FEDERAL REGISTER

VOLUME 17 NUMBER 132

Washington, Tuesday, July 8, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

APPLICABILITY OF REGULATIONS; TIME LIMIT FOR APPEALS TO THE COMMISSION

1. Section 22.1 (d) is amended to read as follows:

§ 22.1 *Applicability of regulations.*

* * *

(d) *Notice of reduction in rank or compensation resulting from Commission's position classification decisions.* Preference eligible employees who are to be reduced in grade or rank as a result of the Commission's position classification decisions shall be given at least thirty (30) days' advance written notice, stating any and all reasons, specifically and in detail, for such proposed action.

2. Section 22.4 is amended to read as follows:

§ 22.4 *Appeals to the Commission; time limit.* The Commission will not entertain an appeal for consideration or review of any action under section 14 of the Veterans' Preference Act of 1944 prior to an adverse decision making effective the discharge, suspension for more than thirty (30) days, furlough without pay, or reduction in rank or compensation. Ten (10) days after the effective date of the adverse decision shall be considered as a reasonable time to prepare and submit an appeal under this section: *Provided*, That in a reduction in rank (grade) resulting from a classification decision of an employing agency, where there is a right to appeal the position classification to the agency under its established administrative procedures, the time limit on the appeal to the Commission shall be either ten (10) days after the effective date of the adverse decision or ten (10) days after the decision by the agency on the administrative position classification appeal, at the election of the employee. The time limit may be extended in the discretion of the Commission upon a showing by the employee that he was not notified of his right to appeal as provided in § 22.3 and was unaware of his right in this respect or that circumstances beyond his control prevented him from filing an appeal within the prescribed ten (10) days.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 52-7401; Filed, July 7, 1952; 8:51 a. m.]

TITLE 7—AGRICULTURE

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

[1023 (Burley and Flue-53)-3]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1953–54 MARKETING YEAR

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

Sec.

AUTHORITY: §§ 725.411 to 725.428 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, 63, as amended; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 725.411 *Basis and purposes.* The regulations contained in §§ 725.411 to 725.428, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1953 farm acreage allotments and normal yields for Burley and flue-cured tobacco. The purpose of the regulations in §§ 725.411 to 725.428 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for

Burley and flue-cured tobacco for the 1953–54 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.411 to 725.428, public notice (17 F. R. 4896) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 725.411 to 725.428, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended. The Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of tobacco producers within 30 days after the issuance of the proclamation of a national marketing quota to determine whether producers favor marketing quotas. Such a proclamation will be issued for flue-cured tobacco on July 1, 1952, or shortly thereafter. Since the act requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the regulations contained in §§ 745.411 to 735.428 shall become effective upon the date of filing with the FEDERAL REGISTER.

§ 725.412 *Definitions.* As used in §§ 725.411 to 725.428, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) *Farm.* "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *New farm.* "New farm" means a farm on which tobacco will be produced in 1953 for the first time since 1947.

(d) *Old farm.* "Old farm" means a farm on which tobacco was produced in one or more of the five years 1948 through 1952.

(e) *Cropland.* "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) *Community cropland factor.* "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1952 into the total of the 1952 tobacco acreage allotment for such old farms: *Provided,* That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(g) *Acreage indicated by cropland.* "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(i) *Person.* "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) *Tobacco.* (1) "Tobacco" means Burley tobacco, type 31, or flue-cured tobacco types 11, 12, 13, and 14, as classified in Service and Regulatory Announcement No. 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both, as indicated by the context.

(2) Any tobacco that has the same characteristics, and corresponding qualities, colors, and lengths as either Burley or flue-cured tobacco shall be considered respectively either Burley or flue-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 725.413 *Extent of calculations and rules of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example 1.051 would be 1.1 and 1.050 would be 1.0.

§ 725.414 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 725.415 *Applicability of §§ 725.411 to 725.428.* Sections 725.411 to 725.428 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1953, in the case of Burley tobacco, and July 1, 1953, in the case of flue-cured tobacco. The applicability of §§ 725.411 to 725.428 is contingent upon the proclamation of national marketing quotas for tobacco by the Secretary and the approval thereof by growers voting in referenda pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.416 *Determination of 1953 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the 1952 allotment with the following exceptions:

(a) If the acreage of tobacco harvested on the farm in each of the three years 1950–52 was less than 75 percent of the farm acreage allotment for each of such years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1948–52: *Provided,* That any such preliminary allotment shall not exceed the 1952 allotment for such farm or be less than 0.1 acre.

(b) If the county committee determines that failure to harvest as much as 75 percent of the acreage allotted to the farm during any one of the three years 1950–52 was due to (1) service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces, or (2) black shank infestation on the farm the preliminary allotment for the farm shall be the 1952 allotment.

(c) If no 1952 allotment was established for the farm, the preliminary allotment shall be the smaller of (1) the average acreage of tobacco harvested on the farm in the five years 1948–52, or (2) the acreage obtained by multiplying the farm's average acreage for the five years 1948–52 by the ratio of the farm's actual yield to the 1951 county average yield: *Provided,* That such preliminary allotment shall not be less than 0.1 acre.

(d) If the acreage of tobacco harvested on the farm in 1952 exceeded the

1952 allotment by more than 10 percent, the preliminary allotment shall be the 1952 allotment plus the smaller of (1) one-fifth of the excess acreage, or (2) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1951 county average yield.

(e) The preliminary allotments determined under paragraph (c) or (d) of this section shall not exceed the smallest of (1) the acreage indicated by cropland (2) 20 percent of the acreage of cropland on the farm in the case of flue-cured tobacco, or (3) the acreage capacity of curing barns located on the farm and suitable for curing tobacco, which in the case of flue-cured tobacco shall be 3.5 acres per barn: *Provided*, That no preliminary allotment shall be reduced below the 1952 allotment because of these factors or be less than 0.1 acre.

(f) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

§ 725.417 *1953 old farm tobacco acreage allotment.*. The preliminary allotments calculated for all old farms in the State pursuant to § 725.416 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 725.418 shall not exceed the State acreage allotment: *Provided*, That in the case of Burley tobacco, the farm acreage allotment (a) for any farm having a Burley tobacco acreage allotment in 1942 shall not be less than one-half acre; and (b) for any farm having a Burley tobacco acreage allotment in 1943 shall not be less than the smaller of (1) one acre or (2) 25 percent of the cropland in the farm.

§ 725.418 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 725.416, except paragraph (f) thereof, the farm acreage allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed one-half of one percent of the total acreage allotted to all tobacco farms in the State for the 1952–53 marketing year.

§ 725.419 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1953 shall be reduced, as hereinafter provided, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any such reduction shall be made with respect to the 1953 farm acreage allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located as determined by the State committee. If the reduction cannot be so made effective with respect to the 1953 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made within the time specified above. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1953 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) and (b) of this section.

§ 725.420 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm in the case of Burley tobacco and 50 percent of the acreage of cropland on the farm in the case of flue-cured tobacco.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 725.421 *Farms divided or combined.* (a) If land operated as a single farm in 1952 will be operated in 1953 as two or more farms, the 1953 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that the tobacco acreage allotment determined or which otherwise would have been determined

for the entire farm shall, if the farm to be divided for 1953 consists of two or more tracts which were separate and distinct farms before being combined within the past five years (1948–52), be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1953 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1952 are combined and operated in 1953 as a single farm, the 1953 allotment shall be the sum of the 1953 allotments determined for each of the farms comprising the combination or, in the case of Burley tobacco, if smaller, the allotment determined or which would have been determined for the farm as constituted in 1953.

(c) If a farm is to be divided in 1953 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section or on such other basis as the State committee determines will result in equitable allotments.

§ 725.422 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1947–51, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 725.423 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 725.420, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed in the case of Burley tobacco 50 percent of the allotments for old Burley farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco; and in the case of flue-cured tobacco, the smaller of (1) 15 percent of the cropland in the farm including land from which a cultivated crop was harvested in 1952 or (2) 75 percent of the allotment for old flue-cured tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a Burley or flue-cured tobacco allotment is established for the 1953–54 marketing year.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-half of one percent of the 1953 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

§ 725.424 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1953, unless the farm operator was discharged from the armed services subsequent to December 31, 1952, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 725.425 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 725.426 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 725.411 to 725.425, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain, for any purpose and which is returned to agricultural production in 1953 or which was returned to agricultural production in 1952 too late for the 1952 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1953 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 725.427 *Approval of determinations made under §§ 725.411 to 725.426.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 725.411 to 725.426. All acreage allotments and yields shall be approved by the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 725.428 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (7 CFR Part 711) which are available at the office of the county committee.

Done at Washington, D. C., this 2d day of July 1952. Witness my hand and seal of the Department of Agriculture.

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

[F. R. Doc. 52-7432; Filed, July 3, 1952; 8:59 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The 1952 C. C. C. Grain Price Support Bulletin 1, 17 F. R. 3521 issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1952 was supplemented by 1952 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Wheat as amended, 17 F. R. 3693, 4103, 4834, and 5785 containing the specific requirements applicable to price support operations on wheat of the 1952 crop. These regulations are further supplemented as follows:

§ 601.1711 *Support rates.* Basic support rates for wheat placed under loan or delivered under a purchase agreement are as set forth in this section.

(a) *Basic support rates at designated terminal markets.* Basic support rates per bushel for No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring, No. 1 hard amber durum, No. 1 amber durum, and No. 1 durum, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per bushel
Albany, N. Y.	$2.62
Astoria, Oreg.	2.44
Baltimore, Md.	2.62
Cairo, Ill.	2.53
Chicago, Ill.	2.53
Council Bluffs, Iowa	2.49
Duluth, Minn.	2.52
East St. Louis, Ill.	2.53
Galveston, Tex.	2.63
Houston, Tex.	2.63
Kansas City, Kans.	2.49
Kansas City, Mo.	2.49
Longview, Wash.	2.44
Los Angeles, Calif.	2.46
Memphis, Tenn.	2.53
Milwaukee, Wis.	2.53
Minneapolis, Minn.	2.52
New Orleans, La.	2.63
New York, N. Y.	2.62
Norfolk, Va.	2.62
Oakland, Calif.	2.46
Omaha, Nebr.	2.49
Philadelphia, Pa.	2.62
Portland, Oreg.	2.44
St. Joseph, Mo.	2.49
St. Louis, Mo.	2.53
St. Paul, Minn.	2.52
San Francisco, Calif.	2.46
Seattle, Wash.	2.44
Sioux City, Iowa	2.49
Superior, Wis.	2.52
Tacoma, Wash.	2.44
Vancouver, Wash.	2.44

(b) *Basic county support rates.* (1) The following basic county support rates per bushel are established for No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring, No. 1 hard amber durum, No. 1 amber durum, and No. 1 durum. Both farm-storage and country warehouse-storage loans will be made at the support rate established for the county in which the wheat is stored.

