallons and less than 10 gallons, bulk, per gallon	.68	-------	-------
1 gallon and less than 5 gallons, bulk, per gallon	.69	-------	-------
Half-gallon bottle (glass)	.30	$0.40	$0.40
Half-gallon fiber container	.38	.42	.42
Quart bottle (glass)	.18	.20	.20
Quart fiber container	.19	.21	.21

2. For the following items the ceiling price is the base period price plus the following additions:

Type of sale	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half-and-half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.24	.12	.06	.03	.015
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025
Other retail sales of standard milk (including homogenized)	-------	.04	.02	-------	-------

The "other retail sales" referred to above are retail sales f. o. b. distributor's processing plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 19 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses. For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same size container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this subdivision shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $5.40 per hundredweight of milk containing 3.8 percent milk fat for Class I fluid milk purchased f. o. b. processor's plant, subject to a deduction of one cent ($0.01) per hundredweight for each 1/100th of 1 percent milk fat less than 3.8 percent milk fat and an addition of one cent ($0.01) per hundredweight for each 1/100th of 1 percent milk fat in excess of 3.8 percent milk fat.

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

This amendment is effective May 12, 1952.

H. H. GUFFEY,
Acting District Director,
Fresno District Office.

MAY 9, 1952.

[F. R. Doc. 52-5327; Filed, May 9, 1952; 11:35 a. m.]

[General Overriding Regulation 14, Amdt. 14]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

REFILLING OF THEIR OWN PRESCRIPTIONS BY OPTOMETRISTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 14 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 14 to General Overriding Regulation 14 exempts from ceiling price regulation the charges made by optometrists for refilling their own prescriptions.

Amendment 6 to General Overriding Regulation 14, effective January 17, 1952, contained a provision, section 3 (a) (96), which exempted charges for services and supplies furnished by optometrists in making and filling their own prescriptions. This exemption was granted because the filling of his own prescriptions by an optometrist is inseparably connected with his examination of human eyes, refraction of vision, and the making of appropriate ophthalmic prescriptions which are professional services exempted by the Defense Production Act of 1950, as amended. The refilling of his own prescriptions by an optometrist was not included within that exemption. Upon further consideration, however, the Director has determined that an optometrist's professional duties are also involved in refilling his own prescriptions and that his charges therefor should also be exempt.

This amendment to the original list of exemptions provided in General Overriding Regulation 14, as amended, was prepared after the Director of Price Stabilization had consulted with industry representatives, and had given consideration to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respect:

Subparagrah (96) of paragram (a) of section 3 is amended to read as follows:

(96) Services rendered and ophthalmic supplies furnished by optometrists in making and filling or refilling their own prescriptions.

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

Effective date. This Amendment 14 to General Overriding Regulation 14 shall become effective May 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 9, 1952.

[F. R. Doc. 52-5329; Filed, May 9, 1952; 4:00 p. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Docket No. 3666; Order 5]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of April 1952.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831–835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made a part thereof.

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5, Commodity List (15 F. R. 8265, 8266, 8267, 8268, 8269, 8272, 8273, Dec. 2, 1950) (16 F. R. 11775, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

Article	Classed as—	Exemption and packing (see sec.)	Label required if not exempt	Maximum quantity in one outside container by rail express
Change				
*Aliphatic mercaptan mixtures	F. L.	No exemption, 73.141	Red	10 gallons.
Hexaethyl tetraphosphate, liquid	Pois. B	No exemption, 73.358	Poison	1 quart.
Hexaethyl tetraphosphate mixture, dry	Pois. B	73.377	Poison	200 pounds.
Hexaethyl tetraphosphate mixture, liquid	Pois. B	73.359	Poison	1 quart.
Lead azide. See Initiating explosive.				
Tetraethyl dithio pyrophosphate, liquid	Pois. B	No exemption 73.358	Poison	1 quart.
Tetraethyl dithio pyrophosphate mixture, dry	Pois. B	73.377	Poison	200 pounds.
Tetraethyl dithio pyrophosphate mixture, liquid	Pois. B	73.359	Poison	1 quart.
Tetraethyl pyrophosphate, liquid	Pois. B	No exemption, 73.358	Poison	1 quart.
Tetraethyl pyrophosphate mixture, dry	Pois. B	73.377	Poison	200 pounds.
Tetraethyl pyrophosphate mixture, liquid	Pois. B	73.359	Poison	1 quart.
Tetrafluoroethylene, inhibited	F. G	73.302, 73.308	Red Gas	300 pounds.
Add				
Calcium, metallic, crystalline	F. S	No exemption, 73.231	Yellow	25 pounds.
Engines, internal combustion. See 73.120.				
Motors, internal combustion. See 73.120.				
Methyl parathion, liquid	Pois. B	No exemption, 73.358	Poison	1 quart.
Methyl parathion mixture, liquid	Pois. B	73.359	Poison	1 quart.
Tank car, containing residual phosphorus and filled with water. See 73.232.				
Vinyl trichlorosilane	F. L.	No exemption, 73.135	Red	10 gallons.
Cancel				
*Chlorbenzene. See *Chlorobenzol.				
*Chlorobenzene. See *Chlorobenzol.				
*Chlorbenzol. See *Chlorobenzol.				
*Chlorobenzol	F. L.	73.118, 73.119	Red	10 gallons.
Monochlorobenzene. See *Chlorobenzol.				
Monochlorbenzol. See *Chlorobenzol.				
Monochlorobenzol. See *Chlorobenzol.				

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

Amend § 73.34, paragraph (k) and Table (16 F. R. 9373, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.34) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* * * *

(k) The tests prescribed by paragraph (j) of this section must be (for exceptions see subparagraphs (1) to (11) of this paragraph):

Specification under which cylinders were made	Minimum retest pressure (pounds per square inch)
ICC-3	3,000 pounds.
ICC-3A; ICC-3AA; ICC-3D; ICC-4A; ICC-26 marked for filling at over 450 pounds.	5/3 times the service pressure. (See § 73.301 (g).)
ICC-3B; ICC-3BN; ICC-4B; ICC-4BA; ICC-4D; ICC-26 marked for filling at 450 pounds and below.	2 times the service pressure. (See § 73.301 (g).)
ICC-3C; ICC-3E; ICC-4C; ICC-8; ICC-8AL.	Quinquennial test not required.
ICC-7 when used as authorized in § 73.312 (a) (4).	300 pounds.
ICC-7 when not used under authority of § 73.312 (a) (4).	Quinquennial test not required.
ICC-4	700 pounds.
ICC-9	400 pounds.
ICC-25; ICC-38	500 pounds.
ICC-33	800 pounds.

* * * * *

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.73, paragraph (b) (15 F. R. 8291, Dec. 2, 1950) (49 CFR 73.73, 1950 Rev.) to read as follows:

§ 73.73 *Lead azide.* * * *

(b) Lead azide, dextrinated type, or otherwise prepared to effectively control grain size, must be packed wet with not less than 20 percent by weight of water in specification containers 5 or 5B (§§ 78.80 or 78.82 of this chapter) metal barrels or drums, 17H (§78.118 of this chapter) metal drums (single-trip), or 10B (§ 78.156 of this chapter) wooden barrels or kegs, with inside container which must be a bag made of 4-ounce duck. Inside the bag and over the lead azide there must be placed a cap of the same fabric, of the same diameter as the bag. The bag must be securely tied and placed in a strong grain bag. This grain bag must also be securely tied. The dry weight of lead azide in one container must not exceed 150 pounds. The bag and contents must be packed in the center of the wooden barrel or keg, metal barrel or drum, and must be entirely surrounded by not less than 3 inches of well-packed sawdust saturated with water. The wooden barrel or keg, or metal barrel or drum, must be lined with a heavy, close-fitting, jute bag closed by secure sewing to prevent escape of sawdust. The barrel, keg, or drum must be inspected carefully and all leaks stopped.

* * * * *

2. Amend § 73.91, paragraph (e) (1) (15 F. R. 8294, Dec. 2, 1950) (49 CFR 73.91, 1950 Rev.) to read as follows:

§ 73.91 *Special fireworks.* * * *

(e) * * *

(1) Spec. 15A, 15B, 16A, or 19A (§ 78.168, 78.169, 78.185, or 78.190 of this chapter). Wooden boxes, or spec. 12B (§ 78.205 of this chapter) fiberboard boxes, with inside containers which must be any inside container sufficiently strong to retain contents not exceeding 2 ounces each. If bottles are used, each bottle must be packed in a securely closed fiber mailing tube having metal ends. Not more than 4 dozen 2-ounce bottles may be packed in an outer wooden box. When packed in units not exceeding 1 ounce each without bottles in similar fiber mailing tubes and outer wooden boxes, the gross weight of one outside box must not exceed 150 pounds. Gross weight of fiberboard box not to exceed 65 pounds.

* * * * *

3. Amend § 73.100, paragraphs (a), (r) (7) and (s) (15 F. R. 8295, 8296, Dec. 2, 1950) (16 F. R. 11777, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.100) to read as follows:

§ 73.100 *Definitions of class C explosives.* (a) Explosives, class C, are defined as certain types of manufactured articles which contain class A, or class B explosives, or both, as components but in restricted quantities, and certain types of fireworks. These explosives are further specifically described in this section.

* * * * *

(r) * * *

(7) Railway fusees, truck flares, hand ship distress signals, illuminating torches, smoke candles, smoke signals and smoke pots. Total pyrotechnic composition of illuminating torches not to exceed one hundred grams each in weight.

* * * * *

(s) Igniter cord consists of a wire, with or without textile countering, uniformly covered with a combustible chemical mixture, countered with strands of wire and overspun with textile yarns and/or wire, and water resistant coatings which, when ignited, burns at various rates according to design. Igniter cord must be packed in strong, tight, outside fiberboard boxes or drums, wooden boxes or metal containers, plainly marked "Igniter Cord".

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Add paragraph (c) (21) to § 73.118 (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.118, 1950 Rev.) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* * * *

(c) * * *

(21) Vinyl trichlorosilane.

2. Add paragraph (b) to § 73.120 (15 F. R. 8300, Dec. 2, 1950) (49 CFR 73.120, 1950 Rev.) to read as follows:

§ 73.120 *Automobiles, motorcycles, tractors, or other self-propelled vehicles.* * * *

(b) Engines or motors (internal combustion) employing liquid fuel classed as flammable liquid in this chapter, whether shipped separately or as a part of other apparatus, unless specifically exempt in paragraph (a) of this section, must have their fuel tanks completely drained.

3. Amend § 73.135, introductory text of paragraph (a) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.135, 1950 Rev.) to read as follows:

§ 73.135 *Ethyl trichlorosilane and vinyl trichlorosilane.* (a) Ethyl trichlorosilane and vinyl trichlorosilane must be packed in specification containers as follows:

* * * * *

SUBPART D—FLAMMABLE SOLIDS AND OXODIZING MATERIALS; DEFINITION AND PREPARATION

1. Add paragraph (c) (61) to § 73.153 (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* * * *

(c) * * *

(61) Calcium, metallic, crystalline.

2. Add paragraph (a) (3) to § 73.158 (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.158, 1950 Rev.) to read as follows:

§ 73.158 *Benzoyl peroxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry.* (a) * * *

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside fiber containers securely closed by taping or gluing, not over 1 pound capacity each. Each inside container must be surrounded by corrugated fiberboard or equally efficient cushioning material. Authorized only for lauroyl peroxide, dry.

3. Amend § 73.208, paragraph (a) (1) (16 F. R. 9374, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.208) to read as follows:

§ 73.208 *Titanium metal powder, wet or dry.* (a) * * *

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with inside metal cans not exceeding 1 gallon each, tightly and securely closed, and not more than 12 such inside metal cans in one outside package; or not more than 1 inside metal can of not less than 22-gauge metal and not to exceed 10 gallons capacity, tightly and securely closed.

* * * * *

4. Add § 73.231 (15 F. R. 8312, Dec. 2, 1950 (49 CFR 73.231, 1950 Rev.) to read as follows:

§ 73.231 *Calcium, metallic, crystalline.* (a) Calcium, metallic, crystalline must be packed in specification containers as follows:

(1) Spec. 15 A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with airtight inside metal containers not over 1 gallon capacity each.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums, gross weight not over 350 pounds.

(3) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), gross weight not over 350 pounds.

5. Add § 73.232 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.232, 1950 Rev.) to read as follows:

§ 73.232 *Tank cars containing residual phosphorus.* (a) Tank cars from which phosphorus has been unloaded and from which all residual phosphorus has not been removed by thorough cleaning must be shipped filled with water and must be placarded by the shipper with placards prescribed in § 74.555 of this chapter.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Add § 73.257, paragraph (a) (7) (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.257, 1950 Rev.) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) * * *

(7) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78,190 of this chapter). Wooden boxes with inside containers of polyethylene, or other electrolyte acid resistant plastic, not over 1 gallon each.

2. Amend § 73.260, paragraph (c) (15 F. R. 8316, Dec. 2, 1950) (49 CFR 73.260, 1950 Rev.) to read as follows:

§ 73.260 *Electric storage batteries.* * * *

(c) Single batteries not exceeding 75 pounds each, in addition to requirements of paragraphs (a) and (b) of this section, may be shipped in 5-sided slip covers or in completely closed fiberboard boxes, of solid or double-faced corrugated fiberboard complying with the following: (See par. (a) (1) of this section for more than one battery in an outside container.)