ALABAMA	Rate per bushel
All counties	$2.35

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$1.80	Mohave	$1.93
Cochise	1.97	Navajo	1.80
Coconino	1.85	Pima	2.11
Gila	1.76	Pinal	2.18
Graham	1.92	Santa Cruz	2.08
Greenlee	1.97	Yavapai	1.94
Maricopa	2.18	Yuma	2.19

ARKANSAS

Arkansas	$2.22	Lonoke	$2.23
Baxter	2.18	Madison	2.15
Benton	2.16	Marion	2.17
Boone	2.13	Miller	2.27
Carroll	2.14	Mississippi	2.27
Chicot	2.27	Monroe	2.24
Clay	2.25	Montgomery	2.24
Cleburne	2.24	Nevada	2.26
Conway	2.20	Newton	2.17
Craighead	2.26	Perry	2.19
Crawford	2.15	Phillips	2.26
Crittenden	2.31	Pike	2.26
Cross	2.28	Poinsett	2.27
Desha	2.25	Polk	2.26
Faulkner	2.20	Pope	2.18
Franklin	2.15	Prairie	2.24
Fulton	2.21	Pulaski	2.22
Garland	2.24	Randolph	2.25
Greene	2.25	St. Francis	2.28
Hempstead	2.26	Saline	2.22
Hot Spring	2.26	Scott	2.18
Howard	2.26	Searcy	2.17
Independence	2.23	Sebastian	2.16
Izard	2.20	Sevier	2.26
Jackson	2.25	Sharp	2.22
Johnson	2.17	Stone	2.21
Lafayette	2.27	Van Buren	2.18
Lawrence	2.25	Washington	2.16
Lee	2.28	White	2.25
Lincoln	2.23	Woodruff	2.26
Little River	2.26	Yell	2.18
Logan	2.16		

CALIFORNIA

Alameda	$2.33	Plumas	$2.13
Butte	2.26	Riverside	2.27
Calaveras	2.28	Sacramento	2.30
Colusa	2.26	San Benito	2.30
Contra Costa	2.33	San Bernardino	2.30
El Dorado	2.25	San Diego	2.27
Fresno	2.26	San Joaquin	2.31
Glenn	2.25	San Luis Obispo	2.25
Imperial	2.25	San Mateo	2.34
Kern	2.26	Santa Barbara	2.27
Kings	2.26	Santa Clara	2.33
Lake	2.28	Santa Cruz	2.31
Lassen	2.11	Shasta	2.20
Los Angeles	2.32	Sierra	2.13
Madera	2.28	Siskiyou	2.12
Marin	2.34	Solano	2.32
Merced	2.29	Sonoma	2.32
Modoc	2.07	Stanislaus	2.30
Monterey	2.28	Sutter	2.27
Napa	2.32	Tehama	2.24
Nevada	2.11	Trinity	2.20
Orange	2.31	Tulare	2.26
Placer	2.28	Ventura	2.32
		Yolo	2.30
		Yuba	2.28

COLORADO

Adams	$2.14	Kiowa	$2.16
Alamosa	2.05	Kit Carson	2.16
Arapahoe	2.14	La Plata	1.97
Archuleta	1.97	Larimer	2.14
Baca	2.15	Las Animas	2.14
Bent	2.15	Lincoln	2.14
Boulder	2.14	Logan	2.14
Chaffee	2.00	Mesa	1.97
Cheyenne	2.16	Moffat	1.97
Conejos	2.04	Montezuma	1.85
Costilla	2.05	Montrose	1.97
Crowley	2.14	Morgan	2.14
Custer	2.05	Otero	2.14
Delta	1.97	Ouray	1.97
Denver	2.14	Phillips	2.16
Dolores	1.80	Pitkin	1.97
Douglas	2.14	Prowers	2.16
Eagle	1.98	Pueblo	2.14
Elbert	2.14	Rio Blanco	1.97
El Paso	2.14	Rio Grande	2.04
Fremont	2.08	Routt	1.97
Garfield	1.97	Saguache	2.01
Grand	2.02	San Miguel	1.82
Gunnison	1.97	Sedgwick	2.17
Hinsdale	1.97	Summit	2.02
Huerfano	2.10	Washington	2.14
Jackson	1.82	Weld	2.14
Jefferson	2.14	Yuma	2.15

CONNECTICUT

All counties	$2.39

DELAWARE

Kent	$2.44
New Castle	2.44
Sussex	2.44

GEORGIA

All counties	$2.38

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$2.02	Gem	$2.03
Adams	2.00	Gooding	1.97
Bannock	1.95	Idaho	2.09
Bear Lake	1.96	Jefferson	1.94
Benewah	2.11	Jerome	1.96
Bingham	1.95	Kootenai	2.11
Blaine	1.94	Latah	2.11
Boise	2.02	Lemhi	1.92
Bonner	2.09	Lewis	2.09
Bonneville	1.94	Lincoln	1.95
Boundary	2.07	Madison	1.94
Butte	1.94	Minidoka	1.95
Camas	1.94	Nez Perce	2.11
Canyon	2.02	Oneida	1.95
Caribou	1.95	Owyhee	2.02
Cassia	1.94	Payette	2.04
Clark	1.94	Power	1.95
Clearwater	2.11	Shoshone	2.08
Custer	1.94	Teton	1.94
Elmore	2.00	Twin Falls	1.94
Franklin	1.95	Valley	2.01
Fremont	1.94	Washington	2.04

ILLINOIS

Adams	$2.30	Cumberland	$2.33
Alexander	2.33	De Kalb	2.35
Bond	2.34	De Witt	2.33
Boone	2.34	Douglas	2.33
Brown	2.30	Du Page	2.36
Bureau	2.32	Edgar	2.32
Calhoun	2.33	Edwards	2.33
Carroll	2.31	Effingham	2.32
Cass	2.33	Fayette	2.33
Champaign	2.33	Ford	2.33
Christian	2.33	Franklin	2.33
Clark	2.32	Fulton	2.32
Clay	2.32	Gallatin	2.28
Clinton	2.35	Greene	2.34
Coles	2.33	Grundy	2.34
Cook	2.36	Hamilton	2.32
Crawford	2.31	Hancock	2.29

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Hardin	$2.27	Morgan	$2.33
Henderson	2.30	Moultrie	2.33
Henry	2.31	Ogle	2.33
Iroquois	2.34	Peoria	2.32
Jackson	2.33	Perry	2.33
Jasper	2.31	Piatt	2.33
Jefferson	2.33	Pike	2.31
Jersey	2.35	Pope	2.31
Jo Daviess	2.31	Pulaski	2.33
Johnson	2.27	Putnam	2.33
Kane	2.36	Randolph	2.33
Kankakee	2.36	Richland	2.31
Kendall	2.35	Rock Island	2.31
Knox	2.31	St. Clair	2.35
Lake	2.37	Saline	2.29
La Salle	2.34	Sangamon	2.32
Lawrence	2.31	Schuyler	2.31
Lee	2.33	Scott	2.33
Livingston	2.33	Shelby	2.33
Logan	2.33	Stark	2.32
McDonough	2.30	Stephenson	2.31
McHenry	2.35	Tazewell	2.33
McLean	2.33	Union	2.33
Macon	2.33	Vermilion	2.33
Macoupin	2.35	Wabash	2.31
Madison	2.35	Warren	2.31
Marion	2.33	Washington	2.33
Marshall	2.33	Wayne	2.31
Mason	2.33	White	2.30
Massac	2.31	Whiteside	2.32
Menard	2.33	Will	2.36
Mercer	2.30	Williamson	2.33
Monroe	2.34	Winnebago	2.32
Montgomery	2.33	Woodford	2.33

INDIANA

Adams	$2.27	Lawrence	$2.30
Allen	2.28	Madison	2.28
Bartholomew	2.27	Marion	2.28
Benton	2.32	Marshall	2.31
Blackford	2.29	Martin	2.24
Boone	2.29	Miami	2.30
Brown	2.24	Monroe	2.32
Carroll	2.32	Montgomery	2.31
Cass	2.31	Morgan	2.32
Clark	2.30	Newton	2.35
Clay	2.33	Noble	2.28
Clinton	2.31	Ohio	2.26
Crawford	2.26	Orange	2.30
Daviess	2.27	Owen	2.29
Dearborn	2.26	Parke	2.29
Decatur	2.25	Perry	2.28
De Kalb	2.28	Pike	2.26
Delaware	2.27	Porter	2.35
Dubois	2.26	Posey	2.31
Elkhart	2.30	Pulaski	2.34
Fayette	2.26	Putnam	2.32
Floyd	2.30	Randolph	2.28
Fountain	2.29	Ripley	2.26
Franklin	2.24	Rush	2.26
Fulton	2.31	Saint Joseph	2.31
Gibson	2.29	Scott	2.30
Grant	2.29	Shelby	2.26
Greene	2.30	Spencer	2.28
Hamilton	2.29	Starke	2.34
Hancock	2.27	Steuben	2.28
Harrison	2.29	Sullivan	2.33
Hendricks	2.28	Switzerland	2.27
Henry	2.28	Tippecanoe	2.32
Howard	2.29	Tipton	2.29
Huntington	2.28	Union	2.26
Jackson	2.27	Vanderburgh	2.30
Jasper	2.35	Vermillion	2.34
Jay	2.28	Vigo	2.34
Jefferson	2.29	Wabash	2.30
Jennings	2.27	Warren	2.33
Johnson	2.28	Warrick	2.27
Knox	2.30	Washington	2.30
Kosciusko	2.29	Wayne	2.28
Lagrange	2.29	Wells	2.27
Lake	2.35	White	2.34
La Porte	2.33	Whitley	2.29

IOWA

Adair	$2.28	Benton	$2.27
Adams	2.30	Black Hawk	2.27
Allamakee	2.28	Boone	2.27
Appanoose	2.27	Bremer	2.28
Audubon	2.30	Buchanan	2.27

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Buena Vista	$2.29	Lee	$2.29
Butler	2.28	Linn	2.28
Calhoun	2.28	Louisa	2.29
Carroll	2.30	Lucas	2.27
Cass	2.30	Lyon	2.31
Cedar	2.29	Madison	2.27
Cerro Gordo	2.29	Mahaska	2.25
Cherokee	2.32	Marion	2.25
Chickasaw	2.29	Marshall	2.27
Clarke	2.27	Mills	2.33
Clay	2.28	Mitchell	2.30
Clayton	2.27	Monona	2.33
Clinton	2.30	Monroe	2.26
Crawford	2.31	Montgomery	2.32
Dallas	2.27	Muscatine	2.29
Davis	2.28	O'Brien	2.31
Decatur	2.26	Osceola	2.29
Delaware	2.27	Page	2.31
Des Moines	2.29	Palo Alto	2.28
Dickinson	2.28	Plymouth	2.33
Dubuque	2.29	Pocahontas	2.28
Emmet	2.30	Polk	2.27
Fayette	2.28	Pottawattamie	2.33
Floyd	2.29	Poweshiek	2.26
Franklin	2.28	Ringgold	2.27
Fremont	2.32	Sac	2.29
Greene	2.28	Scott	2.30
Grundy	2.27	Shelby	2.32
Guthrie	2.29	Sioux	2.32
Hamilton	2.27	Story	2.27
Hancock	2.29	Tama	2.27
Hardin	2.27	Taylor	2.29
Harrison	2.32	Union	2.28
Henry	2.28	Van Buren	2.28
Howard	2.30	Wapello	2.26
Humboldt	2.28	Warren	2.27
Ida	2.31	Washington	2.27
Iowa	2.27	Wayne	2.26
Jackson	2.29	Webster	2.27
Jasper	2.26	Winnebago	2.30
Jefferson	2.26	Winneshiek	2.28
Johnson	2.28	Woodbury	2.33
Jones	2.29	Worth	2.30
Keokuk	2.26	Wright	2.28
Kossuth	2.29		

KANSAS

Allen	$2.29	Hodgeman	$2.22
Anderson	2.30	Jackson	2.30
Atchinson	2.32	Jefferson	2.31
Barber	2.22	Jewell	2.24
Barton	2.22	Johnson	2.33
Bourbon	2.29	Kearney	2.18
Brown	2.31	Kingman	2.24
Butler	2.24	Kiowa	2.22
Chase	2.26	Labette	2.28
Chautauqua	2.26	Lane	2.20
Cherokee	2.28	Leavenworth	2.33
Cheyenne	2.18	Lincoln	2.24
Clark	2.19	Linn	2.29
Clay	2.26	Logan	2.19
Cloud	2.25	Lyon	2.28
Coffey	2.29	McPherson	2.24
Comanche	2.21	Marion	2.24
Cowley	2.24	Marshall	2.28
Crawford	2.29	Meade	2.19
Decatur	2.20	Miami	2.32
Dickinson	2.24	Mitchell	2.24
Doniphan	2.33	Montgomery	2.28
Douglas	2.32	Morris	2.26
Edwards	2.22	Morton	2.16
Elk	2.26	Nemaha	2.29
Ellis	2.22	Neosho	2.29
Ellsworth	2.24	Ness	2.22
Finney	2.19	Norton	2.22
Ford	2.21	Osage	2.29
Franklin	2.31	Osborne	2.23
Geary	2.26	Ottawa	2.24
Gove	2.20	Pawnee	2.22
Graham	2.22	Phillips	2.22
Grant	2.18	Pottawatomie	2.28
Gray	2.20	Pratt	2.22
Greeley	2.18	Rawlins	2.19
Greenwood	2.27	Reno	2.24
Hamilton	2.18	Republic	2.25
Harper	2.23	Rice	2.24
Harvey	2.24	Riley	2.28
Haskell	2.19	Rooks	2.22

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Rush	$2.22	Stevens	$2.18
Russell	2.23	Sumner	2.24
Saline	2.24	Thomas	2.19
Scott	2.19	Trego	2.22
Sedgwick	2.24	Wabaunsee	2.28
Seward	2.18	Wallace	2.18
Shawnee	2.29	Washington	2.26
Sheridan	2.20	Wichita	2.18
Sherman	2.18	Wilson	2.28
Smith	2.24	Woodson	2.29
Stafford	2.22	Wyandotte	2.34
Stanton	2.17		

KENTUCKY

Adair	$2.32	Knox	$2.32
Allen	2.31	Larue	2.32
Anderson	2.33	Laurel	2.33
Ballard	2.29	Lawrence	2.33
Barren	2.31	Lee	2.33
Bath	2.33	Lewis	2.34
Bell	2.32	Lincoln	2.34
Boone	2.32	Livingston	2.29
Bourbon	2.34	Logan	2.30
Boyd	2.34	Lyon	2.30
Boyle	2.34	McCracken	2.29
Bracken	2.33	McCreary	2.32
Breathitt	2.32	McLean	2.29
Breckinridge	2.30	Madison	2.34
Bullitt	2.32	Magoffin	2.32
Butler	2.30	Marion	2.33
Caldwell	2.30	Marshall	2.29
Calloway	2.29	Mason	2.33
Campbell	2.32	Meade	2.30
Carlisle	2.29	Menifee	2.32
Carroll	2.32	Mercer	2.34
Carter	2.33	Metcalfe	2.31
Casey	2.33	Monroe	2.32
Christian	2.30	Montgomery	2.33
Clark	2.34	Morgan	2.32
Clay	2.32	Muhlenberg	2.30
Clinton	2.33	Nelson	2.33
Crittenden	2.29	Nicholas	2.33
Cumberland	2.32	Ohio	2.30
Daviess	2.29	Oldham	2.32
Edmonson	2.30	Owen	2.33
Elliott	2.33	Owsley	2.32
Estill	2.33	Pendleton	2.33
Fayette	2.34	Powell	2.33
Fleming	2.33	Pulaski	2.34
Franklin	2.33	Robertson	2.33
Fulton	2.29	Rockcastle	2.34
Gallatin	2.32	Rowan	2.34
Garrard	2.34	Russell	2.32
Grant	2.33	Scott	2.33
Graves	2.29	Shelby	2.32
Grayson	2.31	Simpson	2.31
Green	2.33	Spencer	2.32
Greenup	2.34	Taylor	2.33
Hancock	2.30	Todd	2.30
Hardin	2.31	Trigg	2.30
Harrison	2.33	Trimble	2.32
Hart	2.31	Union	2.29
Henderson	2.29	Warren	2.30
Henry	2.32	Washington	2.34
Hickman	2.29	Wayne	2.33
Hopkins	2.30	Webster	2.29
Jackson	2.32	Whitley	2.32
Jefferson	2.32	Wolfe	2.32
Jessamine	2.34	Woodford	2.34
Johnson	2.32		
Kenton	2.32		

MAINE

All counties	$2.35

MARYLAND

County	Rate per bushel	County	Rate per bushel
Allegany	$2.35	Howard	$2.47
Anne Arundel	2.42	Kent	2.44
Baltimore	2.44	Montgomery	2.43
Calvert	2.39	Prince Georges	2.41
Caroline	2.44	Queen Annes	2.44
Carroll	2.43	St. Marys	2.39
Cecil	2.43	Somerset	2.42
Charles	2.39	Talbot	2.44
Dorchester	2.41	Washington	2.33
Frederick	2.42	Wicomico	2.43
Garrett	2.30	Worcester	2.43
Harford	2.42		

Massachusetts	Rate per bushel
All counties	$2.38

Michigan

County	Rate per bushel	County	Rate per bushel
Alcona	$2.15	Lake	$2.21
Alger	2.19	Lapeer	2.26
Allegan	2.27	Leelanau	2.15
Alpena	2.15	Lenawee	2.25
Antrim	2.15	Livingston	2.26
Arenac	2.19	Luce	2.16
Baraga	2.24	Mackinac	2.16
Barry	2.26	Macomb	2.26
Bay	2.24	Manistee	2.22
Benzie	2.24	Marquette	2.21
Berrien	2.30	Mason	2.20
Branch	2.27	Mecosta	2.21
Calhoun	2.28	Menominee	2.23
Cass	2.30	Midland	2.24
Charlevoix	2.15	Missaukee	2.20
Cheboygan	2.13	Monroe	2.27
Chippewa	2.16	Montcalm	2.24
Clare	2.24	Montmorency	2.13
Clinton	2.26	Muskegon	2.24
Crawford	2.16	Newaygo	2.23
Delta	2.21	Oakland	2.26
Dickinson	2.22	Oceana	2.21
Eaton	2.26	Ogemaw	2.22
Emmet	2.14	Ontonagon	2.20
Genesee	2.26	Osceola	2.20
Gladwin	2.22	Oscoda	2.22
Grand Traverse	2.18	Otsego	2.15
Gratiot	2.26	Ottawa	2.26
Hillsdale	2.26	Presque Isle	2.13
Houghton	2.21	Roscommon	2.22
Huron	2.21	Saginaw	2.26
Ingham	2.26	Saint Clair	2.25
Ionia	2.26	Saint Joseph	2.28
Iosco	2.16	Sanilac	2.23
Iron	2.20	Schoolcraft	2.19
Isabella	2.23	Shiawassee	2.26
Jackson	2.27	Tuscola	2.23
Kalamazoo	2.29	Van Buren	2.28
Kalkaska	2.15	Washtenaw	2.25
Kent	2.26	Wayne	2.26
		Wexford	2.17