(1) Slip cover or fiberboard box must fit snugly and provide inside top clearance of at least ½ inch above battery terminals and filler caps with reinforcement in place. Assembled for shipment, the bottom edges of the slip cover must not extend to the base of the battery but must not expose more than ½ inch thereof.

(2) Top of slip cover or fiberboard box must have interior reinforcement (insert or saddle) of fiberboard, wood, or other material of equal strength and rigidity so formed that any superimposed weight will bear only and directly downward on the top edges of the battery case or intercell connectors (straps). When top of slip cover or fiberboard box consists of only one thickness of material, reinforcement must have a plane surface of same interior dimensions and thickness. Reinforcement must be of a height to provide minimum clearance required above and must be constructed to remain securely in place or be fastened to slip cover or fiberboard box.

(3) All fiberboard must be at least 200-pound test (Mullen) and completed package (battery and slip cover or fiberboard box) must be capable of withstanding top-to-bottom compression test of at least 500 pounds without damage to battery terminals or filler caps.

* * * * *

3. Amend § 73.267, paragraph (a) (2) (16 F. R. 9375, Sept. 15, 1951) and add paragraph (a) (9) of this section (15 F. R. 8319, Dec. 2, 1950) (49 CFR 1950 Rev., 1951 Supp., 73.267) to read as follows:

§ 73.267 *Mixed acid (nitric and sulfuric acid) (nitrating acid).* (a) * * *

(2) Spec. 5C (§ 78.83 of this chapter). Metal barrels or drums of Type 304 ELC or 347 stainless steel only. (See paragraph (b) of this section.)

* * * * *

(9) Spec. 5A (§ 78.81 of this chapter). Carbon steel barrels or drums. Authorized only for mixed acids containing less than 80 percent nitric acid. (See paragraph (b) of this section.)

* * * * *

4. *Amend* § 73.268, paragraph (b) (1) (16 F. R. 9375, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.268) to read as follows:

§ 73.268 *Nitric acid.* * * *

(b) * * *

(1) Spec. 103C, 103C–W, or 103A–AL–W (§§ 78.268, 78.283, or 78.292 of this chapter). Tank cars.

* * * * *

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. *Amend* § 73.306, paragraph (b) (15 F. R. 8326, Dec. 2, 1950) (49 CFR 73.306, 1950 Rev.) to read as follows:

§ 73.306 *Liquefied gases, except gas in solution or poisonous gas.* * * *

(b) Mixtures containing compressed gas or gases including insecticides, which mixtures are nonpoisonous and nonflammable under this part must be shipped in cylinders as prescribed in

paragraph (a) of this section, or as follows:

* * * * *

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Amend § 73.326, paragraph (b) (15 F. R. 8332, Dec. 2, 1950) (49 CFR 73.326, 1950 Rev.) to read as follows:

§ 73.326 *Extremely dangerous poisons, class A, poison gas label; definition.*
* * *

(b) Poisonous gases or liquids, class A, as defined in paragraph (a) of this section, except as provided in § 73.331, must not be offered for transportation by rail express.

2. Amend § 73.334, introductory text of paragraph (a) (16 F. R. 5326, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.334) to read as follows:

§ 73.334 *Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, mixtures with compressed gas.* (a) Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, mixtures with compressed gas, containing not more than 10 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate must be packed in specification containers as follows:

* * * * *

3. Add paragraphs (b) (10), (b) (11), (b) (12) and (b) (13) to § 73.345 (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.345, 1950 Rev.) to read as follows:

§ 73.345 *Exemptions for poisonous liquids, class B.* * * *

(b) * * *

(10) Hexaethyl tetraphosphate.

(11) Methyl parathion.

(12) Tetraethyl dithio pyrophosphate.

(13) Tetraethyl pyrophosphate.

4. Amend entire § 73.358 (16 F. R. 11779, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.358) to read as follows:

§ 73.358 *Hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.* (a) Hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid must be packed in specification containers as follows:

(1) Spec. 5, 5A, or 5B (§§ 78.80, 78.81, or 78.82 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(2) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), with openings not exceeding 2.3 inches in diameter.

(3) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with metal inside containers of not over 5 gallons capacity each.

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside glass bottles not over 1 gallon capacity each, securely cushioned in liquid-tight metal cans.

(5) Spec. 21B (§ 78.223 of this chapter). Fiber drums, with inside glass containers not over 1 gallon capacity each.

(6) Spec. 37D (§ 78.125 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

(7) Cylinders as prescribed for any compressed gas, except acetylene, are also authorized.

5. Amend entire § 73.359 (16 F. R. 11779, 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.359) to read as follows:

§ 73.359 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.* (a) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 50 percent hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, must be packed in specification containers as follows:

(1) Spec. 5, 5A, or 5B (§§ 78.80, 78.81, or 78.82 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(2) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), with openings not exceeding 2.3 inches in diameter.

(3) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip), with openings not exceeding 2.3 inches in diameter. Capacity not to exceed 10 gallons. Authorized only for mixtures not classed as flammable under these regulations.

(4) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes, with metal inside containers not over 10 gallons capacity each.

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside glass bottles not over 1 gallon capacity each, securely cushioned in liquid-tight metal cans.

(6) Spec. 21B (§ 78.223 of this chapter). Fiber drums, with inside glass containers not over 1 gallon capacity each.

(7) Spec. 37D (§ 78.125 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

(b) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing more than 50 percent hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, must be packed in specification containers as follows:

(1) Spec. 5, 5A, or 5B (§§ 78.80, 78.81, or 78.82 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(2) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), with openings not exceeding 2.3 inches in diameter.

(3) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with metal inside containers not over 5 gallons capacity each.

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside glass bottles not over 1 gallon capacity each, securely cushioned in liquid-tight metal cans.

(5) Spec. 21B (§ 78.223 of this chapter). Fiber drums, with inside glass containers not over 1 gallon capacity each.

(6) Spec. 37D (§ 78.125 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

(c) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 25 percent hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material to completely absorb the liquid in the event of leakage, are exempt from specification packaging, marking, and labeling requirements.

6. Amend § 73.377, introductory text of paragraph (a) and (e) (16 F. R. 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.377) to read as follows:

§ 73.377 *Hexaethyl tetraphosphate mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.* (a) Hexaethyl tetraphosphate mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures in which the liquid is absorbed in concentrations greater than 2 percent but not exceeding 27 percent in an inert dry material so as to form a dry mixture, must be packed in specification containers as follows:

* * * * *

(e) Dry mixtures containing not more than 2 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, are exempt from specification packaging, marking, and labeling requirements.

7. Add paragraph (a) (5) to § 73.378 (16 F. R. 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.378) to read as follows:

§ 73.378 *Beryllium metal powder.* (a) * * *

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums, with inside glass or metal containers of not over 25 pounds capacity each.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. Amend § 74.525, paragraph (b) (12) (15 F. R. 8346, Dec. 2, 1950) (49 CFR 74.525, 1950 Rev.) to read as follows:

§ 74.525 *Loading packages of explosives in cars, selection, preparation, inspection of car and certificate.* * * *

(b) * * *

(12) A car must not be loaded with any explosives, class A, until it shall have been thoroughly inspected by a competent employee of the carrier who shall certify as to its proper condition under this section and shall sign certificate No. 1 prescribed in paragraph (c) (2) and (3) of this section.

* * * * *

2. Amend § 74.526, paragraph (l) (16 F. R. 5326, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 74.526) to read as follows:

§ 74.526 *Loading explosives into cars.* * * *

(l) Explosives, class A, must not be loaded, transported, or stored in cars equipped with any type of lighted heater or open-flame device, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

* * * * *

3. Amend § 74.529, paragraph (a) (16 F. R. 5326, 5327, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 74.529) to read as follows:

§ 74.529 *Cars for class B explosives.* (a) Explosives, class B, must not be loaded, transported, or stored in cars equipped with any type of lighted heater or open-flame device, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

* * * * *

4. Amend § 74.532, paragraph (b) (16 F. R. 5327, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 74.532) to read as follows:

§ 74.532 *Loading other dangerous articles into cars.* * * *

(b) Flammable liquids (red label) and flammable compressed gases (red gas label) must not be loaded, transported, or stored in cars equipped with any type of lighted heater or open-flame device, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

* * * * *

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend footnote b of chart in paragraph (a) of § 74.538 (17 F. R. 1563, Feb. 20, 1952) (49 CFR 74.538, 1950 Rev.) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

[b] Unless loaded in opposite ends of car, acids or other corrosive liquids, white label, must not be loaded with yellow label articles, ammunition for cannon with or without projectiles, or propellant explosives.

* * * * *

SUBPART D—UNLOADING FROM CARS

Add paragraph (c) to § 74.562 (15 F. R. 8353, Dec. 2, 1950) (49 CFR 74.562, 1950 Rev.) to read as follows:

§ 74.562 *Removal of placards and car certificate after unloading.* * * *

(c) Tank cars filled with water after unloading phosphorus must have the "Dangerous" placards replaced by the caution placard for residual phosphorus as prescribed in § 74.555.

SUBPART E—HANDLING OF CARRIERS BY RAIL FREIGHT

1. Amend § 74.582, paragraph (a) (15 F. R. 8354, Dec. 2, 1950) (49 CFR 74.582, 1950 Rev.) to read as follows:

§ 74.582 *Movement to be expedited.* (a) Carriers must forward shipments of explosives and other dangerous articles promptly and within 48 hours, Sundays and holidays excluded, after acceptance at originating point or receipt at any yard, transfer station or interchange point, except that where bi-weekly or weekly service only is performed, shipments of explosives and other dangerous articles must be forwarded on the first available train.

* * * * *

2. Amend § 74.584, paragraph (a) Table and (f) (17 F. R. 1563, Feb. 20, 1952) (15 F. R. 8354, 8355, Dec. 2, 1950) (49 CFR 1950 Rev., 1951 Supp., 74.584) to read as follows:

§ 74.584 *Waybills, switching orders, or other billing.* (a) * * *

	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard endorsement must be ¾" high and appear on the billing near the space provided for the car number
For high explosives, initiating explosives and low explosives, class A.	None	"Explosives Placard".	"Explosives."
For explosive chemical ammunition containing class A poison gas.	Poison gas label	"Explosives and Poison Gas Placard."	"Explosives" and "Poison Gas."
For explosives, class B	None	"Dangerous Placard".	"Dangerous."
For explosives, class C	None	None	None.
For flammable liquids	Red label	"Dangerous Placard".	"Dangerous."
For flammable solids	Yellow label	"Dangerous Placard".	"Dangerous."
For oxidizing materials	Yellow label	"Dangerous Placard".	"Dangerous."
For corrosive liquids	White label	"Dangerous Placard".	"Dangerous."
For compressed nonflammable gases in containers other than tank cars.	Green label	None	None.
For compressed nonflammable gases in tank cars	None	"Dangerous Placard"	"Dangerous."
For compressed flammable gases	Red gas label	"Dangerous Placard".	"Dangerous."
For poisonous gases or liquids, class A	Poison gas label	"Poison Gas Placard".	"Poison Gas."
For poisonous liquids or solids, class B	Poison label	"Dangerous Placard".	"Dangerous."
For tank cars, filled with water and last containing phosphorus.	None	"Caution—this car contains residual phosphorus and must be kept filled with water."	"Caution—Residual Phosphorus."
For tear gases, class C	Tear gas label	None	None.
For radioactive materials, class D, poison	Radioactive materials label.	"Dangerous class D Poison Placard."	"Dangerous class D Poison."

* * * * *

(f) The car ticket, card waybill, running slip, envelope containing waybills, or any other billing for any loaded car which in this chapter should bear "Explosives," "Dangerous," "Dangerous—Class D Poison," or "Poison Gas" placards must have plainly stamped, or plainly written on the face of such billing; near the car number, in letters not less than three-eighths of an inch high, the words "Explosive," "Dangerous," "Dangerous—Class D Poison," or "Poison Gas"; and for container cars must also show which of the containers loaded thereon contain dangerous articles.

* * * * *

3. In § 74.589, amend the first paragraph in paragraphs (b), (h) (3), (h) (9), and (j) (9) (15 F. R. 8356, Dec. 2, 1950) (49 CFR 74.589, 1950 Rev.) to read as follows:

§ 74.589 *Handling cars.* * * *

(b) *Placards on cars.* A car requiring car certificates and "Explosives," "Dangerous," "Dangerous—Class D Poison," "Poison Gas," or "Caution—Residual Phosphorus" placards under the provisions of this part shall not be transported unless such freight car is at all times placarded and certificated as required by this part. Placards and car certificates lost in transit shall be replaced at next inspection point and those not required shall be removed.

* * * * *

(h) * * *

(3) Any car placarded "Dangerous" or "Dangerous—Class D Poison."

* * * * *

(9) Car equipped with automatic refrigeration or any other apparatus utilizing an open-flame light or an internal combustion engine in its operation.