Minnesota

Aitkin	$2.34	McLeod	$2.35
Anoka	2.37	Mahnomen	2.27
Becker	2.28	Marshall	2.25
Beltrami	2.29	Martin	2.30
Benton	2.33	Meeker	2.35
Big Stone	2.29	Mille Lacs	2.33
Blue Earth	2.33	Morrison	2.32
Brown	2.33	Mower	2.31
Carlton	2.35	Murray	2.30
Carver	2.36	Nicollet	2.34
Cass	2.30	Nobles	2.29
Chippewa	2.31	Norman	2.27
Chisago	2.35	Olmsted	2.32
Clay	2.28	Otter Tail	2.30
Clearwater	2.28	Pennington	2.26
Cottonwood	2.31	Pine	2.33
Crow Wing	2.32	Pipestone	2.29
Dakota	2.36	Polk	2.26
Dodge	2.33	Pope	2.31
Douglas	2.31	Ramsey	2.37
Faribault	2.31	Red Lake	2.28
Fillmore	2.29	Redwood	2.32
Freeborn	2.32	Renville	2.32
Goodhue	2.34	Rice	2.35
Grant	2.30	Rock	2.29
Hennepin	2.38	Roseau	2.25
Houston	2.30	Saint Louis	2.33
Hubbard	2.29	Scott	2.36
Isanti	2.35	Sherburne	2.35
Itasca	2.32	Sibley	2.34
Jackson	2.30	Stearns	2.33
Kanabec	2.33	Steele	2.32
Kandiyohi	2.34	Stevens	2.31
Kittson	2.23	Swift	2.31
Koochiching	2.25	Todd	2.32
Lac Qui Parle	2.29	Traverse	2.29
Lake of the Woods	2.26	Wabasha	2.33
Le Sueur	2.34	Wadena	2.31
Lincoln	2.29	Waseca	2.33
Lyon	2.30	Washington	2.37

Minnesota—Continued

County	Rate per bushel	County	Rate per bushel
Watonwan	$2.31	Wright	$2.35
Wilkin	2.28	Yellow Medicine	2.31
Winona	2.32		

Mississippi

All counties	$2.26

Missouri

County	Rate per bushel	County	Rate per bushel
Adair	$2.29	Lincoln	$2.35
Andrew	2.33	Linn	2.28
Atchison	2.30	Livingston	2.30
Audrain	2.31	McDonald	2.26
Barry	2.26	Macon	2.29
Barton	2.29	Madison	2.32
Bates	2.31	Maries	2.32
Benton	2.29	Marion	2.31
Bollinger	2.32	Mercer	2.27
Boone	2.31	Miller	2.29
Buchanan	2.33	Mississippi	2.27
Butler	2.29	Moniteau	2.30
Caldwell	2.31	Monroe	2.31
Callaway	2.31	Montgomery	2.33
Camden	2.28	Morgan	2.28
Cape Girardeau	2.31	New Madrid	2.28
Carroll	2.30	Newton	2.26
Carter	2.21	Nodaway	2.30
Cass	2.32	Oregon	2.21
Cedar	2.32	Osage	2.31
Chariton	2.29	Pemiscot	2.27
Christian	2.26	Perry	2.33
Clark	2.29	Pettis	2.29
Clay	2.32	Phelps	2.31
Clinton	2.33	Pike	2.32
Cole	2.30	Platte	2.33
Cooper	2.29	Polk	2.28
Crawford	2.33	Pulaski	2.29
Dade	2.28	Putnam	2.27
Dallas	2.27	Ralls	2.31
Daviess	2.31	Randolph	2.31
De Kalb	2.33	Ray	2.31
Dent	2.30	Reynolds	2.29
Douglas	2.24	Ripley	2.28
Dunklin	2.27	St. Charles	2.38
Franklin	2.35	St. Clair	2.30
Gasconade	2.32	Ste. Genevieve	2.33
Gentry	2.31	St. Francois	2.33
Greene	2.26	St. Louis	2.38
Grundy	2.29	Saline	2.30
Harrison	2.30	Schuyler	2.28
Henry	2.31	Scotland	2.29
Hickory	2.29	Scott	2.30
Holt	2.32	Shannon	2.21
Howard	2.30	Shelby	2.30
Howell	2.21	Stoddard	2.30
Iron	2.33	Stone	2.25
Jackson	2.33	Sullivan	2.27
Jasper	2.28	Taney	2.24
Jefferson	2.36	Texas	2.24
Johnson	2.31	Vernon	2.29
Knox	2.29	Warren	2.36
Laclede	2.28	Washington	2.34
LaFayette	2.31	Wayne	2.31
Lawrence	2.26	Webster	2.26
Lewis	2.31	Worth	2.30
		Wright	2.24

Montana

County	Rate per bushel based on Minneapolis (less than 13 percent protein)	Rate per bushel based on Portland (less than 10 percent protein)
Beaverhead	[1] $1.92	
Big Horn	[1] 2.00	
Blaine	2.03	
Broadwater	1.99	
Carbon	2.00	
Carter	2.12	
Cascade	2.00	
Chouteau	2.00	
Custer	2.10	
Daniels	2.07	
Dawson	2.11	
Deer Lodge		$1.95
Fallon	2.11	
Fergus	2.00	

[1] Based on Omaha.

Montana—Continued

County	Rate per bushel based on Minneapolis (less than 13 percent protein)	Rate per bushel based on Portland (less than 10 percent protein)
Flathead		$1.99
Gallatin	$2.00	
Garfield	2.09	
Glacier	2.00	
Golden Valley	2.00	
Granite		1.96
Hill	2.00	
Jefferson	1.97	1.95
Judith Basin	2.00	
Lake		1.99
Lewis and Clark	1.97	1.95
Liberty	2.00	
Lincoln		2.02
McCone	2.09	
Madison	1.98	1.95
Meagher	2.00	
Mineral		2.00
Missoula		1.99
Musselshell	2.04	
Park	2.00	
Petroleum	2.00	
Phillips	2.05	
Pondera	1.99	
Powder River	2.08	
Powell		1.95
Prairie	2.10	
Ravalli		1.96
Richland	2.11	
Roosevelt	2.11	
Rosebud	2.00	
Sanders		2.01
Sheridan	2.10	
Silver Bow	1.97	1.95
Stillwater	2.00	
Sweet Grass	2.00	
Teton	2.00	
Toole	2.00	
Treasure	2.05	
Valley	2.07	
Wheatland	2.00	
Wibaux	2.12	
Yellowstone	2.02	

The applicable rate on a lot of wheat in Jefferson, Lewis and Clark, Madison, and Silver Bow counties shall be determined as follows:

1. Subtract all applicable discounts from the rate based on Minneapolis and from the rate based on Portland shown above.
2. If the lot of wheat contains 10 percent or more protein, and the applicable Minneapolis protein premium, if any, shown in the schedule of protein premiums to the rate based on Minneapolis, then add the applicable Portland protein premium from the same schedule to the rate based on Portland.
3. The applicable rate on the lot of wheat will be the highest as determined above.

Nebraska

County	Rate per bushel	County	Rate per bushel
Adams	$2.26	Gage	$2.30
Antelope	2.27	Garden	2.18
Arthur	2.18	Garfield	2.25
Banner	2.15	Gosper	2.24
Blaine	2.22	Grant	2.18
Boone	2.28	Greeley	2.27
Box Butte	2.18	Hall	2.27
Boyd	2.24	Hamilton	2.28
Brown	2.22	Harlan	2.24
Buffalo	2.26	Hayes	2.19
Burt	2.32	Hitchcock	2.20
Butler	2.31	Holt	2.26
Cass	2.33	Hooker	2.20
Cedar	2.30	Howard	2.27
Chase	2.18	Jefferson	2.29
Cherry	2.20	Johnson	2.30
Cheyenne	2.14	Kearney	2.25
Clay	2.26	Keith	2.18
Colfax	2.31	Keya Paha	2.22
Cuming	2.31	Kimball	2.14
Custer	2.24	Knox	2.27
Dakota	2.32	Lancaster	2.32
Dawes	2.15	Lincoln	2.21
Dawson	2.24	Logan	2.22
Deuel	2.18	Loup	2.25
Dixon	2.32	McPherson	2.21
Dodge	2.32	Madison	2.28
Douglas	2.33	Merrick	2.28
Dundy	2.18	Morrill	2.17
Fillmore	2.28	Nance	2.29
Franklin	2.25	Nemaha	2.30
Frontier	2.22	Nuckolls	2.26
Furnas	2.23	Otoe	2.31

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Pawnee	$2.29	Sheridan	$2.17
Perkins	2.19	Sherman	2.26
Phelps	2.24	Sioux	2.14
Pierce	2.28	Stanton	2.29
Platte	2.29	Thayer	2.28
Polk	2.29	Thomas	2.21
Redwillow	2.22	Thurston	2.32
Richardson	2.29	Valley	2.25
Rock	2.23	Washington	2.32
Saline	2.30	Wayne	2.31
Sarpy	2.33	Webster	2.26
Saunders	2.32	Wheeler	2.28
Scotts Bluff	2.15	York	2.29
Seward	2.31		

NEVADA

Churchill	$2.08	Lyon	$1.97
Clark	1.95	Mineral	1.81
Douglas	2.13	Nye	1.81
Elko	1.95	Ormsby	2.13
Esmeralda	1.81	Pershing	2.10
Eureka	1.95	Storey	2.13
Humboldt	2.00	Washoe	2.13
Lander	1.95	White Pine	1.60
Lincoln	1.95		

NEW HAMPSHIRE

All counties $2.37

NEW JERSEY

County	Rate per bushel	County	Rate per bushel
Burlington	$2.40	Monmouth	$2.40
Camden	2.43	Morris	2.38
Cape May	2.37	Ocean	2.38
Cumberland	2.39	Salem	2.39
Gloucester	2.40	Somerset	2.39
Hunterdon	2.39	Sussex	2.39
Mercer	2.41	Warren	2.38
Middlesex	2.39		

NEW MEXICO

Bernalillo	$2.10	Mora	$2.08
Catron	2.07	Otero	2.14
Chaves	2.13	Quay	2.16
Colfax	2.07	Rio Arriba	2.06
Curry	2.16	Roosevelt	2.15
De Baca	2.12	Sandoval	2.08
Dona Ana	2.08	San Juan	1.78
Eddy	2.12	San Miguel	2.08
Grant	1.96	Santa Fe	2.06
Guadalupe	2.12	Sierra	2.08
Harding	1.98	Socorro	2.09
Hidalgo	1.95	Taos	2.06
Lea	2.12	Torrance	2.09
Lincoln	2.14	Union	2.10
Luna	1.95	Valencia	2.00
McKinley	1.95		