* * * * *

(j) * * *

(9) Car equipped with automatic refrigeration or any other apparatus utilizing an open-flame light or an internal combustion engine in its operation.

* * * * *

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 75—REGULATIONS APPLYING TO CARRIERS BY RAIL EXPRESS

SUBPART A—TRANSPORTATION OF EXPLOSIVES BY THE RAILWAY EXPRESS AGENCY INCORPORATED, IN PASSENGER OR EXPRESS TRAIN SERVICE

Amend § 75.655, paragraph (d) (15 F. R. 8359, Dec. 2, 1950) (49 CFR 75.655, 1950 Rev.) to read as follows:

§ 75.655 *Protection of packages.*
* * *

(d) Shipments of explosives or other dangerous articles, except poisons and nonflammable compressed gases, when transported in passenger carrying trains, should be loaded in the car occupied by an express employee or in connecting cars to which an express employee has access through end doors, and in a place that will permit their ready removal in case of fire. They must not be loaded in cars or stored in stations near steam pipes or other sources of heat. Explosives, flammable liquids (red label), and flammable compressed gases (red gas label) must not be loaded, transported, or stored in cars or stations equipped with lighted heaters or where open-flame lights or stoves are used. No placards are required on such cars when occupied by an express employee. Shipments bearing poison label, when practicable, should be loaded in sealed cars; when loaded in cars occupied by messenger, care should be taken to prevent any contents sifting or leaking from containers.

* * * * *

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. Add paragraph (a) Note 1 to § 78.50–12 (15 F. R. 8403, Dec. 2, 1950) (49 CFR 78.50–12, 1950 Rev.) to read as follows:

§ 78.50–12 *Opening in cylinders.* (a)
* * *

NOTE 1: A brass fitting may be brazed to the steel boss or flange on cylinders used as component parts of hand fire extinguishers.

* * * * *

2. Amend § 78.59–3, paragraph (b) (4) (15 F. R. 8420, Dec. 2, 1950) (49 CFR 78.59–3, 1950 Rev.) to read as follows:

§ 78.59–3 *Inspection by whom and where.* * * *
(b) * * *

(4) Prepare report on manufacture of steel shells in form prescribed in § 78.59–20 (a). Furnish one copy to manufacturer and three copies to the company that is to complete the cylinders.

* * * * *

3. Amend § 78.60–3, paragraph (b) (3) (15 F. R. 8422, Dec. 2, 1950) (49 CFR 78.60–3, 1950 Rev.) to read as follows:

§ 78.60–3 *Inspection by whom and where.* * * *

(b) * * *

(3) Report percentage of each specified alloying element in the steel. Prepare report on manufacture of steel shells in form prescribed in § 78.60–24 (a). Furnish one copy to manufacturer and three copies to the company that is to complete the cylinders.

* * * * *

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. Amend § 78.83–11, introductory text of paragraph (a) (16 F. R. 9381, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.83–11) to read as follows:

§ 78.83–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by welding not less than 20 percent of the perimeter as follows:

* * * * *

2. Amend § 78.85–10, paragraph (a) (3) (15 F. R. 8437, Dec. 2, 1950) (49 CFR 78.85–10, 1950 Rev.) to read as follows:

§ 78.85–10 *Marking.* (a) * * *

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example 14–11–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–11–50 for body 14 gauge and head 12 gauge).

3. Amend § 78.87–5, paragraph (b) (15 F. R. 8438, Dec. 2, 1950) (49 CFR 78.87–5, 1950 Rev.) to read as follows:

§ 78.87–5 *Seams.* * * *

(b) Head and chime seams welded or double-seamed.

* * * * *

4. Amend § 78.115–2, paragraph (a) (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.115–2, 1950 Rev.) to read as follows:

§ 78.115–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.115–10 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 gallon.

5. Amend § 78.116–2, paragraph (a) (15 F. R. 8448, Dec. 2, 1950) (49 CFR 78.116–2, 1950 Rev.) to read as follows:

§ 78.116–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.116–10 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 gallon.

6. Amend § 78.117–2, paragraph (a) (15 F. R. 8449, Dec. 2, 1950) (49 CFR 78.117–2, 1950 Rev.) to read as follows:

§ 78.117–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.117–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 gallon.

7. Amend § 78.118–2, paragraph (a) (15 F. R. 8450, Dec. 2, 1950) (49 CFR 78.118–2, 1950 Rev.) to read as follows:

§ 78.118–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.118–10 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 gallon.

8. Amend § 78.125–5, paragraph (a) table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.125–5) to read as follows.

§ 78.125–5 *Parts and dimensions.* (a) * * *

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gauge, U. S. Standard)	
				Body sheet	Head sheet
55	80	Straight side	No	24	24
	160	do	No	22	22
	300	do	No	20	20
	425	do	No	19	19
	480	do	Yes	19	19
	880	do	Yes	18	18

9. Amend § 78.126–5, paragraph (a) table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.126–5) to read as follows:

§ 78.126–5 *Parts and dimensions.* (a) * * *

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gauge, U. S. Standard)	
				Body sheet	Head sheet
55	80	Straight side	No	26	26
	160	do	No	25	25
	220	do	No	24	24
	425	do	No	22	22
	480	do	Yes	22	22
	880	do	Yes	20	20

10. Amend § 78.127–5, paragraph (a) table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.127–5) to read as follows:

§ 78.127–5 *Parts and dimensions.* (a) * * *

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gauge, U. S. Standard)	
				Body sheet	Head sheet
55	80	Straight side	No	26	26
55	160	do	No	26	26
55	275	do	No	24	24
55	425	do	No	24	24
55	480	do	Yes	24	24
55	880	do	Yes	22	22

(Footnote remains the same.)

11. Amend § 78.128–5, paragraph (a) table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.128–5) to read as follows:

§ 78.128–5 *Parts and dimensions.* (a) * * *

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gauge, U. S. Standard)	
				Body sheet	Head sheet
55	80	Straight side	No	28	28
	160	do	No	28	28
	325	do	No	26	26
	425	do	No	24	24
	480	do	Yes	26	26
	880	do	Yes	24	24

12. Amend § 78.129–5, paragraph (a) table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.129–5) to read as follows:

§ 78.129–5 *Parts and dimensions.* (a) * * *

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Minimum thickness in the black (gauge, U. S. Standard)	
			Body sheet	Head sheet
10	45	Straight side	28	28
35	145	do	26	26
30	245	do	24	24
55	245	do	22	22

* * * * *

13. Amend § 78.130–5, paragraph (a) table (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.130–5, 1950 Rev.) to read as follows:

§ 78.130–5 *Parts and dimensions.* (a) * * *

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gauge, U. S. Standard)	
				Body sheet	Head sheet
55	275	Straight side	Yes	22	22

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

Amend § 78.169–4, paragraph (a) (15 F. R. 8462, Dec. 2, 1950) (49 CFR 78.169–4, 1950 Rev.) to read as follows:

§ 78.169–4 *Sides, top, and bottom.* (a) Joints tongued and grooved, or one-piece equivalent.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Amend § 78.259, paragraph (b) (7) (15 F. R. 8485, Dec. 2, 1950) (49 CFR 78.259), 1950 Rev.) to read as follows:

§ 78.259 *Specification changes.* * * *

(b) * * *

(7) The office of the Secretary may process and approve applications, without submittal to the members of the Committee, provided (i) such applications are identical with previously approved applications, or (ii) such applications do not cover new or improved types and are certified by the applicant as being in full compliance with the applicable regulations and specifications, and as being composed of appliances and designs each previously approved and not inconsistent in such combination.

* * * * *

2. Amend § 78.271, paragraph ICC–9 (15 F. R. 8496, Dec. 2, 1950) (49 CFR 78.271, 1950 Rev.) to read as follows:

§ 78.271 *Specification for tank cars having lagged forged lapwelded steel tanks class ICC–105A300.* * * *

ICC–9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 300 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Thermometer well must be closed with a screw plug.

* * * * *

3. Amend § 78.272, paragraph ICC–9 (15 F. R. 8497, Dec. 2, 1950) (49 CFR 78.272, 1950 Rev.) to read as follows:

§ 78.272 *Specification for tank cars having lagged forged lapwelded steel tanks Class ICC–105A400.* * * *

ICC–9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 400 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Thermometer well must be closed with a screw plug.

* * * * *

4. Amend § 78.273, paragraph ICC–9 (15 F. R. 8497, Dec. 2, 1950) (49 CFR 78.273, 1950 Rev.) to read as follows:

§ 78.273 *Specifications for tank cars having lagged forged lapwelded steel tanks Class ICC–105A500.* * * *

ICC–9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 500 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Thermometer well must be closed with a screw plug.

* * * * *

5. Amend § 78.274, paragraph ICC–9 (15 F. R. 8498, Dec. 2, 1950) (49 CFR 78.274, 1950 Rev.) to read as follows:

§ 78.274 *Specification for tank cars having lagged forged lapwelded steel tanks Class ICC–105A600.* * * *

ICC–9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 600 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Thermometer well must be closed with a screw plug.

* * * * *

6. Amend § 78.286, paragraph ICC–11 (c) (15 F. R. 8516, Dec. 2, 1950) (49 CFR 78.286, 1950 Rev.) to read as follows:

§ 78.286 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–105A300–W.* * * *

ICC–11. * * *

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 300 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

* * * * *

7. Amend § 78.287, paragraph ICC–11 (c) (15 F. R. 8517, Dec. 2, 1950) (49 CFR 78.287, 1950 Rev.) to read as follows:

§ 78.287 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–105A400–W.* * * *

ICC–11. * * *

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 400 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

* * * * *

8. Amend § 78.288, paragraph ICC–11 (c) (15 F. R. 8518, Dec. 2, 1950) (49 CFR 78.288, 1950 Rev.) to read as follows:

§ 78.288 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–105A500–W.* * * *

ICC–11. * * *

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 500 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

* * * * *

9. Amend § 78.289, paragraph ICC–11 (c) (15 F. R. 8519, Dec. 2, 1950) (49 CFR 78.289, 1950 Rev.) to read as follows:

§ 78.289 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–105A600–W.* * * *

ICC–11. * * *

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 600 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

* * * * *

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on July 21, 1952, and that such regulations as herein amended shall thereafter

be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C., Sup. 835)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5147; Filed, May 9, 1952; 8:45 a. m.]

[S. O. 882-A]

PART 95—CAR SERVICE

MOVEMENT OF IRON ORE RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of May A. D. 1952.

Upon further consideration of Service Order No. 882 (17 F. R. 4170) and good cause appearing therefor: It is ordered, that:

Section 95.882 *Movement of iron ore restricted* be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 6:59 a. m., May 8, 1952; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5242; Filed, May 9, 1952; 8:50 a. m.]

[S. O. 883-A]

PART 95—CAR SERVICE

MOVEMENT OF IMPORT ORES RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of May 1952.

Upon further consideration of Service Order No. 883 (17 F. R. 4208) and good cause appearing therefor: It is ordered, that:

Section 95.883 *Movement of import ores restricted*, be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 6:59 a. m., May 8, 1952; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5241; Filed, May 9, 1952; 8:50 a. m.]

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS

MOTOR CARRIER ANNUAL REPORT FORM C (OTHER THAN CLASS I CARRIERS OF PASSENGERS)

At a session of the Interstate Commerce Commission, Division 1, held in its office in Washington, D. C., on the 21st day of March A. D. 1952.

The matter of annual reports from Motor Carriers of Passengers other than Class I carriers being under consideration:

It is ordered, That the order dated March 7, 1951, in the matter of annual reports from Motor Carriers of Passengers other than Class I (49 CFR 205.4) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1951 and subsequent years, as follows:

§ 205.4 *Annual reports of carriers of passengers other than Class I carriers.* Each Common and Contract Motor Carrier of Passengers other than Class I Carriers (49 CFR 181.02-1) shall file an annual report for the year ending December 31, 1951, and for each succeeding year until further order, in accordance with Motor Carrier Annual Report Form C which is hereby approved and made a part of the order.[1] The annual report shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before June 1 of the year following the one to which it relates.

[1] Filed as part of the original document.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5234; Filed, May 9, 1952; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 10167, 10168]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matters of amendment of §§ 7.206, 7.208 (d) (2) (e), 7.304, 7.306, 8.321, 8.323 (c), 8.324 (e), (f) (2), 8.341 and 8.355 to delete authority for operation by coast stations on each currently assignable frequency between 21,750–22,720 kc, to delete authority for telegraph operation by ship and aircraft stations in the Maritime Mobile Service on frequencies in the 22,000–22,070 kc band and for all operation on the frequency 23,000 kc.; Docket No. 10167;

Amendment of §§ 7.206, 7.304, 7.306, 8.321, 8.351 and 8.355 of the Commission's rules and regulations to authorize use of certain frequencies in the band 22,000–22,070 kc by Ship Stations and Aircraft Stations using telephony, certain frequencies in the band 22,070–22,400 kc by Ship Stations and Aircraft Stations using telegraphy, certain frequencies in the band 22,400–22,650 kc by Coast Stations in particular geographic areas using telegraphy, and certain frequencies in the band 22,650–22,720 kc by Coast Stations in particular geographic areas using telephony; amendment of §§ 7.132 and 7.134 of the Commission's rules and regulations to change the authorized emission and power, respectively, of Coast Stations operating in the 22,400–22,720 kc band; and Amendment of § 8.132 of the Commission's rules and regulations to change the authorized emission of Ship Stations and Aircraft Stations operating in the 22,070–22,400 kc band; Docket No. 10168.

The order in the above-entitled proceeding, dated April 28, 1952, should be corrected by making the following changes as set forth below.

1. In Item 2 relating to § 7.206 (b) (7) the word "frequency" should read "frequencies".

2. In Item 11 relating to § 8.321 (a) (2) the footnote following the phrase "passenger ships" should be designated as "1a".

3. In Item 12 relating to § 8.351 (a) the numerals "2300" should read "23000".

4. In Item 6 the reference to "§ 7.360 (a) (2)" should read "§ 7.306 (a)".

5. In Item 15, line 4, the reference to "2,220" should read "2,200".

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-5247; Filed, May 9, 1952; 8:52 a. m.]

[Docket No. 10111]

PART 10—PUBLIC SAFETY RADIO SERVICES

FREQUENCIES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of April 1952:

The Commission having under consideration the notice of proposed rule making in the above-entitled matter in which it was proposed to amend § 10.101 of Part 10, "Public Safety Radio Services" by the addition of a new paragraph which would permit assignment to radio stations operating in any of the several Public Safety Radio Services of a frequency or frequencies assigned to government radio stations under Executive order of the President upon appropriate showing that such assignment is necessary for inter-communication with government stations or required for coordination with activities of Federal Government, and where the Commission finds, after consultation with the appropriate government agency or agencies, that such assignment is necessary;

It appearing, that, in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notice of proposed rule making in the above-entitled matter, which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on February 8, 1952 (17 F. R. 1227), and that the period provided for the filing of comments has now expired;

It further appearing, that comments were filed by interested parties and that all of these comments were unanimously agreeable to and in favor of adoption of the proposed amendment;

It further appearing, that authority for the aforesaid amendment is contained in sections 4 (i) and 303 (c) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective May 15, 1952, § 10.101 of Part 10, "Public Safety Radio Services" be and it hereby is amended to read as follows:

§ 10.101 *Frequencies.* (a) The frequencies available for assignment are listed in the applicable subpart of this part. All applicants for, and licensees of, stations in these services shall cooperate in the selection and use of the designated frequencies to minimize interference and to make effective use of the frequencies assigned. Frequencies listed in this part will not be assigned exclusively to any one applicant. The use of any frequency may be restricted to one or more specified geographical areas.

(b) Frequencies assigned to government radio stations under Executive Order of the President may be authorized for use of stations in these services upon appropriate showing by the applicant that such assignment is necessary for inter-communication with government stations or required for coordination with activities of Federal Government, and where the Commission finds, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 50 Stat. 191; 47 U. S. C. 303)

Released: May 2, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-5246; Filed, May 9, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 961]

[Docket No. AO-160-A-13]

HANDLING OF MILK IN 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 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was 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.

Issues numbered 1 and 2 have already been dealt with in a recommended decision issued by the Acting Assistant Administrator on March 21, 1952 (17 F. R. 2627), a decision by the Secretary dated April 10, 1952 (17 F. R. 3355), and amending order effective April 17, 1952 (17 F. R. 3447). This recommended decision deals with the remaining issues numbered 3 through 9. The decision of April 10, 1952, stated that the amendment, as affecting Philadelphia producer milk plants disposing of milk for fluid purposes in New York metropolitan marketing area, would apply only for the months of April through August 1952, and indicated that further action might be taken on this record with respect to this matter for subsequent periods. No conclusion is made in this decision as to how this matter should be dealt with for periods after August 1952, and action on this matter is reserved for a further decision on the record of this hearing.

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

3. *Revised index of wholesale prices.* The revised wholesale price index issued weekly by the Bureau of Labor Statistics, United States Department of Labor, using a 1947-49 base period should be used in the Class I price formula with appropriate adjustment as set forth herein, in place of the wholesale price index previously issued by the Bureau

of Labor Statistics using a 1926 base period.

Official notice is taken of publication by the Bureau of Labor Statistics, United States Department of Labor, of revised wholesale price indexes with 1947–48 base periods, issued monthly and weekly, which replace the monthly and weekly wholesale price indexes previously issued by the Bureau of Labor Statistics with 1926 base periods. The revised monthly index has been computed and published for the period January 1947 through March 1952. Publication of the revised weekly series began with the index figure for the week ending February 19, 1952.

For the calculation of the current formula index each month, the order provides that the market administrator shall use the four latest weekly wholesale price index figures, instead of the monthly figure, so as to use the most recent data available. Since the weekly index has been revised to use a 1947–49 base period, some adjustment is needed in the formula calculation to compensate for the resulting change in the level of the index. The basis for this adjustment should be the relationships between the old and the revised indexes during a period when both series are available.

The weekly wholesale price index series have not been published for any period on both the old and the revised basis. Both of the monthly series, however, are available for the years 1947–1951. Since the weekly and monthly series are so constructed as to maintain a close relationship to each other, the relationship of the old and revised monthly series may be used as a basis for adjustment in using the revised weekly index in the formula calculation. During the five-year period of 1947–51, the average of the revised index is 63.624 percent of the average of the old index. Approximately the same relationship also held for each year of this period. Accordingly, the provision of the order which provides that the average of the four latest weekly index figures as published by the Bureau of Labor Statistics should be divided by the figure 0.8028 should be changed to provide that the average of the four latest weekly index figures on the revised basis shall be divided by 63.624 percent of 0.8028, namely 0.5108. The resulting figure should be averaged with the other indexes computed pursuant to § 961.4 (a) (1) (ii), (iii), (iv), and (v) to arrive at the Class I price formula index.

4. *List of producer milk plants.* The plant of Philadelphia Dairy Products Company, Inc., at Benton, Pennsylvania, should be added to the list of producer milk plants named in § 961.1 (a) (6) (i) of the order, and the plant formerly of Abbotts Dairies, Inc., at Goshen, Pennsylvania and the plant of the Philadelphia Dairy Products Company, Inc., at Fairdale, Pennsylvania should be removed from the list.

The list of producer milk plants in § 961.1 (a) (6) (i) names a plant at Goshen, Pennsylvania, as operated by the Abbotts Dairies, Inc. This plant was closed as of May 1, 1951, has been dismantled, and hence is no longer a factor in the milk supply for this market. This plant should be deleted from the list of producer milk plants.

It was proposed by the Interstate Milk Producers Cooperative that the Fairdale, Pennsylvania, plant of the Philadelphia Dairy Products Company, Inc. should be removed from the list of producer milk plants. This plant has not been a producer milk plant since September 1949, and is now a pool plant under the order for the New York metropolitan milk marketing area. No objection was made to deletion of this plant from the list, and it is concluded that it should be deleted.

It was also proposed by the Interstate Milk Producers Cooperative that the plant of Philadelphia Dairy Products Company, Inc. at Benton, Pennsylvania, should be included in the list of producer milk plants in the order. This plant has been a producer milk plant continuously for several years by reason of shipments to the market. It was testified that the proposal for listing this plant was made with the consent of the owner, and no objection was made to the proposal. It is concluded that this plant should be listed as a producer milk plant in the order.

Abbotts Dairies, Inc., objected to the proposal that the Ambler, Pennsylvania, plant of this handler should be listed in the order as a producer milk plant. This plant, which was recently purchased from Meyers Dairies, had been a producer milk plant continuously by reason of distributing Class I milk on routes in the market.

Reluctance on the part of the handler to have the plant listed is interpreted as indicating uncertainty as to whether the plant will operate continuously as a part of the market supply. Listing, however, does not prevent withdrawal from the market, although it requires that for three months after the last month in which the plant disposes of milk in the area, the plant shall continue to be regulated by the order and to be pooled with the other producer milk plants operated by the handler.

Inasmuch as the plant at Ambler has been under operation by the present owner for only a few months, there is not sufficient basis to establish its regular relationship to the market as a part of this handler's system. It is concluded that the plant should not now be listed as a producer milk plant in the order.

5. *Definition of "producer milk plant" in April, May and June.* No change should be made at this time in the definition of producer milk plant for April, May, and June.

It was proposed by a producers' organization that during April, May, and June, any plant supplying milk, a portion of which is Class I, to a pasteurizing or bottling plant disposing of Class I milk in the marketing area, should be regulated as a producer milk plant. This would be effected by changing the definition of a producer milk plant, which now exempts plants from regulation during these and other months of the period February through September, if they ship milk to a producer milk plant on less than 5 days during the month.

The present definition of producer milk plant is intended to enable a handler to obtain occasional supplementary supplies of milk for Class I uses at times when his supply from producers is not sufficient, without involving the supplying plant under full regulation. Such supplementary supplies would ordinarily be least needed during April, May and June, when production of milk is seasonally highest, although an unusual increase in Class I disposition by the handler might necessitate some additional supplies even in these months. Since there is a surplus of producer milk in the spring months, it is possible for a handler who needs additional milk to buy it from other handlers if acceptable terms can be arranged.

Most handlers in the market have followed the practice of arranging a sufficient supply of producer milk for year around needs, with some reserve for irregularities of sales. In April, May and June of 1951, nonproducer milk in Class I uses was less than one percent of total Class I sales. One handler testified, however, that he depended on nonproducer sources for as much as 50 percent of his milk supply. He stated that the volume of his sales was irregular, due to occasional contract sales, so that he could not make suitable arrangements with other handlers for supplemental supplies of producer milk.

Although it is necessary to the operation of the order that the amount of unregulated milk sold in the market for Class I use be at a minimum, the record does not furnish a basis for developing a suitable method of further reducing the amount of such unregulated milk. The proposal on the record would regulate the entire output of a plant if only a small amount of its milk was classified in Class I, which appears to be too inflexible an arrangement for market conditions. It appears some method could be developed which would not involve the entire operation of a plant under regulation if only a small amount of milk from such plant was classified as Class I, and which could be instituted at a time that would allow a reasonable period for any handler affected to adjust his supplies.

6. *Concentrated milk.* The term "concentrated milk" should be included among the products named as Class I uses in the classification section of the order.

Concentrated milk for some months has been manufactured in a Philadelphia producer milk plant and marketed in the Philadelphia and Wilmington markets. It is a product produced from whole milk by partial evaporation of the natural water content, and in this market has been sold in a 3 to 1 concentration; that is, the concentrate may be reconstituted into whole milk by adding 2 parts of water to 1 part of concentrated milk. It is not a sterilized product, and must be kept under refrigeration to stay fresh. The product, as sold in this market, must be made from the same quality of whole milk as that sold as whole milk for fluid use in bottles. Although concentrated milk as commercial condensed milk is used in manufactured dairy products, such as ice

cream, the issue on this record was the matter of classifying the product as sold in non-hermetically sealed consumer packages (bottles or cartons) for fluid use.

Concentrated milk sold in bottles and cartons has been classified as Class I milk under the present terms of the order. Accordingly, the producer proposal would not change the operation of the order, but would make the language more specific. It is concluded that such a change in the classification provisions is desirable and should be made.

Some attempt was made by interested parties at the hearing to distinguish frozen concentrated milk from the unfrozen product with respect to classification. However, no basis was established for a different classification of the frozen product intended for fluid consumption. It would be incumbent upon the handler, of course, to prove that it was not used for fluid consumption if it were to be classified as Class II milk.

Handlers requested that a definition of concentrated milk be included in the order. A description of concentrated milk, for classification purposes, should be general enough so that slight variations in the product will not circumvent the purpose of the classification provisions. This product is a form of concentrated fresh whole milk that must be handled as other fresh milk in order to retain its quality during the process of distribution to consumers. This characteristic distinguishes it from sterilized evaporated milk or commercial condensed milk products. Used in the consumer fresh milk trade, concentrated milk is typical Class I disposition, marketed in the same type of packages and by the same methods of distribution as other products for fluid consumption. The amended classification provision would recognize these characteristics and is sufficiently specific to identify the product for classification purposes.

The volume of producer receipts assigned to Class I utilization in this case would be, of course, the volume of whole milk used in the manufacture of the concentrated milk.

7. *Prices for milk sold outside the marketing area.* No change should be made in the method provided by the order for establishing producer prices for milk sold outside the marketing area in areas not regulated by another order of the Secretary.

Handlers proposed that the producer price for milk sold in bulk for Class I use outside of Pennsylvania should be the weighted average of the uniform prices for all Philadelphia handlers. This price would be lower than the regular Class I price by amounts varying with the amount of Class II milk in handlers plants.

The order provides that in the case of sales of milk to outside markets for Class I use the applicable producer price shall be, as ascertained by the market administrator, such price as is being paid to farmers in the market where such milk was disposed of, for milk of equivalent use, except that if the market administrator is not able to ascertain such price, the regular Class I price shall apply. In some instances the market administrator has ascertained under this provision producer prices applicable to certain sales outside the marketing area, but the operation of this provision has been hampered generally by lack of information. This difficulty is inherent as to markets open to milk from sources unregulated as to producer prices.