NEW YORK

Albany	$2.45	Oneida	$2.38
Allegany	2.38	Onondaga	2.39
Broome	2.39	Ontario	2.39
Cattaraugus	2.36	Orange	2.37
Cayuga	2.39	Orleans	2.39
Chautauqua	2.32	Oswego	2.39
Chemung	2.39	Otsego	2.37
Chenango	2.39	Putnam	2.38
Clinton	2.31	Rensselaer	2.41
Columbia	2.41	Rockland	2.39
Cortland	2.39	Saratoga	2.42
Delaware	2.35	Schenectady	2.45
Dutchess	2.38	Schoharie	2.43
Erie	2.36	Schuyler	2.35
Essex	2.33	Seneca	2.39
Franklin	2.27	Steuben	2.39
Fulton	2.35	St. Lawrence	2.33
Genesee	2.39	Suffolk	2.33
Greene	2.40	Sullivan	2.36
Herkimer	2.40	Tioga	2.39
Jefferson	2.35	Tompkins	2.39
Lewis	2.36	Ulster	2.38
Livingston	2.39	Warren	2.38
Madison	2.39	Washington	2.39
Monroe	2.39	Wayne	2.39
Montgomery	2.44	Westchester	2.39
Nassau	2.35	Wyoming	2.39
Niagara	2.39	Yates	2.39

NORTH CAROLINA

	Rate per bushel
All counties	$2.39

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$2.16	McLean	$2.19
Barnes	2.25	Mercer	2.17
Benson	2.22	Morton	2.18
Billings	2.16	Mountrail	2.17
Bottineau	2.18	Nelson	2.23
Bowman	2.15	Oliver	2.19
Burke	2.17	Pembina	2.23
Burleigh	2.21	Pierce	2.21
Cass	2.26	Ramsey	2.22
Cavalier	2.21	Ransom	2.26
Dickey	2.25	Renville	2.17
Divide	2.15	Richland	2.28
Dunn	2.16	Rolette	2.20
Eddy	2.23	Sargent	2.26
Emmons	2.20	Sheridan	2.21
Foster	2.23	Sioux	2.18
Golden Valley	2.13	Slope	2.13
Grand Forks	2.25	Stark	2.17
Grant	2.18	Steele	2.25
Griggs	2.25	Stutsman	2.24
Hettinger	2.17	Towner	2.21
Kidder	2.22	Traill	2.25
La Moure	2.23	Walsh	2.23
Logan	2.22	Ward	2.17
McHenry	2.19	Wells	2.22
McIntosh	2.21	Williams	2.16
McKenzie	2.13		

OHIO

Adams	$2.26	Licking	$2.28
Allen	2.27	Logan	2.26
Ashland	2.28	Lorain	2.28
Ashtabula	2.31	Lucas	2.27
Athens	2.27	Madison	2.26
Auglaize	2.26	Mahoning	2.30
Belmont	2.29	Marion	2.27
Brown	2.26	Medina	2.28
Butler	2.26	Meigs	2.26
Carroll	2.28	Mercer	2.27
Champaign	2.26	Miami	2.27
Clark	2.26	Monroe	2.29
Clermont	2.26	Montgomery	2.27
Clinton	2.26	Morgan	2.28
Columbiana	2.29	Morrow	2.27
Coshocton	2.28	Muskingum	2.28
Crawford	2.28	Noble	2.28
Cuyahoga	2.28	Ottawa	2.27
Darke	2.28	Paulding	2.27
Defiance	2.27	Perry	2.27
Delaware	2.27	Pickaway	2.26
Erie	2.27	Pike	2.26
Fairfield	2.27	Portage	2.28
Fayette	2.26	Preble	2.25
Franklin	2.27	Putnam	2.27
Fulton	2.26	Richland	2.28
Gallia	2.26	Ross	2.26
Geauga	2.31	Sandusky	2.27
Greene	2.26	Scioto	2.26
Guernsey	2.28	Seneca	2.27
Hamilton	2.26	Shelby	2.26
Hancock	2.27	Stark	2.28
Hardin	2.27	Summit	2.28
Harrison	2.28	Trumbull	2.31
Henry	2.27	Tuscarawas	2.28
Highland	2.26	Union	2.27
Hocking	2.27	Van Wert	2.27
Holmes	2.28	Vinton	2.27
Huron	2.28	Warren	2.26
Jackson	2.26	Washington	2.26
Jefferson	2.28	Wayne	2.28
Knox	2.28	Williams	2.27
Lake	2.30	Wood	2.27
Lawrence	2.26	Wyandot	2.27

OKLAHOMA

Adair	$2.21	Cherokee	$2.22
Alfalfa	2.21	Choctaw	2.19
Atoka	2.19	Cimarron	2.13
Beaver	2.15	Cleveland	2.19
Beckham	2.19	Coal	2.19
Blaine	2.19	Comanche	2.19
Bryan	2.19	Cotton	2.19
Caddo	2.19	Craig	2.26
Canadian	2.19	Creek	2.21
Carter	2.19	Custer	2.19

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Delaware	$2.22	Murray	$2.19
Dewey	2.18	Muskogee	2.21
Ellis	2.16	Noble	2.21
Garfield	2.20	Nowata	2.27
Garvin	2.19	Okfuskee	2.19
Grady	2.19	Oklahoma	2.19
Grant	2.21	Okmulgee	2.21
Greer	2.19	Osage	2.23
Harmon	2.19	Ottawa	2.26
Harper	2.16	Pawnee	2.21
Haskell	2.19	Payne	2.19
Hughes	2.19	Pittsburg	2.19
Jackson	2.19	Pontotoc	2.19
Jefferson	2.19	Pottawatomie	2.19
Johnston	2.19	Pushmatha	2.19
Kay	2.22	Roger Mills	2.18
Kingfisher	2.19	Rogers	2.25
Kiowa	2.19	Seminole	2.19
Latimer	2.19	Sequoyah	2.21
Le Flore	2.19	Stephens	2.19
Lincoln	2.19	Texas	2.14
Logan	2.19	Tillman	2.19
Love	2.19	Tulsa	2.24
McClain	2.19	Wagoner	2.23
McCurtain	2.19	Washington	2.26
McIntosh	2.20	Washita	2.19
Major	2.17	Woods	2.20
Marshall	2.19	Woodward	2.17
Mayes	2.24		

OREGON

Baker	$2.09	Lake	$2.04
Benton	2.25	Lane	2.23
Clackamas	2.29	Lincoln	2.20
Clatsop	2.25	Linn	2.25
Columbia	2.27	Malheur	2.02
Coos	2.17	Marion	2.29
Crook	2.19	Morrow	2.24
Deschutes	2.19	Multnomah	2.30
Douglas	2.18	Polk	2.27
Gilliam	2.25	Sherman	2.26
Grant	2.24	Umatilla	2.18
Harney	1.98	Union	2.10
Hood River	2.27	Wallowa	2.09
Jackson	2.12	Wasco	2.27
Jefferson	2.21	Washington	2.30
Josephine	2.13	Wheeler	2.24
Klamath	2.12	Yamhill	2.29

PENNSYLVANIA

Adams	$2.40	Lackawanna	$2.36
Allegheny	2.31	Lancaster	2.41
Armstrong	2.31	Lawrence	2.31
Beaver	2.31	Lebanon	2.40
Bedford	2.35	Lehigh	2.40
Berks	2.41	Luzerne	2.35
Blair	2.35	Lycoming	2.35
Bradford	2.38	McKean	2.33
Bucks	2.43	Mercer	2.31
Butler	2.31	Mifflin	2.35
Cambria	2.32	Monroe	2.36
Cameron	2.35	Montgomery	2.43
Carbon	2.35	Montour	2.39
Centre	2.35	Northampton	2.40
Chester	2.43	Northumberland	2.35
Clarion	2.32	Perry	2.35
Clearfield	2.34	Pike	2.35
Clinton	2.35	Potter	2.32
Columbia	2.36	Schuylkill	2.37
Crawford	2.31	Snyder	2.35
Cumberland	2.39	Somerset	2.31
Dauphin	2.36	Sullivan	2.35
Delaware	2.43	Susquehanna	2.38
Elk	2.35	Tioga	2.33
Erie	2.34	Union	2.35
Fayette	2.31	Venango	2.31
Forest	2.32	Warren	2.30
Franklin	2.39	Washington	2.30
Fulton	2.36	Wayne	2.35
Greene	2.30	Westmoreland	2.30
Huntingdon	2.35	Wyoming	2.38
Indiana	2.31	York	2.40
Jefferson	2.34		
Juniata	2.35		

RHODE ISLAND

All counties $2.39

SOUTH CAROLINA

All counties $2.38

South Dakota

County	Rate per bushel	County	Rate per bushel
Aurora	$2.27	Jackson	$2.18
Beadle	2.26	Jerauld	2.27
Bennett	2.19	Jones	2.21
Bon Homme	2.30	Kingsbury	2.27
Brookings	2.28	Lake	2.28
Brown	2.26	Lawrence	2.12
Brule	2.26	Lincoln	2.31
Buffalo	2.27	Lyman	2.23
Butte	2.12	McCook	2.29
Campbell	2.21	McPherson	2.23
Charles Mix	2.26	Marshall	2.26
Clark	2.27	Meade	2.14
Clay	2.33	Mellette	2.21
Codington	2.28	Miner	2.28
Corson	2.19	Minnehaha	2.30
Custer	2.14	Moody	2.28
Davison	2.28	Pennington	2.15
Day	2.27	Perkins	2.16
Deuel	2.28	Potter	2.22
Dewey	2.18	Roberts	2.27
Douglas	2.28	Sanborn	2.27
Edmunds	2.24	Shannon	2.18
Fall River	2.14	Spink	2.26
Faulk	2.24	Stanley	2.21
Grant	2.28	Sully	2.21
Gregory	2.24	Tod	2.21
Haakon	2.17	Tripp	2.22
Hamlin	2.28	Turner	2.30
Hand	2.25	Union	2.33
Hanson	2.29	Walworth	2.22
Harding	2.16	Washabaugh	2.19
Hughes	2.22	Yankton	2.31
Hutchinson	2.29	Ziebach	2.16
Hyde	2.23		