The order is designed to establish minimum producer prices for the milk needed for the Philadelphia market, and cannot be expected to serve on the same basis as a means of establishing special producer prices for milk sold for fluid use in outside markets in competition with milk from unregulated sources. If handlers were to carry as a regular part of their business a volume of producer milk for these outside markets priced to meet competition of milk from sources where payment to farmers is not required to be in accordance with utilization or at the full Class I price for fluid use, such a practice would tend to reduce blend prices to Philadelphia producers. These circumstances might result in the need for a higher Class I price to assure an adequate supply for the marketing area. It is to be expected that handlers would tend to carry as much Class II milk as reserve for regular outside sales as for sales in the marketing area, and thus it is doubtful if the proposal of handlers would result in any improvement in the percentage of producer milk used in Class I. Such sales as are now being made in bulk to outside markets have not shown any tendency to decrease in recent years under the present arrangement.

It is concluded that the record does not establish any basis for valuing producer milk sold for Class I use outside Pennsylvania less than the regular Class I price. The evidence does not support any change in the present provision of the order with respect to such milk.

8. *Use of equivalent prices and indexes.* The order should provide for use of equivalent or comparable prices and indexes, as determined by the Secretary, if a price or index specified in the order is not reported or published in the manner described in the order.

From time to time prices or indexes used in orders are discontinued, modified, or are temporarily not available. At times a published series may continue to be the same in all other respects although the name of the series is changed, or the series is published by a different agency than formerly, thus causing a discrepancy from the description in the order. Occasionally insufficient data are available to the agency publishing the price or index, and issuance is temporarily suspended. Also, from time to time, the method of arriving at a price quotation or index is revised thus possibly changing its applicability to the operation of the order.

It is not always possible to determine sufficiently in advance that these changes will occur with respect to the publication or announcement of a particular price or index, so that a hearing could be called to consider what should be done to continue the operation of the order. Also, it is recognized that non-substantive changes in a price or index series would not affect its suitability for use in the accustomed manner in the order, and in such case a hearing should be unnecessary. A provision in the order is needed which would allow the market administrator to use in such circumstances an equivalent or comparable price or index determined by the Secretary.

Section 961.10 of the order provides incidentally for the use of an equivalent or comparable price when a price specified in the order is not reported or published, such use to be in conjunction with certain maximum price regulations which are now defunct. This section should be replaced by a more general provision for use of equivalent or comparable prices or indexes.

Producers and handlers also requested that the order require the Secretary to call a hearing before an equivalent price or index is used for a second time. Such a provision is unnecessary, inasmuch as the hearing procedure is available in every instance to petitioners if the matter merits such action.

9. *Renumbering of sections.* When the order is amended relative to the issues considered in this decision, the entire order should be reissued as an amended order with the sections, paragraphs and various subdivisions renumbered and designated in accordance with revised FEDERAL REGISTER procedure.

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 as hereby proposed to be further amended.

1. In § 961.1 (a) (6) (i) delete "Abbots Dairies, Inc. . . . Goshen, Pa.", "Philadelphia Dairy Prod. Co., Inc. . . . Fairdale, Pa.", and insert "Philadelphia Dairy Prod. Co., Inc. . . . Benton, Pa."

2. Delete § 961.3 (b) (1) (i) and substitute:

(i) sold, distributed, or disposed of as or in milk, skim milk and flavored milk drinks for fluid consumption containing less than 18 percent butterfat, including concentrated milk not sterilized and not in hermetically sealed cans, and including all milk or skim milk disposed of from a handler's plant to retail establishments which dispose of milk for both fluid and other uses, and

3. In § 961.4 (a) (1) (i) delete the figure ".8028" and substitute the figure ".5108."

4. Delete § 961.10 and substitute:

§ 961.10 *Price or index.* If for any reason a price or index specified by this order for use in computing class prices or other purposes is not reported or published in the manner described in this order, the market administrator shall use a price or index determined by the Secretary to be equivalent to or comparable with the factor which is specified.

Issued this 7th day of May 1952.

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

[F. R. Doc. 52-5254; Filed, May 9, 1952; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 12]

[Docket No. 10188]

AMATEUR RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 12.111 of Part 12, "Amateur Radio Service" to specify emissions and other particulars of operation in the amateur frequency band 21,000–21,450 kc, and for other reasons.

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

2. It is proposed to amend § 12.111 of the Commission's rules and regulations to specify emissions and other particulars of operation in the frequency band 21.00–21.45 Mc to be available for use of amateurs on or about May 1, 1952 (Docket No. 10158). In order to conform with existing limitations on the use of those frequency bands as expressed in existing rules and in the Atlantic City (1947) Table of Frequency Allocations as ratified by the United States, it is also proposed to amend certain subparagraphs of the foregoing section to delete availability of the frequency band 235–240 Mc, as an alternate for the band 220–225 Mc, and to remove the conditions under which the band 220–225 Mc, up until January 1, 1952, was available for amateur use. It is further proposed to amend § 12.23 (e) (2) of Part 12, in which the frequency bands and types of emission available for use of persons holding the Novice Class license are set forth, by deleting the frequency band 26.96 to 27.23 Mc, and substituting therefor the frequency band 21.15 to 21.30 Mc. The proposed amendments are set forth below.

3. The amendments proposed are issued under the authority of section 4 (i) and 303 (c), (f), (l), and (r) of the Communications Act of 1934, as amended, the provisions of the final acts of the International Telecommunications and Radio Conference, Atlantic City, 1947, and the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva) 1951.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form proposed, may file a written statement or brief setting forth his comments on or before August 1, 1952. Persons desiring to support the amendments may also file comments by the same date. Comments or briefs in reply to the original comments or briefs may be filed within fifteen days from the last day for filing the said original comments or briefs. The Commission will consider all such comments, briefs, and statements before taking final action. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given such interested parties.

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

Adopted: April 30, 1952.

Released: May 1, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 12.23 (e) by substituting the frequencies 21.15 to 21.30 Mc. for the frequencies 26.960 to 27.230 Mc.

2. Amend § 12.111 in the following particulars:

a. Delete present subparagraph (11) of § 12.111 (a).

b. Amend § 12.111 (a) (5) to provide as follows:

(5) 21.00 to 21.45 Mc, using type A–1 emission; 21.10 to 21.35 Mc, using type F–1 emission; 21.00 to 21.10 Mc, and 21.35 to 21.45 Mc, using type A–3 emission and narrow band frequency or phase modulation for telephony.

c. Amend § 12.111 (a) (10) to provide as follows:

(10) 220 to 225 Mc, using types A0, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulated techniques).

d. Amend § 12.111 (a) by renumbering paragraphs in numerical sequence in accordance with the foregoing addition and deletion.

[F. R. Doc. 52-5248; Filed, May 9, 1952; 8:52 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

[32 CFR Part 1708]

OFFICIAL CIVIL DEFENSE INSIGNE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Federal Civil Defense Administration is considering the issuance of regulations pursuant to sections 204 and 401 of the Federal Civil Defense Act of 1950, as amended (64 Stat. 1254; 50 U. S. C. App. Sup. 2253), which prescribe the official civil defense insigne of the United States Civil Defense Corps and establishes requirements for the reproduction, manufacture, sale, possession and wearing thereof.

Regulations were published in the FEDERAL REGISTER in similar form on December 27, 1951, and comments solicited. Because of material changes resulting from consideration of comments received in response to the publication on December 27, 1951, notice is given of the proposed publication of these regulations as revised in order that interested persons who desire to do so may have an opportunity to make comments or suggestions.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulations may do so by filing them with the Federal Civil Defense Administration, Washington 25, D. C., not later than thirty days after the publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

PART 1708—OFFICIAL CIVIL DEFENSE INSIGNE

Sec.
1708.1 Purpose.
1708.2 Definitions.
1708.3 Prescribed insigne.
1708.4 Official articles.
1708.5 Manufacture, reproduction and display of the prescribed insigne.
1708.6 Issuance, distribution and retail sale of the prescribed insigne.
1708.7 Prohibited use of the prescribed insigne.
1708.8 Violations.

AUTHORITY: §§ 1708.1 to 1708.8 issued under sections 204 and 401, 64 Stat. 1254; 50 U. S. C. App. Sup. 2253.

§ 1708.1 *Purpose.* The purpose of the regulations in this part is to prescribe the official insigne of the United States Civil

Defense Corps and to establish requirements for the reproduction, manufacture, sale, possession and wearing thereof.

§ 1708.2 *Definitions.* Except as otherwise stated, the following terms shall have the following meanings when used in the regulations in this part:

(a) "Administrator" means the Federal Civil Defense Administrator.

(b) "Civil Defense Corps" means a civil defense organization meeting the standards to be prescribed in Part 1707 of this Chapter, duly established or authorized by a State or any political subdivision thereof.

(c) "Civil Defense Director" means the person or body having authority over a Civil Defense Corps and any duly authorized designee of such person or body. Such term shall refer to a State or local civil defense director, or both, depending upon the applicability of the reference under the State's laws or requirements thereunder.

(d) "Member" means a person who has been duly appointed to membership in a Civil Defense Corps and whose membership has not been suspended or terminated, or a person obligated to perform civil defense duties by reason of service or employment pursuant to State laws or requirements thereunder. A person who is a member of a Civil Defense Corps shall be deemed to be a member of the United States Civil Defense Corps.

(e) "Official articles" means articles designated as such by the Administrator and embodying the prescribed insigne.

(f) "Registrant" means a person who has registered for membership in a Civil Defense Corps, but who has not qualified and been appointed a member and whose registrant status has not been suspended or terminated.

(g) "State" means any State, Territory, or possession of the United States and the District of Columbia.

(h) "The United States Civil Defense Corps" means the aggregate of the Civil Defense Corps, and includes the individuals who are members of such Civil Defense Corps.

§ 1708.3 *Prescribed insigne.* (a) The prescribed insigne shall be the design covered under Letters Patent A. D. 129797, October 7, 1941, consisting of the "CD" symbol in bright red, centered within a white equilateral triangle superimposed upon a dark blue circle.

(b) The prescribed insigne may be reproduced in the above colors, in black and white, or, when reproduced upon a colored surface, in the color of the surface and black or white, except that when embodied in or on an official article it shall be reproduced in the colors described in (a) hereof.

(c) Where appropriate, the name of the particular civil defense service, as will be designated in § 1707.4 of Part 1707 of this Chapter (United States Civil Defense Corps regulations), shall be spelled out in block letters on a horizontal or curved line immediately above the prescribed insigne or across the apex of the triangle within the blue circle. The name of the State or city should appear, either immediately below the insigne or within the blue circle below the triangle. When it is desired to use both the name of the State and the name of the city or other civil defense organizational unit, one should appear immediately below the insigne and the other within the blue circle below the triangle.

(d) The dimensions of the components of the prescribed insigne when the blue circle is 3" in diameter will approximate the following: The triangle will be equilateral 2¼" on a side, each of the letters in the "CD" symbol will be 3/16" in thickness and will occupy a circle 1⅛" in diameter centered in the triangle. Other sizes of the prescribed insigne will be established by diameter of the blue circle only; to the extent that the diameter of the blue circle is greater or less than 3", the dimensions of the other components shall be proportionately increased or decreased.

§ 1708.4 *Official articles.* (a) Official articles shall consist of the following articles embodying the insigne:

(1) Arm bands.
(2) Badges.
(3) Hat bands.
(4) Helmets.
(5) Pennants, placards, plates or stickers for aircraft, vehicles or vessels.
(6) Membership cards.

(b) No person shall possess, display, wear, or use an official article unless he or she is a member of or registrant for membership in a Civil Defense Corps, and no person shall display, wear, or use such an article unless he or she has on his or her person a membership card or other identification evidencing such status: *Provided*, That during a period of emergency operations these prohibitions shall not apply to any person who is performing a civil defense function pursuant to instructions of a Civil Defense Director: *And provided further*, That this prohibition shall not apply to the possession or display of official articles by a manufacturer, wholesaler or retailer in the normal course of business; or to display of pennants, placards, plates or stickers on aircraft, vehicles or vessels designated for operational use by a Civil Defense Director.

§ 1708.5 *Manufacture, reproduction, and display of the prescribed insigne.* (a) Any individual, association or business entity may manufacture the prescribed insigne and official articles in compliance with these regulations.

(b) The prescribed insigne may be manufactured, reproduced, and displayed only:

(1) On official articles.
(2) On organizational equipment.
(3) On items of identification issued by the Civil Defense Director to permit necessary movement of persons, vehicles and equipment during a period of emergency operations.
(4) On facilities and equipment designated for emergency operational use by the Civil Defense Director.
(5) On official letterheads, publications, posters, signs, advertisements, lapel pins, flags and banners used, issued, or authorized by a Civil Defense Corps or Director.
(6) In connection with articles or advertisements in newspapers, magazines or other publications, or in connection with television or other public information media, provided such use is not intended to discredit the Federal Civil Defense Administration or a Civil Defense Corps, or to mislead, confuse, misrepresent, defraud, or does not erroneously confer the impression of indorsement, approval or relationship to the Federal Civil Defense Administration or a Civil Defense Corps.
(7) On such other items, whether official articles or not, as may be designated or approved by the Administrator in writing.
(8) Without limitation of the foregoing, the reproduction of the prescribed insigne in connection with any publication or article used for political purposes is prohibited.

(c) No alteration or modification of the prescribed insigne may be made except as the Administrator may from time to time authorize.

§ 1708.6 *Distribution, issuance, and retail sale of the prescribed insigne.* No distribution, issuance, or retail sale of the prescribed insigne or official articles shall be made except upon the authorization of the Civil Defense Director.

§ 1708.7 *Prohibited use of the prescribed insigne.* No person shall possess or wear the prescribed insigne or any device in colorable imitation thereof with intent to deceive or mislead, or for the purpose of inducing the false impression that such person is engaged in the performance of an authorized civil defense service or activity.

§ 1708.8 *Violations.* The manufacture, possession, or wearing of the prescribed insigne or any device in colorable imitation thereof otherwise than in accordance with the regulations in this part by any person shall be unlawful and shall subject such person to a fine of not more than $1,000 or imprisonment of not more than one year, or both.

MILLARD CALDWELL,
Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 52-5258; Filed, May 9, 1952; 9:38 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1952, 75th Supp.]

CITIZENS CASUALTY CO. OF NEW YORK

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $119,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE AND STATE IN WHICH INCORPORATED

NEW YORK

Citizens Casualty Company of New York, New York.

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

[F. R. Doc. 52-5238; Filed, May 9, 1952; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

CLASSIFICATION ORDER

APRIL 25, 1952.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 80 acres.

NEVADA SMALL TRACT CLASSIFICATION NO. 84

For lease and sale for homesites only:

T. 21 S., R. 60 E., M. D. M.
Sec. 2, Lots 3 and 4 (or N½NW¼).

Leases will not be issued until a supplemental plat has been prepared dividing the irregular lots and assigning tract numbers.

The lands are in close proximity to the Town of Las Vegas, Clark County, Nevada. They can be reached over a paved road that extends along the northern side of the section involved. Domestic water can be obtained from wells. Las Vegas is one of the largest towns in Nevada and has all of the usual facilities, such as stores, churches, schools, etc. The area is one that is used extensively for health and recreational purposes.

2. As to applications regularly filed prior to 9:00 a. m., December 1, 1950, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

6. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be issued for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of the land as follows:

N½N½NW¼, $250.00 per tract.
S½N½NW¼, $150.00 per tract.

Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52-5237; Filed, May 9, 1952; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[NPA Organizational Statement No. 1]

NATIONAL PRODUCTION AUTHORITY

AUTHORITY, ORGANIZATION, AND FUNCTIONS

This Organizational Statement is issued pursuant to section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002) and is authorized by the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Orders 10161 and 10200 (15 F. R. 6105), (16 F. R. 61), Defense Production Administration Delegation 1, as amended (16 F. R. 738, 4594), and Department of Commerce Order 123, as amended (15 F. R. 6726, 16 F. R. 1129).

GENERAL

Sec.
1. Purpose.
2. Delegation of authority.
3. General plan of organization.

Sec.
4. General functions.
5. Location of central office.

BUSINESS ADVISORY SERVICE

6. Central office.
7. Field offices.

FUNCTIONS—OFFICE OF THE ADMINISTRATOR

8. The Administrator.
9. The Deputy Administrator.
10. The Executive Secretary.
11. The Security Officer.
12. The Assistant Administrator for Production and Distribution Controls.
13. The Chief Hearing Commissioner.
14. Functions—The Appeals Board.

FUNCTIONS—STAFF AND OPERATING OFFICES

15. The Office of General Counsel.
16. The Office of Public Information.
17. The Office of Assistant Administrator for Administration.
18. The Office of Industry Advisory Committees.
19. The Office of Production Analysis.
20. The Office of Small Business.
21. The Office of Civilian Requirements.
22. The Office of Labor.

FUNCTIONS—STAFF AND OPERATING BUREAUS

23. The Policy Coordination Bureau.
24. The Facilities and Construction Bureau.
25. The Metals and Minerals Bureau.
26. The Chemical, Rubber, and Forest Products Bureau.
27. The Industrial and Agricultural Equipment Bureau.
28. The Textile, Leather, and Specialty Equipment Bureau.
29. Effect on other orders or delegations.

GENERAL

SECTION 1. *Purpose.* The purpose of this organizational statement is to delegate authority to the Administrator of the National Production Authority and to describe the organization and functions of the central and field organizations of the National Production Authority.

SEC. 2. *Delegation of authority.* (a) The Administrator of the National Production Authority shall perform the functions and exercise the powers and authorities vested in the Secretary of Commerce under the Defense Production Act of 1950, as amended, by Executive Order No. 10161, Defense Production Administration Delegation No. 1, as amended, and other pertinent delegations of authority, except for the functions and authorities vested in the Secretary of Commerce with respect to the use of transportation facilities and in connection with the creation of new agencies within the Department of Commerce. In addition, the Administrator shall perform the functions and exercise the authorities vested in the Secretary of Commerce under the Rubber Act of 1948, as amended (50 USC app. 1921) by Executive Order 9942 of April 1, 1948.

(b) The Administrator of the National Production Authority may redelegate any power or authority conferred upon him by this order to any officer of the National Production Authority, or to any other officer or agency of the Government, and he may authorize such redelegations by such officer or agency as he may deem appropriate.

SEC. 3. *General plan of organization.* The National Production Authority, established as a primary organization unit within the Department of Commerce by Department Order No. 123 as amended (15 F. R. 6726, 16 F. R. 1129) consists of the following general plan of organization:

(a) Office of the Administrator consisting of the following:
(1) Immediate Office of the Administrator;
(2) Deputy Administrator;
(3) Executive Secretary;
(4) Security Officer;
(5) Assistant Administrator for Production and Distribution Controls; and
(6) Chief Hearing Commissioner.
(b) Appeals Board.
(c) Staff and Operating Offices consisting of the following:
(1) Office of General Counsel;
(2) Office of Public Information;
(3) Office of Assistant Administrator for Administration;
(4) Office of Industry Advisory Committees;
(5) Office of Production Analysis;
(6) Office of Small Business;
(7) Office of Labor; and
(8) Office of Civilian Requirements.
(d) Staff and operating bureaus consisting of the following:
(1) Policy Coordination Bureau;
(2) Facilities and Construction Bureau;
(3) Metals and Minerals Bureau;
(4) Chemical, Rubber, and Forest Products Bureau;
(5) Industrial and Agricultural Equipment Bureau; and
(6) Textile, Leather, and Specialty Equipment Bureau.
(e) Field organization, consisting of the regional and district offices of the Department Field Service of the Department of Commerce, which, by the Secretary's direction, carries out the field activities of the National Production Authority.

SEC. 4. *General functions.* Within the limitations of its delegated authority the National Production Authority has responsibility for controlling the production, use, and conservation of materials, and use of facilities, to the extent deemed necessary or appropriate to promote the national defense. In the discharge of this responsibility, the National Production Authority authorizes priorities and allocations, controls inventories, and obtains compliances of industry to control actions with respect to all materials and facilities except petroleum, gas, solid fuels, electric power, food, domestic distribution of farm equipment and commercial fertilizer, domestic transportation, storage and port facilities, and the use of other transportation facilities; acts as claimant agency pursuant to Defense Production Administration Order No. 1 of May 24, 1951 (16 F. R. 4913), as amended, for the programs and areas designated in that order; serves as a delegate agency and an initiating agency with respect to the requisitioning, condemnation, and disposal of property needed for the defense of the United States; and assists in the expansion of productive capacity and supplies through investigation of applications for accelerated tax amortization of emergency facilities and for loans, and recommends the issuance of certificates of essentiality and necessity in connection therewith.

SEC. 5. *Location of central office.* The central office of the National Production Authority is located in the New General Accounting Office Building, Washington 25, D. C.

BUSINESS ADVISORY SERVICE

SEC. 6. *Central office.* The National Production Authority has established and maintains a special business advisory and consultative service for the purpose of providing information, advice, and assistance to persons concerned on questions and problems relating to, or arising from, its procedures, regulations, and orders, and the operation of the controlled materials plan. The office providing this service is known as The Business Advisory Service and is located in Room 2N–6 of the New General Accounting Office Building, Washington 25, D. C. Its telephone number is Sterling 5200, Extension 5381. The Business Advisory Service handles inquiries made either in person or by telephone. It does not reply to mail inquiries.

SEC. 7. *Field offices.* Information and assistance concerning activities of the National Production Authority, including directions for filing applications and forms, and the administration of orders, regulations, and other NPA policies, may be obtained from field offices. For location of these offices see 17 F. R. 1158.

FUNCTIONS—OFFICE OF ADMINISTRATOR

SEC. 8. *The Administrator.* The Administrator formulates the policies, develops and coordinates the programs, and directs all operations of the National Production Authority.

SEC. 9. *The Deputy Administrator.* The Deputy Administrator assists in the administration of the Authority and performs other duties assigned by the Administrator.

SEC. 10. *The Executive Secretary.* The Executive Secretary provides a number of essential services including the registration and filing of original regulatory documents, processing of official documents affecting the public for publication in the Federal Register (see 16 F. R. 8802), central secretariat services for staff and committee meetings, review and coordination of replies to correspondence of direct concern to the Administrator, and control over National Production Authority's historical programs and official reports.

SEC. 11. *The Security Officer.* The Security Officer assists the Administrator in the discharge of his delegated responsibilities for administration of the Authority's security system.

SEC. 12. *The Assistant Administrator for Production and Distribution Controls.* The Assistant Administrator for Production and Distribution Controls develops policies, plans, and general methods for controlling the distribution of materials, scheduling the production and delivery of products, and controlling inventories of materials and products.

SEC. 13. *The Chief Hearing Commissioner.* The Chief Hearing Commis-

sioner conducts or supervises conduct of administrative hearings of cases which involve noncompliance with orders and regulations issued by the National Production Authority. His authority is established in General Administrative Order 16-06 (16 F. R. 8628), and certain portions thereof have been redelegated to Hearing Commissioners (17 F. R. 2098). The rules of practice of the Chief Hearing Commissioner are set forth in RP-1 (16 F. R. 8628, 8799).

SEC. 14. *Functions — The Appeals Board.* The Appeals Board considers appeals from denials by operating units of the National Production Authority of an adjustment or exception to provisions of an order, regulation, or actions taken pursuant to an order or regulation which are properly referred to the Board, and renders decisions which are final. The rules of procedure for appealing cases within the jurisdiction of the Board are set forth in NPA Reg. 5 (16 F. R. 10386).

FUNCTIONS—STAFF AND OPERATING OFFICES

SEC. 15. *The Office of the General Counsel.* This office provides legal services of every nature to the Administrator and other officials of the National Production Authority, and conducts the compliance and enforcement activities of the Authority. The Office of the General Counsel contains the Compliance Division.

SEC. 16. *The Office of Public Information.* This office provides advice and assistance to the Administrator in assuring that the Authority's policies and actions are conceived and conducted in full knowledge of prevailing public opinion, public interest, and public understanding; and that business, industry, and the general public are promptly aware of, and understand the intent of and reasons for, the policies and actions of the Authority. The Office of Public Information contains the Information Division, the Editorial Services Division, and the Public Liaison Division.

SEC. 17. *The Office of Assistant Administrator for Administration.* This office determines policies and programs for administration and management and has jurisdiction over organization programs and planning; budget and finance; personnel programming and management; and administrative programming and management, including administrative operations and services, property management and controls, records management, business and public inquiry services, routing and control of official papers and correspondence, and the authentication and issuance of all official actions pertaining to priority assistance and allocations. The Office of the Assistant Administrator for Administration contains the Administrative Services Division, the Personnel Division, and the Budget and Management Division.

SEC. 18. *The Office of Industry Advisory Committees.* This office coordinates and supervises all matters relating to industry advisory committees throughout the Authority, and assures that the Authority receives the benefits of a true cross-section of industry views and advice through the establishment, use, and management of industry advisory committees.

SEC. 19. *The Office of Production Analysis.* This office is the Authority's central office for research and statistics, responsible for the preparation of Authority-wide statistical programs and reports; develops standards for collecting data; coordinates the statistical program of the Authority with those of other Federal agencies; compiles, analyzes, and evaluates materials and products data and information. The Office of Production Analysis contains the Statistical Standards Division, the Materials Analysis Division, and the Products Analysis Division.

SEC. 20. *The Office of Small Business.* This office is responsible for providing maximum consideration of small business interests in all of the actions of the National Production Authority. It exercises its responsibility through (a) analysis of existing and proposed orders and regulations, (b) continuing analysis of the small business impact of existing allocations and priorities operations, (c) review of proposed membership of Industry Advisory Committees to assure adequacy of small business representation, (d) size classification of applications for certificates of necessity, (e) direct spot assistance in obtaining scarce materials and equipment, (f) the administration of the Small Business Hardship Account established to assist small firms to survive at a "minimum operating level", (g) coordination and direction of the Governors' Small Business Commissions, and (h) analysis of Congressional reports and proposed legislation affecting small business. It also represents the established point of contact for the Small Defense Plants Administration with the National Production Authority in all matters relating to proposed orders and regulations and requests for individual assistance in obtaining materials and equipment. The Office of Small Business contains the Impact Analysis and Reports Division, and the Materials and Equipment Assistance Division.