Tennessee

County	Rate per bushel	County	Rate per bushel
Anderson	$2.37	Lauderdale	$2.28
Bedford	2.34	Lawrence	2.33
Benton	2.31	Lewis	2.33
Bledsoe	2.35	Lincoln	2.35
Blount	2.38	Loudon	2.37
Bradley	2.37	McMinn	2.37
Campbell	2.37	McNary	2.30
Cannon	2.33	Macon	2.32
Carroll	2.30	Madison	2.29
Carter	2.40	Marion	2.35
Cheatham	2.32	Marshall	2.34
Chester	2.30	Maury	2.33
Claiborne	2.39	Meigs	2.36
Clay	2.33	Monroe	2.38
Cooke	2.38	Montgomery	2.31
Coffee	2.34	Moore	2.34
Crockett	2.29	Morgan	2.36
Cumberland	2.35	Obion	2.29
Davidson	2.32	Overton	2.34
Decatur	2.31	Perry	2.32
De Kalb	2.33	Pickett	2.34
Dickson	2.32	Polk	2.38
Dyer	2.28	Putnam	2.34
Fayette	2.28	Rhea	2.36
Fentress	2.35	Roane	2.36
Franklin	2.35	Robertson	2.31
Gibson	2.30	Rutherford	2.33
Giles	2.34	Scott	2.36
Grainger	2.38	Sequatchie	2.35
Greene	2.39	Sevier	2.38
Grundy	2.34	Shelby	2.28
Hamblen	2.39	Smith	2.33
Hamilton	2.36	Stewart	2.31
Hancock	2.40	Sullivan	2.41
Hardeman	2.29	Sumner	2.31
Hardin	2.31	Tipton	2.28
Hawkins	2.41	Trousdale	2.32
Haywood	2.29	Unicoi	2.39
Henderson	2.31	Union	2.38
Henry	2.30	Van Buren	2.34
Hickman	2.32	Warren	2.34
Houston	2.31	Washington	2.40
Humphreys	2.31	Wayne	2.32
Jackson	2.33	Weakley	2.30
Jefferson	2.38	White	2.34
Johnson	2.40	Williamson	2.33
Knox	2.38	Wilson	2.32
Lake	2.29		

Texas

County	Rate per bushel	County	Rate per bushel
Archer	$2.19	Jeff Davis	$2.08
Armstrong	2.19	Johnson	2.28
Atascosa	2.25	Jones	2.19
Bailey	2.19	Karnes	2.26
Bandera	2.22	Kaufman	2.27
Bastrop	2.30	Kendall	2.21
Baylor	2.19	Kent	2.19
Bee	2.26	Kerr	2.20
Bell	2.30	Kimble	2.25
Bexar	2.27	King	2.19
Blanco	2.29	Kinney	2.16
Borden	2.19	Knox	2.19
Bosque	2.28	Lamar	2.22
Bowie	2.22	Lamb	2.19
Briscoe	2.19	Lampasas	2.26
Brown	2.26	Limestone	2.30
Burleson	2.32	Lipscomb	2.16
Burnet	2.26	Live Oak	2.26
Caldwell	2.30	Llano	2.26
Callahan	2.19	Loving	2.13
Carson	2.19	Lubbock	2.19
Castro	2.19	Lynn	2.19
Chambers	2.35	McCulloch	2.25
Childress	2.19	McLennan	2.30
Clay	2.20	Martin	2.17
Cochran	2.19	Mason	2.26
Coke	2.19	Maverick	2.16
Coleman	2.24	Medina	2.22
Collin	2.26	Menard	2.24
Collingsworth	2.19	Midland	2.16
Comal	2.30	Milam	2.32
Comanche	2.21	Mills	2.26
Concho	2.24	Mitchell	2.19
Cooke	2.22	Montague	2.22
Coryell	2.26	Moore	2.16
Cottle	2.19	Motley	2.19
Crosby	2.19	Navarro	2.29
Culberson	2.09	Nolan	2.19
Dallam	2.14	Ochiltree	2.16
Dallas	2.26	Oldham	2.18
Dawson	2.19	Palo Pinto	2.22
Deaf Smith	2.19	Parker	2.25
Delta	2.25	Parmer	2.18
Denton	2.26	Pecos	2.08
De Witt	2.29	Potter	2.19
Dickens	2.19	Presidio	2.08
Dimmit	2.16	Randall	2.19
Donley	2.19	Real	2.18
Eastland	2.20	Reeves	2.12
Edwards	2.15	Roberts	2.17
Ellis	2.28	Robertson	2.30
Erath	2.23	Rockwall	2.26
Falls	2.30	Runnels	2.22
Fannin	2.22	San Saba	2.26
Fisher	2.19	Schleicher	2.15
Floyd	2.19	Scurry	2.19
Foard	2.19	Shackelford	2.19
Gaines	2.19	Sherman	2.14
Galveston	2.44	Somervell	2.26
Garza	2.19	Stephens	2.19
Gillespie	2.20	Sterling	2.15
Glasscock	2.19	Stonewall	2.19
Goliad	2.29	Sutton	2.13
Gray	2.18	Swisher	2.19
Grayson	2.24	Tarrant	2.27
Guadalupe	2.30	Taylor	2.20
Hale	2.19	Terry	2.19
Hall	2.19	Throckmorton	2.19
Hamilton	2.23	Tom Green	2.19
Hansford	2.16	Travis	2.30
Hardeman	2.19	Uvalde	2.18
Harris	2.43	Van Zandt	2.26
Hartley	2.16	Victoria	2.30
Haskell	2.19	Waller	2.42
Hays	2.30	Ward	2.14
Hemphill	2.16	Wharton	2.39
Hill	2.29	Wheeler	2.18
Hockley	2.19	Wichita	2.19
Hood	2.25	Wilbarger	2.19
Howard	2.19	Williamson	2.31
Hudspeth	2.08	Wilson	2.26
Hunt	2.26	Wise	2.24
Hutchinson	2.16	Yoakum	2.19
Irion	2.14	Young	2.21
Jack	2.22	Zavala	2.16
Jackson	2.33		

Utah

County	Rate per bushel	County	Rate per bushel
Beaver	$1.99	Piute	$1.87
Box Elder	1.95	Rich	1.98
Cache	1.95	Salt Lake	1.98
Carbon	1.98	San Juan	1.98
Daggett	1.98	Sanpete	1.94
Davis	1.98	Sevier	1.91
Duchesne	1.98	Summit	1.98
Emery	1.98	Tooele	1.93
Garfield	1.87	Uintah	1.98
Grand	1.98	Utah	1.98
Iron	1.96	Wasatch	1.98
Juab	1.95	Washington	1.96
Kane	1.87	Wayne	1.90
Millard	1.95	Weber	1.98
Morgan	1.98		

Vermont

All counties $2.37

Virginia

County	Rate per bushel	County	Rate per bushel
Accomack	$2.40	King William	$2.40
Albemarle	2.39	Lancaster	2.40
Alleghany	2.37	Lee	2.38
Amelia	2.40	Loudoun	2.39
Amherst	2.39	Louisa	2.39
Appomattox	2.40	Lunenburg	2.40
Arlington	2.39	Madison	2.39
Augusta	2.39	Mathews	2.40
Bath	2.37	Mecklenburg	2.39
Bedford	2.39	Middlesex	2.40
Bland	2.37	Montgomery	2.37
Botetourt	2.38	Nansemond	2.39
Brunswick	2.39	Nelson	2.39
Buchanan	2.37	New Kent	2.40
Buckingham	2.40	Norfolk	2.39
Campbell	2.39	Northampton	2.40
Caroline	2.40	Northumberland	2.40
Carroll	2.38	Nottaway	2.40
Charles City	2.40	Orange	2.39
Charlotte	2.40	Page	2.39
Chesterfield	2.40	Patrick	2.38
Clarke	2.39	Pittsylvania	2.39
Craig	2.37	Powhatan	2.40
Culpeper	2.39	Prince Edward	2.40
Cumberland	2.40	Prince George	2.40
Dickenson	2.37	Prince William	2.39
Dinwiddie	2.40	Princess Anne	2.39
Elizabeth City	2.40	Pulaski	2.38
Essex	2.40	Rappahannock	2.39
Fairfax	2.39	Richmond	2.40
Fauquier	2.39	Roanoke	2.38
Floyd	2.38	Rockbridge	2.39
Fluvanna	2.39	Rockingham	2.39
Franklin	2.38	Russell	2.38
Frederick	2.39	Scott	2.38
Giles	2.37	Shenandoah	2.39
Gloucester	2.40	Smyth	2.38
Goochland	2.40	Southampton	2.39
Grayson	2.38	Spotsylvania	2.40
Greene	2.39	Stafford	2.40
Greensville	2.39	Surry	2.39
Halifax	2.39	Sussex	2.39
Hanover	2.40	Tazewell	2.37
Henrico	2.40	Warren	2.39
Henry	2.38	Warwick	2.40
Highland	2.37	Washington	2.38
Isle of Wight	2.39	Westmoreland	2.40
James City	2.40	Wise	2.38
King and Queen	2.40	Wythe	2.38
King George	2.40	York	2.40

Washington

County	Rate per bushel	County	Rate per bushel
Adams	$2.14	Grant	$2.13
Asotin	2.11	Grays Harbor	2.22
Benton	2.19	Island	2.27
Chelan	2.17	Jefferson	2.19
Clallam	2.19	King	2.30
Clark	2.30	Kittitas	2.20
Columbia	2.17	Klickitat	2.26
Cowlitz	2.29	Lewis	2.25
Douglas	2.12	Lincoln	2.12
Ferry	2.04	Mason	2.20
Franklin	2.15	Okanogan	2.12
Garfield	2.17	Pacific	2.20

WASHINGTON—Continued

County	Rate per bushel	County	Rate per bushel
Pend Oreille	$2.09	Stevens	$2.08
Pierce	2.30	Thurston	2.25
San Juan	2.21	Walla Walla	2.18
Skagit	2.27	Whatcom	2.23
Skamania	2.30	Whitman	2.12
Snohomish	2.27	Yakima	2.19
Spokane	2.12		

WEST VIRGINIA

Barbour	$2.34	Mingo	$2.33
Berkeley	2.38	Mineral	2.36
Boone	2.33	Monongalia	2.32
Braxton	2.33	Monroe	2.36
Brooke	2.31	Morgan	2.37
Cabell	2.31	Nicholas	2.35
Calhoun	2.32	Ohio	2.31
Clay	2.33	Pendleton	2.37
Doddridge	2.31	Pleasants	2.30
Fayette	2.35	Pocahontas	2.37
Gilmer	2.32	Preston	2.34
Grant	2.36	Putnam	2.31
Greenbrier	2.37	Raleigh	2.34
Hampshire	2.37	Randolph	2.36
Hancock	2.31	Ritchie	2.31
Hardy	2.37	Roane	2.31
Harrison	2.33	Summers	2.37
Jackson	2.30	Taylor	2.34
Jefferson	2.39	Tucker	2.36
Kanawha	2.32	Tyler	2.30
Lewis	2.33	Upshur	2.34
Lincoln	2.32	Wayne	2.32
Logan	2.33	Webster	2.35
McDowell	2.35	Wetzel	2.31
Marion	2.32	Wirt	2.31
Marshall	2.31	Wood	2.30
Mason	2.31	Wyoming	2.34
Mercer	2.36		

WISCONSIN

Adams	$2.28	Marathon	$2.27
Ashland	2.30	Marinetta	2.25
Barron	2.31	Marquette	2.28
Bayfield	2.31	Milwaukee	2.36
Brown	2.28	Monroe	2.28
Buffalo	2.31	Oconto	2.27
Burnett	2.33	Oneida	2.24
Calumet	2.29	Outagamie	2.29
Chippewa	2.30	Ozaukee	2.31
Clark	2.28	Pepin	2.32
Columbia	2.29	Pierce	2.34
Crawford	2.27	Polk	2.34
Dane	2.31	Portage	2.27
Dodge	2.31	Price	2.28
Door	2.25	Racine	2.38
Douglas	2.35	Richland	2.28
Dunn	2.32	Rock	2.32
Eau Claire	2.32	Rusk	2.30
Florence	2.24	St. Croix	2.35
Fond du Lac	2.31	Sauk	2.29
Forest	2.24	Sawyer	2.31
Grant	2.28	Shawano	2.27
Green	2.31	Sheboygan	2.30
Greenlake	2.29	Taylor	2.28
Iowa	2.28	Trempealeau	2.30
Iron	2.28	Vernon	2.28
Jackson	2.30	Vilas	2.23
Jefferson	2.32	Walworth	2.33
Juneau	2.28	Washburn	2.32
Kenosha	2.37	Washington	2.31
Kewaunee	2.26	Waukesha	2.32
LaCrosse	2.28	Waupaca	2.28
LaFayette	2.29	Waushara	2.28
Langlade	2.25	Winnebago	2.29
Lincoln	2.24	Wood	2.27
Manitowoc	2.29		

WYOMING

Albany	$2.00	Natrona	$2.02
Big Horn	1.95	Niobrara	2.11
Campbell	2.07	Park	1.95
Carbon	1.97	Platte	2.11
Converse	2.06	Sheridan	2.04
Crook	2.08	Sublette	1.97
Fremont	1.95	Sweetwater	1.97
Goshen	2.14	Teton	1.94
Hot Springs	1.95	Uinta	1.97
Johnson	2.05	Washakie	1.95
Laramie	2.14	Weston	2.10
Lincoln	1.97		

(2) Where the State committee determines that State or district weed control laws affect the wheat crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in this paragraph. If, upon delivery of the wheat to CCC the producer supplies a certificate indicating that the wheat complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 2d day of July 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

LIONEL C. HOLM,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-7416; Filed, July 3, 1952; 8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter D—Nationality Regulations

PHOTOGRAPHS REQUIRED WITH APPLICATIONS

JUNE 11, 1952.

The following amendments to Subchapter D, Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

PART 322—GENERAL CLASS OF PERSONS WHO MAY BE NATURALIZED

The last sentence of paragraph (c) of § 322.2, *Procedural requirements,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN

The first sentence of § 324.4, *Petitions for naturalization filed in behalf of children; procedure,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 347—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PUERTO RICANS

The last sentence of paragraph (a) of § 347.2, *Procedure,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 362—REGISTRY OF ALIENS UNDER NATIONALITY ACT OF 1940

The last sentence of § 362.2, *Application for registry; form; fee,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 364—PHOTOGRAPHS

1. Section 364.1 is amended to read as follows:

§ 364.1 *Description of required photographs.* Every applicant required under this subchapter to furnish photographs of himself, except as otherwise provided in § 317.2 (c) of this subchapter, shall furnish two identical photographs 2 by 2 inches in size, which shall be unmounted, printed on a thin paper, have a light background, clearly show a full front view of the features of the applicant (with head bare, unless the applicant is wearing a headdress as required by a religious order of which he is a member), with the distance from the top of the head to point of chin approximately 1¼ inches, and which shall have been taken within 30 days of the date they are furnished. The applicant, except in the case of a child or other person physically incapable of signing his name, shall sign each copy of the photograph with his full true name in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to write. The photographs shall be signed when submitted with an application if the instructions accompanying the application so require. If the instructions do not so require, the photographs shall be submitted without being signed and shall be signed at such later time during the processing of the application as may be appropriate. Snapshot, group or full-length portraits will not be accepted.

2. The last sentence of § 364.2, *Naturalization and citizenship papers requiring photographs; manner of attachment,* is deleted.

PART 365—DECLARATION OF INTENTION

Section 365.1, *Preliminary form for declaration of intention; to whom sent,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 370—PETITION FOR NATURALIZATION

Section 370.1, *Preliminary form; to whom sent,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 378—CERTIFICATES OF NATURALIZATION OR REPATRIATION: VETERAN OF FIRST OR SECOND WORLD WAR ALLIED FORCES; PERSON VOTING IN A FOREIGN POLITICAL ELECTION

Paragraph (c), *Submission; photographs; fee,* of § 378.1, *Application for certificate of naturalization or repatriation; forms; procedure; fees,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 379—CERTIFICATES OF CITIZENSHIP UNDER SECTION 339 OF THE NATIONALITY ACT OF 1940, AS AMENDED

The last sentence of § 379.2, *Application for certificate; form; fee,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 380—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY FOREIGN STATE

The last sentence of § 380.1, *Application; who may make; form; fee,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 382—NATURALIZATION AND CITIZENSHIP PAPERS REPLACED; NEW CERTIFICATE IN CHANGED NAME

The second sentence of § 382.3, *Application for new papers; forms; procedure; fees,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 383—FEES AND PROCEDURE TO OBTAIN CERTIFICATIONS OF OR INFORMATION FROM RECORDS

The second sentence of paragraph (a) of § 383.3, *Certification of declaration of intention; application; form; procedure; action by field office; appeal,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

Approved: June 27, 1952.

JAMES P. MCGRANERY,
Attorney General.

[F. R. Doc. 52-7409; Filed, July 7, 1952; 8:55 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter C—Regulations Under Specific Acts of Congress

[File No. 204-4]

PART 301—RULES AND REGULATIONS UNDER FUR PRODUCTS LABELLING ACT

On April 29, 1952, a notice of proposed rule-making was issued by the Commission and published in the FEDERAL REGISTER on May 3, 1952. Such notice stated that the Commission would on June 3, 1952, at 10:00 a. m., d. s. t., hold a public hearing on proposed rules and regulations under the Fur Products Labeling Act. A draft of the proposed rules and regulations was made a part of the notice.

Pursuant to such notice public hearing was held in due course, and interested persons were afforded the opportunity of participating in the rule-making procedure by submitting orally or in writing on the date of the hearing, or in writing before such date, their views, arguments, or other pertinent data with respect thereto. Those wishing to submit in writing further views, argument or data in response to that submitted on or before the date of hearing, were afforded the opportunity of doing so within fifteen days after such hearing was closed. All data and information presented pursuant to the hearing has been made a part of the record.

After due consideration of the proposed rules and regulations, and suggested amendments and additions thereto, together with all views, arguments and other data submitted in connection with the public hearing thereon, the following rules and regulations under the Fur Products Labeling Act are hereby promulgated and made effective as of August 9, 1952.

Sec.
301.1 Terms defined.
301.2 General requirements.
301.3 English language requirement.
301.4 Abbreviations or ditto marks prohibited.
301.5 Use of Fur Products Name Guide.
301.6 Animals not listed in Fur Products Name Guide.
301.7 Describing furs by certain breed names prohibited.
301.8 Use of terms "Persian Lamb," "Broadtail Lamb," and "Persian-broadtail Lamb" permitted.
301.9 Use of terms "Mouton-processed Lamb" and "Shearling Lamb" permitted.
301.10 Use of term "Broadtail-processed Lamb" permitted.
301.11 Fictitious or non-existing animal designations prohibited.
301.12 Country of origin of imported furs.
301.13 Fur products having furs with different countries of origin.
301.14 Country of origin of used furs.
301.15 Designation of section producing domestic furs permitted.
301.16 Disclosure of origin of certain furs raised or taken in United States.
301.17 Misrepresentation of origin of furs.
301.18 Passing off domestic furs as imported furs prohibited.
301.19 Pointing, dyeing and bleaching.
301.20 Fur products composed of pieces.
301.21 Disclosure of used furs.
301.22 Disclosure of damaged furs.
301.23 Second-hand fur products.
301.24 Repairing, restyling and remodeling fur products for consumer.
301.25 Name required to appear on labels and invoices.
301.26 Registered identification number.
301.27 Label and method of affixing.
301.28 Labels to be avoided.
301.29 Requirements in respect to disclosure on label.
301.30 Arrangement of required information on label.
301.31 Labeling of fur products consisting of two or more units.
301.32 Fur product containing material other than fur.
301.33 Labeling of samples.
301.34 Label or invoice incomplete or inaccurate.
301.35 Substitution of labels.
301.36 Sectional fur products.
301.37 Manner of invoicing furs and fur products.
301.38 Advertising of furs and fur products.
301.39 Exempted fur products.
301.40 Item number or mark to be assigned to each fur product.
301.41 Maintenance of records.
301.42 Deception as to nature of business.
301.43 Use of deceptive trade or corporate names, trade-marks or graphic representations prohibited.
301.44 Misrepresentation of prices.
301.45 Representations as to construction of fur products.
301.46 Reference to guaranty by government prohibited.
301.47 Form of separate guaranty.
301.48 Continuing guaranties.
301.49 Deception in general.