SEC. 21. *The Office of Civilian Requirements.* This office plans, directs, coordinates, and participates in all actions necessary to provide an adequate supply of essential civilian products and services so that the highest productive efficiency of the civilian population may be attained in support of the defense program; serves as claimant and point of contact within the National Production Authority for all state and local governments, as well as private and religious institutions, for all retail, wholesale, and service establishments, and for all maintenance, repair, and operating supplies, as well as consumer products and services for household and civilian uses. It also initiates requests for priority assistance when necessary to meet essential civilian needs. The Office of Civilian Requirements contains the Government and Public Service Division, the Consumer End Products Division, the Materials Division, and the Wholesale, Retail, and Services Trades Division.

SEC. 22. *The Office of Labor.* This office develops and promotes measures designed to maximize defense and civilian labor production; insures that defense and civilian production programs are provided with a coordinated and reliable determination of manpower requirements; and assists in obtaining an adequate balance between manpower requirements and manpower supply. The Office of Labor contains the Program Review Division, the Labor Production Division, the Labor Relations Division, and the Labor Requirements Division.

FUNCTIONS—STAFF AND OPERATING BUREAUS

SEC. 23. *The Policy Coordination Bureau.* This bureau coordinates and approves the formulation, development, procedural implementation, and administration of policies and programs, both domestic and foreign, originating in the Authority, coordinating or integrating them with programs of other Government agencies; determines the impact and implications of broad governmental programs upon the Authority; and makes recommendations to the Administrator and through him to the Defense Production Administration and other Government agencies on the implications of proposed policies, plans, and programs. The Policy Coordination Bureau contains the Control Operations Division, the Program Coordination Division, the Priorities and Directives Division, the Orders and Regulations Division, the Canadian Division, and the Foreign Division.

SEC. 24. *The Facilities and Construction Bureau.* For construction under its jurisdiction, this bureau determines necessity and essentiality for new construction and expansion of existing facilities, both industrial and non-industrial; determines construction critically needed in support of defense and essential civilian projects, including equipment, controlled materials, components, objective completion dates, and corresponding lead times. It also recommends, assists, or takes direct action to provide for such projects and expanded facilities. The Facilities and Construction Bureau contains the Construction Controls Division, the Building Materials Division, and the Industrial Expansion Division.

SEC. 25. *The Metals and Minerals Bureau.* This bureau determines the total available and anticipated supply of metals and minerals, assures maximum supply and balanced production to meet the demands of defense and essential civilian needs, recommends the allocation of metals and minerals, or allocates them under specific program authority, and implements all advisory and direct decisions as required. The Metals and Minerals Bureau contains the Iron and Steel Division, the Copper Division, the Tin, Lead, and Zinc Division, the Aluminum and Magnesium Division, the Miscellaneous Metals and Minerals Division, and the Salvage Division.

SEC. 26. *The Chemical, Rubber, and Forest Products Bureau.* This bureau determines the total available and anticipated supply of chemical, rubber, and forest products; assures maximum supply and balanced production to meet

the demands of defense and essential civilian needs; recommends the allocation of chemical, rubber, and forest products, or allocates them under specific program authority; and implements all advisory and direct decisions as required. The Chemical, Rubber, and Forest Products Bureau contains the Chemical Division, the Pulp, Paper and Paperboard Division, the Containers and Packaging Division, the Lumber and Wood Products Division, the Printing and Publishing Division, and the Rubber Division.

SEC. 27. *The Industrial and Agricultural Equipment Bureau.* For equipment under its cognizance, this bureau determines capacity in relation to requirements and, when necessary, initiates expansion of capacity, promotes the effective use of productive capacity, and ascertains requirements of industry to meet authorized production schedules and authorizes production schedules. Also, through priorities, allocations, and the authorization and allotment of materials, it facilitates the defense program. The Industrial and Agricultural Equipment Bureau contains the Construction Machinery Division, the Electrical Equipment Division, the General Components Division, the Motor Vehicle Division, the Mining Machinery Division, the Railroad Equipment Division, the Engine and Turbine Division, the Agricultural Machinery and Implements Division, the General Industrial Equipment Division, and the Metalworking Equipment Division.

SEC. 28. *The Textile, Leather, and Specialty Equipment Bureau.* For equipment under its cognizance, this bureau determines capacity in relation to requirements and, where necessary, initiates expansion of capacity, promotes the effective use of productive capacity, ascertains requirements of industry to meet authorized production schedules, and authorizes production schedules, also, through priorities, allocations, and the authorization and allotment of materials, it facilitates the defense program. The Textile, Leather, and Specialty Equipment Bureau contains the Electronics Division, the Consumer Durable Goods Division, the Service Equipment Division, the Ordnance and Shipbuilding Division, the Leather and Leather Products Division, the Communications Equipment Division, the Textile Division, the Scientific and Technical Equipment Division, the Motion Picture Photographic Products Division, the Aircraft Division, and the Water Resources Division.

SEC. 29. *Effect on other orders or delegations.* This organizational statement supersedes Department Order No. 123 as amended February 6, 1951 (16 F. R. 1129), but shall not be construed to affect any action taken under that order, Department Order No. 123 as amended October 4, 1950 (15 F. R. 6726), or Department Order No. 123 of September 13, 1950 (15 F. R. 6182). Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this organizational statement are hereby amended or superseded accordingly.

Issued May 10, 1952.

HENRY H. FOWLER,
Adminstrator,
National Production Authority.

Approved:
CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-5330; Filed, May 9, 1952; 11:37 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5199 et al.]

SOUTHERN AIRWAYS, INC.; SOUTHERN CERTIFICATE RENEWAL CASE

NOTICE OF HEARING

In the matter of the application of Southern Airways, Inc., for renewal of its temporary certificate of public convenience and necessity.

Notice is hereby given that a hearing in the above-entitled proceeding, involving air transportation primarily in the states of South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, and Florida, is assigned to be held on May 27, 1952, at 10:00 a. m., in the Past Presidents' Room, second floor, Chamber of Commerce Building, 1914 Sixth Avenue, North, Birmingham, Alabama, before Examiner Ferdinand D. Moran, and is to be recessed for further hearing at 10:00 a. m. on June 23, 1952, in room E-210, Temporary Building No. 5 Sixteenth Street and Constitution Avenue NW., Washington, D. C.

Without limiting the scope of the issues presented by the applications consolidated and the Board's orders entered in the proceeding, particular attention will be directed to the following matters:

1. Do the public convenience and necessity require and should the Board order:

(a) Renewal, in whole or in part, of the temporary certificate of public convenience and necessity of Southern Airways, Inc., for route No. 98, with or without modifications, beyond its expiration date for a period of 5 years from the date of final disposition of this proceeding, or such other period as the Board may determine (Docket No. 5199).

(b) Suspension of the certificates of public convenience and necessity of Eastern Air Lines, Inc., for routes Nos. 5 and 10 insofar as such certificates authorize service to Spartanburg, S. C., on route No. 5 and to Albany, Ga., and Dothan, Ala., on route No. 10 for such period of time as the Board may, as a consequence of this proceeding, authorize Southern to provide service to each such point (Dockets Nos. 5214, 5225, and 5243).

(c) Suspension of the certificate of National Airlines, Inc., insofar as it authorizes service to Valdosta, Ga., on route No. 39 for such period of time as the Board may authorize Southern to provide service to this point (Docket No. 5225).

(d) Amendment of Southern's certificate to add a new route segment authorizing service between the terminals Columbus, Ga., and Mobile, Ala., via the intermediate points Dothan, Ala., Panama City and Pensacola, Fla. (Docket No. 5214).

(e) Amendment of Southern's certificate to add Vicksburg, Miss., as an intermediate point between Jackson and Natchez, Miss., on segment 4 and the omission of service at Vicksburg on all flights between Jackson and Greenville and between Jackson and Natchez in excess of one round trip between these two pairs of points per day (Docket No. 5214).

(f) Abandonment of the service of Chicago and Southern Air Lines, Inc., to Greenwood, Miss., and including this city as a point on Southern's system (Dockets Nos. 4905 and 5243).

(g) Amendment of Southern's certificate so as to add Gulfport-Biloxi as an alternate intermediate point to Hattiesburg, Miss., between the intermediate point Laurel, Miss., and terminal point Mobile, Ala., and to authorize Southern to omit stops at Hattiesburg and Gulfport-Biloxi on all flights between Laurel and Mobile in excess of one round trip per day (Docket No. 5224).

(h) Amendment of Southern's certificate so as to add a new route segment between the intermediate point Augusta, Ga., and the terminal Charlotte, N. C., with stops at Aiken, Columbia, and Chester, S. C., as proposed in Dockets Nos. 3657, 4060, and 5447.

(i) Amendment of Southern's certificate so as to add a new route segment between Greenville and Charleston, S. C., via Anderson, Greenwood, Columbia, and Sumter, S. C., as proposed in Dockets Nos. 5256, 5389, and 5447.

(j) Amendment of Southern's certificate so as to include the City of Monroe, La., as an intermediate point between the terminal New Orleans, La., and Memphis, Tenn., as proposed in Dockets Nos. 5407 and 5408.

(k) Amendment of Southern's certificate so as to provide additional service for Athens to Augusta, Ga., Docket No. 5410.

(l) Amendment of Southern's certificate so as to authorize service over a new segment between Columbus, Ga., and Birmingham, Ala., via the intermediate point Auburn-Opelika, Ala., Docket No. 5522.

(m) Amendment of the certificates of Southern, Capital Airlines, Inc., Delta Air Lines, Inc., and/or Eastern so as to provide scheduled air transportation to Gainesville, Ga., Docket No. 3769.

(n) Scheduled air transportation service to Dublin, Ga., Docket No. 4885.

2. Are the above-named carriers fit, willing, and able to provide the air transportation proposed?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and amendments thereto, the prehearing conference report, petitions, motions, investigations, and orders entered in the proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file

with the Board, on or before May 27, 1952, a statement setting forth such relevant propositions of fact or law on which he desires to be heard.

Dated at Washington, D. C., May 6, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-5252; Filed, May 9, 1952; 8:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region VIII, Redelegation of Authority 34]

DIRECTORS OF DISTRICT OFFICES, REGION VIII

REDELEGATION OF AUTHORITY TO MAKE EXEMPT PURCHASES OF LIVE CATTLE UNDER SECTION 6 OF CPR 23

By virtue of the authority vested in me as Director of Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 63, dated April 17, 1952 (17 F. R. 3471), this redelegation of authority is hereby issued.

1. *Authority to act under section 6 of CPR 23.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to take appropriate action under section 6 of CPR 23. All actions taken by field offices under section 6 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of April 21, 1952.

JOSEPH ROBBIE, Jr., *Regional Director, Region VIII.*

MAY 7, 1952.

[F. R. Doc. 52-5240; Filed, May 7, 1952; 4:25 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2763]

CHARLES C. HARRISON, 3D, ET AL.

NOTICE OF FILING OF APPLICATION WITH RESPECT TO ACQUISITION OF PREFERRED STOCK OF EXEMPT PUBLIC UTILITY HOLDING COMPANY

MAY 6, 1952.

In the matter of Charles C. Harrison, 3d, David B. Sharp, Jr., and Robert E. Daffron, Jr.; File No. 70-2763.

Notice is hereby given that Charles C. Harrison, 3d, David B. Sharp, Jr., and Robert E. Daffron, Jr., have filed an application with this Commission pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 with respect to the proposed acquisition of shares of the outstanding preferred stock of Chesapeake Utilities Corporation ("Chesapeake").

Notice is further given that any interested person may, not later than May 16, 1952 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said application 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 May 16, 1952, at 5:30 p. m., e. d. s. t., 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.

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

Applicants propose to acquire an indirect interest in 50 shares of 5 Percent Cumulative Preferred Stock of Chesapeake, a holding company which claims exemption pursuant to Rule U-9, through the purchase of said stock by Harrison & Co. from Mary Callery for a cash consideration of $5,000, being the aggregate par value of such stock and the cost thereof to said Mary Callery. Harrison & Co., an investment banking firm, is a partnership of which applicants are the general partners and which presently holds 100 shares (10 percent) of the outstanding preferred stock of Chesapeake. Applicants now own, in the aggregate, 13,000 shares (50 percent) of the outstanding common stock of Chesapeake and Mary Callery owns 900 shares (90 percent) of the preferred and 11,000 shares (42.3 percent) of the common stocks of Chesapeake now outstanding. The remaining 2,000 shares of outstanding common stock of Chesapeake are owned by two individuals, one of whom is an officer and director of Chesapeake and both of whom are officers and directors of Chesapeake's three gas utility subsidiaries. Upon consummation of the proposed transactions the investment of Harrison & Co., in the preferred stock of Chesapeake will be increased to 15 percent and that of Mary Callery will be reduced to 85 percent of the aggregate number of outstanding shares of such stock.

Applicants represent that no finders fee or commissions are to be paid in connection with this transaction and the only expenses to be incurred are stock transfer taxes and the fee and expenses of counsel. Applicants further represent that no State commission nor any Federal regulatory agency other than this Commission has any jurisdiction over the proposed transactions.

Applicants request that the Commission's order herein become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5217; Filed, May 9, 1952; 8:46 a. m.]

[File No. 70-2817]

ALABAMA GAS CORP.

ORDER GRANTING APPLICATION WITH RESPECT TO ISSUANCE AND SALE AT COMPETITIVE BIDDING OF FIRST MORTGAGE BONDS

MAY 6, 1952.

Alabama Gas Corporation ("Alabama"), a subsidiary of Southern Natural Gas Company ("Southern"), 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 ("act") and Rule U-50 of the rules and regulations promulgated thereunder with respect to the following proposed transactions:

Alabama proposes the issuance and sale at competitive bidding of $4,000,000 principal amount of its First Mortgage Bonds ____ percent Series C due 1971. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) which will be paid Alabama for the new bonds will be fixed by proposals to be invited by Alabama. The redemption price or prices will likewise be fixed by such proposals. The proceeds from the sale of the new bonds are to be used to pay for the future construction of additions to Alabama's gas distribution system and to reimburse its treasury for expenditures previously made for the construction of additions.

The proposed issuance and sale of First Mortgage Bonds has been approved by the Alabama Public Service Commission.

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 that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application, as amended, including the request that the bidding period be shortened to 6 days, be, and hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of bonds shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] OVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5218; Filed, May 9, 1952; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1012]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION FOR MODIFICATION OF FINDING OF CERTIFICATE ORDER

MAY 5, 1952.

Take notice that on April 21, 1952 Texas Eastern Transmission Corporation (Applicant), a Delaware corporation with its principal place of business at Shreveport, Louisiana, filed an application with the Commission for the modification of Finding (5) subparagraph (b) of the order accompanying the Commission's Opinion No. 206 issued February 27, 1951 at Docket No. G-1012.

Applicant states that under paragraph (b) of the order Applicant was authorized to construct and operate the facilities described in Finding (5) of said order, and that subparagraph (b) of said Finding (5) listed 13 compressor stations with an aggregate of 96,400 horsepower proposed to be constructed by Applicant, and identified by station number, location and installed horsepower. Under Applicant's proposed modification subparagraph (b) would list 12 stations with an aggregate of 102,540 horsepower.

Applicant further states that Stations No. 23 and 25 listed in subparagraph (b) are not scheduled for construction until 1953 and 1954 and that there has been no revision of these two compressor stations. Its request for modification therefor is limited to the remaining eleven stations listed, having an aggregate of 78,900 horsepower. Of this total 46,400 horsepower was to be on the new 30-inch pipeline and 32,500 horsepower on the Applicant's existing pipelines east of Station No. 20.

Applicant states that its evidence at Docket No. G-1012 with respect to compressor facilities was based on preliminary investigations and studies made, the results and conclusions of which were subject to modification required by subsequent events including more detailed investigations, the actual selection of compression units, negotiations for electric power, and other relevant factors.

As a result of these factors, Applicant states that it was able to combine at one station the compression facilities originally planned for installation at two locations and the resulting ten stations, as finally planned or constructed, will have an aggregate of 85,040 horsepower, of which 79,760 horsepower has been or is being installed. Of the total of 85,040 horsepower constructed or planned, 53,800 horsepower will be on the new 30-inch line and 31,240 horsepower will be on the existing pipelines. Of the increase of 7,400 horsepower now proposed on the new 30-inch line, 6,760 horsepower is represented by standby units at Stations Nos. 1, 7, and 11.

With respect to the ten stations as actually planned or constructed in 1952, Applicant states that the estimates of capital costs are $20,062,500 and annual operating and maintenance expenses are $2,201,700. Estimated annual fixed charges on capital costs with respect to the stations as finally planned or constructed are $3,123,700. Applicant represents that, in its opinion and based on operating conditions reasonably to be expected, the cost of service with the facilities as finally planned or constructed will be less than if the facilities as presented in Docket No. G-1012 had been constructed as authorized.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of May 1952. The application for modification of finding of certificate order is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5215; Filed, May 9, 1952; 8:45 a. m.]

[Docket No. G-1037]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

MAY 5, 1952.

Take notice that on April 14, 1952 Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal place of business at 1221 Baltimore Avenue, Kansas City 6, Missouri, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the operation of lateral pipelines constructed by Indiana Gas & Water Company, Inc., paralleling Applicant's existing lateral pipelines to Crawfordsville and Lebanon, Indiana, respectively.

Applicant states that under the provisions of a service agreement dated July 10, 1951, entered into between it and Indiana Gas, the latter company has the right to build, at its own cost and expense, lateral pipelines paralleling Applicant's existing lateral pipelines referred to above. Applicant also states that it has entered into a written agreement, dated February 20, 1952, with Indiana Gas providing for the operation and maintenance of the lateral pipelines so constructed by Indiana Gas. Under the operation and maintenance agreement Indiana Gas will pay Applicant annual charges of $1,540 with respect to the Crawfordsville lateral and $750 with respect to the Lebanon lateral.

Applicant further states that it is in a position to operate and maintain Indiana Gas' new lateral pipelines at a cost much less than the latter itself would be able to provide such services, and that it is desirable that Applicant's existing laterals to Crawfordsville and Lebanon as well as those of Indiana Gas be operated by the same organization for the maximum utilization of both facilities.

In connection with these proposed transactions, Applicant also requests authority to dispose of by sale to Indiana Gas at cost certain facilities subject to the jurisdiction of the Commission. Applicant states that the service agreement between the parties provide that Applicant shall undertake to relocate its measuring and regulating stations for Crawfordsville and Lebanon, and that it is presently building a new measuring and regulating station at Crawfordsville in replacement of the old Crawfordsville measuring station, which station is to be located at a point south of the old station. Applicant further states that it is relocating the Lebanon measuring and regulating station to a point south of Lebanon. Pursuant to an agreement dated April 2, 1952, Applicant has agreed to sell to Indiana Gas the facilities owned by Applicant north of such new and relocated measuring stations at a total cost of $53,719.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of May 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5216; Filed, May 9, 1952; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List No. 1]

CUBAN BROADCAST STATIONS

NOTIFICATION OF NEW STATIONS, LIST OF CHANGES, MODIFICATIONS AND DELETIONS OF EXISTING STATIONS

MARCH 7, 1952.

Notifications of new Cuban radio stations, and of changes, modifications and deletions of existing stations, in accordance with part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

REPUBLIC OF CUBA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
CMJQ	Nuevitas, Camaguey (P. O. 1580 kc, 0.25 kw, ND).	1300 kilocycles 0.25	ND	U	IV	Mar. 16, 1952
CMJQ	Nuevitas, Camaguey	1,580 kilocycles (delete assignment).				

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-5249; Filed, May 9, 1952; 8:53 a. m.]

[Change List No. 2]

CUBAN BROADCAST STATIONS

NOTIFICATION OF NEW STATIONS, LIST OF CHANGES, MODIFICATIONS AND DELETIONS OF EXISTING STATIONS

MARCH 7, 1952.

Notifications of new Cuban radio stations, and of changes, modifications and deletions of existing stations, in accordance with part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

REPUBLIC OF CUBA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
CMHX	Cienfuegos, Las Villas (P. O. Santa Clara 0.25 kw, ND).	1,480 kilocycles 0.25	ND	U	IV	Nov. 14, 1952

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-5250; Filed, May 9, 1952; 8:53 a. m.]

[Change List No. 145]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

MARCH 14, 1952.

Notification under the provisions of part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph 4721-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power (kw)	Schedule	Class	Probable date to commence operation
XEBM	San Luis Potosí, San Luis Potosí.	920 kilocycles, 1N 5D (increase in daytime power.)	U	III-B	May 30, 1952
XEQR	Mexico, D. F.	1030 kilocycles, 50 DA-N (increase in power).	U	II	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-5251; Filed, May 9, 1952; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27031]

GRAIN FROM POINTS IN IOWA AND MISSOURI TO GULF PORTS

APPLICATION FOR RELIEF

MAY 7, 1952.

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

Filed by: L. E. Kipp, Agent, for carriers parties to the schedule listed below.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Iowa and Missouri.

To: Gulf ports (for export).

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

Schedules filed containing proposed rates: CB&Q RR. tariff I. C. C. No. 20334, Sup. 3.

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. 52-5229; Filed, May 9, 1952; 8:47 a. m.]

[4th Sec. Application 27032]

FIBREBOARD WRAPPERS FOR PACKING FROM POINTS IN ARKANSAS, LOUISIANA, OKLAHOMA, AND TEXAS TO POINTS IN SOUTHERN, OFFICIAL AND OTHER TERRITORIES

APPLICATION FOR RELIEF

MAY 7, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3895, 3945, and 3959.

Commodities involved: Wrappers, for packing, fibreboard, pulpboard, or strawboard, carloads.

From: Points in Arkansas, Louisiana, Oklahoma, and Texas.

To: Points in southern, official, and other territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3945, Supp. 28. F. C. Kratzmeir, Agent, I. C. C. No. 3959, Supp. 10. F. C. Kratzmeir, Agent, I. C. C. No. 3895, Supp. 23.

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. 52-5230; Filed, May 9, 1952; 8:47 a. m.]

[4th Sec. Application 27033]

CRUDE RUBBER FROM POINTS IN TEXAS AND LOUISIANA TO HUNTINGTON, W. VA.

APPLICATION FOR RELIEF

MAY 7, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906 and 3967.

Commodities involved: Rubber, artificial, synthetic or neoprene, crude, carloads.

From: Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles and West Lake Charles, La.

To: Huntington, W. Va.

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

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 116 F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 112.

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. 52-5231; Filed, May 9, 1952; 8:47 a. m.]

[4th Sec. Application 27034]

CRUDE RUBBER FROM TEXAS AND LOUISIANA TO COLORADO

APPLICATION FOR RELIEF

MAY 7, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3886.

Commodities involved: Rubber, artificial, synthetic or neoprene, crude, carloads.

From: Specified points in Texas and Louisiana.

To: Littleton, Denver, Derby, Ladora, and Roydale, Colo.

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

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3886, Supp. 58.

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. 52-5232; Filed, May 9, 1952; 8:47 a. m.]

[4th Sec. Application 27035]

CLASS AND COMMODITY RATES FROM AND TO SANDOW, TEX.

APPLICATION FOR RELIEF

MAY 7, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Involving: Class and commodity rates.

Between: Sandow, Tex., and points in official, southern, southwestern, western trunkline, and Illinois territories, and adjacent points.

Grounds for relief: Rail competition, circuity, grouping, and new station on Rockdale, Sandow and Southern Railroad Company.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3443, Supp. 170. F. C. Kratzmeir, Agent, I. C. C. No. 3955, Supp. 8. F. C. Kratzmeir, Agent, I. C. C. No. 3586, Supp. 123. F. C. Kratzmeir, Agent, I. C. C. No. 3983, Supp. 6. F. C. Kratzmeir, Agent, I. C. C. No. 3866, Supp. 20.

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. 52-5233; Filed, May 9, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

KATHARINA OPPENHEIM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Katharina Oppenheim, a/k/a Kattarina or "Kitty" Oppenheim, Gmund, Germany, Claim No. 41928; $10,176.23 in the Treasury of the United States.

The following securities presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York: 17 shares of Louisville & Nashville Railroad Company $50.00 par value Capital Stock. 33 shares of Delaware Power & Light Company $13.50 par value Common Stock. 167 shares of Philadelphia Electric Company no par value Common Stock. 17 shares of Air Reduction Company, Inc., no par value Common Stock. 17 shares of Socony Vacuum Oil Company, Inc., $15.00 par value Capital Stock. 13 shares of J. C. Penny Company, no par value Common Stock. 7 shares of American Tobacco Company $25.00 par value B Common Stock. 19 shares of Armstrong Cork Company no par value $3.75 cumulative Series A Preferred Stock. 33 shares of Public Service Electric & Gas Company of New Jersey, no par value Common Stock. 3 shares of South Jersey Gas Company $5.00 par value Common Stock. Three-tenths shares of South Jersey Gas Company of New Jersey $5.00 par value Common Stock (fractional scrip).

An undivided one-third interest in property presently in custody of the Fidelity-Philadelphia Trust Company, 135 South Broad Street, Philadelphia 9, Pennsylvania, pursuant to an agency agreement entered into by and between the Office of Alien Property and Fidelity-Philadelphia Trust Company on April 23, 1947, which property was therein described as follows: $412.66 Part Interest in Bond and Mortgage on premises located at the S. E. corner of Duquesne Way and Evans Way, Pittsburgh, Pennsylvania. Two-thirds interest in 31 shares Chicago Rwys. Co. Part. Certificate Series 2 C/D. Two-thirds Interest in 650 shares Jim Butler Mining Co. 27.78/570,000 Participating Interest in former mortgage on real estate located at the S. W. corner of 17th St. and The Parkway, which mortgage has been foreclosed and title taken in the name of Fidelity-Philadelphia Trust Company, Trustee.

All right, title and interest of Kattarina (Kittie) Oppenheim in and to a trust created under the will of Katharine E. Carter, deceased.

Executed at Washington, D. C., on May 2, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-5244; Filed, May 9, 1952; 8:51 a. m.]