AUTHORITY: §§ 301.1 to 301.49 issued under sec. 8, 65 Stat. 179; 15 U. S. C. Sup. 69f.

§ 301.1 *Terms defined.* (a) As used in this part, unless the context otherwise specifically requires:

(1) The term "act" means the "Fur Products Labeling Act" (approved Aug. 8, 1951, Pub. Law 110, 82d Cong., 1st Sess.; 15 U. S. C. A. sec. 69; 65 Stat. 179).

(2) The terms "rule", "rules", "regulations," and "rules and regulations", mean the rules and regulations prescribed by the Commission pursuant to section 8 (b) of the act.

(3) The definitions of terms contained in section 2 of the act shall be applicable also to such terms when used in rules promulgated under the act.

(4) The terms "Fur Products Name Guide" and "Name Guide" mean the register of names of hair, fleece and fur bearing animals issued by the Commission on February 8, 1952, pursuant to the provisions of section 7 (a) of the act.

(5) The terms "required information" and "information required" mean the information required to be disclosed on labels, invoices and in advertising under the act and rules and regulations, and such further information as may be permitted by the regulations, when and if used.

(b) The term "wearing apparel" as used in the definition of "fur product" in section 2 (d) of the act means any article of clothing, or covering for any part of the body, which is ready for wear without further manufacture.

§ 301.2 *General requirements.* (a) Each and every fur product, except those exempted under § 301.39, shall be labeled and invoiced in conformity with the requirements of the act and rules and regulations.

(b) Each and every fur shall be invoiced in conformity with the requirements of the act and rules and regulations.

(c) Any advertising of fur products or furs shall be in conformity with the requirements of the act and rules and regulations.

§ 301.3 *English language requirement.* All information required under the act and rules and regulations to appear on labels, invoices, and in advertising, shall be set out in the English language. If labels, invoices or advertising matter contain any of the required information in a language other than English, all of the required information shall appear also in the English language. The provisions of this section shall not apply to advertisements in foreign language newspapers or periodicals, but such advertising shall in all other respects comply with the act and regulations.

§ 301.4 *Abbreviations or ditto marks prohibited.* In disclosing required information in labeling and advertising, words or terms shall not be abbreviated or designated by the use of ditto marks but shall be spelled out fully, and in invoicing the required information shall not be abbreviated but shall be spelled out fully.

§ 301.5 *Use of Fur Products Name Guide.* (a) The Fur Products Name Guide (16 CFR 301.0) is set up in four columns under the headings of Name, Order, Family and Genus-Species. The applicable animal name appearing in the column headed "Name" shall be used in the required information in labeling, invoicing and advertising of fur products and furs. The scientific names appearing under the columns headed Order, Family, and Genus-Species are furnished for animal identification purposes and shall not be used.

(b) Where the name of the animal appearing in the Name Guide consists of two separate words the second word shall precede the first in designating the name of the animal in the required information; as for example: "Fox, Black" shall be disclosed as "Black Fox."

§ 301.6 *Animals not listed in Fur Products Name Guide.* (a) All furs are subject to the act and regulations regardless of whether the name of the animal producing the fur appears in the Fur Products Name Guide.

(b) Where fur is obtained from an animal not listed in the Fur Products Name Guide it shall be designated in the required information by the true English name of the animal or in the absence of a true English name, by the name which properly identifies such animal in the United States.

§ 301.7 *Describing furs by certain breed names prohibited.* If the fur of an animal is described in any manner by its breed, species, strain or coloring, irrespective of former usage, such descriptive matter shall not contain the name of another animal either in the adjective form or otherwise nor shall such description (subject to any exception contained in this part or animal names appearing in the Fur Products Name Guide) contain a name in an adjective form or otherwise which connotes a false geographic origin of the animal. For example, such designations as "Sable Mink," Chinchilla Rabbit," and "Aleutian Mink" shall not be used.

§ 301.8 *Use of terms "Persian Lamb," "Broadtail Lamb," and "Persian-broadtail Lamb" permitted.* (a) The term "Persian Lamb" may be used to describe the skin of the young lamb of the Karakul breed of sheep or top-cross breed of such sheep, having hair formed in knuckled curls.

(b) The term "Broadtail Lamb" may be used to describe the skin of the prematurely born, stillborn, or very young lamb of the Karakul breed of sheep or top-cross breed of such sheep, having flat light-weight fur with a moire pattern.

(c) The term "Persian-broadtail Lamb" may be used to describe the skin of the very young lamb of the Karakul breed of sheep or top-cross breed of such sheep, having hair formed in flattened knuckled curls with a moire pattern.

(d) The terms "Persian Lamb", "Broadtail Lamb", or "Persian-broadtail Lamb" shall not be used to describe: (1) The so-called Krimmer, Bessarabian, Rumanian, Shiraz, Salzfelle, Metis, Dubar, Meshed, Caracul, Iranian, Iraqi, Chinese, Mongolian, Chekiang, or Indian lamb skins, unless such lamb skins conform with the requirements set out in paragraphs (a), (b), or (c), of this section respectively; or (2) any other lamb skins having hair in a wavy or open curl pattern.

§ 301.9 *Use of terms "Mouton-processed Lamb" and "Shearling Lamb" permitted.* (a) The term "Mouton-processed Lamb" may be used to describe the skin of a lamb which has been sheared, the hair straightened, chemically treated, and thermally set to produce a moisture repellent finish; as for example:

Dyed Mouton-processed Lamb

(b) The term "Shearling Lamb" may be used to describe the skin of a lamb which has been sheared and combed.

§ 301.10 *Use of term "Broadtail-processed Lamb" permitted.* The term "Broadtail-processed Lamb" may be used to describe the skin of a lamb which has been sheared, leaving a moire hair pattern on the pelt having the appearance of the true fur pattern of "Broadtail Lamb"; as for example:

Dyed Broadtail-processed Lamb
Fur origin: Argentina

§ 301.11 *Fictitious or non-existing animal designations prohibited.* No trade names, coined names, nor other names or words descriptive of a fur as being the fur of an animal which is in fact fictitious or non-existent shall be used in labeling, invoicing or advertising of a fur or fur product.

§ 301.12 *Country of origin of imported furs.* (a) (1) In the case of furs imported into the United States from a foreign country, the country of origin of such furs shall be set forth as a part of the information required by the act in invoicing and advertising.

(2) In the case of fur products imported into the United States from a foreign country, or fur products made from furs imported into the United States from a foreign country, the country of origin of the furs contained in such products shall be set forth as a part of the information required by the act in labeling, invoicing and advertising.

(b) The term "country" means the political entity known as a nation. Colonies, possessions or protectorates outside the boundaries of the mother country shall be considered separate countries and the name thereof shall be deemed acceptable in designating the "country of origin" unless the Commission shall otherwise direct.

(c) The country in which the animal producing the fur was raised, or if in a feral state, was taken, shall be considered the "country of origin."

(d) When furs are taken within the territorial waters of a country, such country shall be considered the "country of origin." Furs taken outside such territorial waters, or on the high seas, shall have as their country of origin the country having the nearest mainland.

(e) (1) The English name of the country of origin shall be used and such name shall not be abbreviated.

(2) The name of the country of origin, when used as a part of the required information in labeling shall not be used in the adjective form but shall be preceded by the term "fur origin"; as for example:

Dyed Muskrat
Fur origin: Russia

or

Dyed China Mink
Fur origin: China

(f) Nothing in this section shall be construed as limiting in any way the information required to be disclosed on labels under the provisions of any Tariff Act of the United States or regulations prescribed by the Secretary of the Treasury.

§ 301.13 *Fur products having furs with different countries of origin.* When a fur product is composed of furs with different countries of origin the names of such countries shall be set forth in the required information in the order of predominance by surface areas of the furs in the fur product.

§ 301.14 *Country of origin of used furs.* When the country of origin of used furs is unknown, and no representations are made directly or by implication with respect thereto, this fact shall be set out as a part of the required information in lieu of the country of origin as "Fur origin: Unknown."

§ 301.15 *Designation of section producing domestic furs permitted.* In the case of furs produced in the United States the name of the section or area producing the furs used in the fur product may be set out in connection with the name of the animal; as for example:

Dyed Fur Seal
Fur origin: Alaska

or

Dyed Muskrat
Fur origin: Minnesota

§ 301.16 *Disclosure of origin of certain furs raised or taken in United States.* If the name of any animal set out in the Fur Products Name Guide or term permitted by the regulations to be used in connection therewith connotes foreign origin and such animal is raised or taken in the United States, furs obtained therefrom shall be described in disclosing the required information as having the United States as the country of origin; as for example:

Dyed Persian Lamb
Fur origin: United States

or

Mexican Raccoon
Fur origin: United States

§ 301.17 *Misrepresentation of origin of furs.* No misleading nor deceptive statements as to the geographical or zoological origin of the animal producing a fur shall be used directly or indirectly in labeling, invoicing or advertising furs or fur products.

§ 301.18 *Passing off domestic furs as imported furs prohibited.* No domestic furs nor fur products shall be labeled, invoiced or advertised in such a manner as to represent directly or by implication that they have been imported.

§ 301.19 *Pointing, dyeing and bleaching.* (a) Where a fur or fur product is pointed or contains or is composed of

bleached, dyed or otherwise artificially colored fur, such facts shall be disclosed as a part of the required information in labeling, invoicing and advertising.

(b) The term "pointing" means the process of inserting separate hairs into furs or fur products for the purpose of adding guard hairs, either to repair damaged areas or to simulate other furs.

(c) The term "bleaching" means the process for producing a lighter shade of a fur, or removing off-color spots and stains by a bleaching agent.

(d) The term "dyeing" (which includes the processes known in the trade of tipping the hair or fur, feathering, and beautifying) means the process of applying dyestuffs to the hair or fur, either by immersion in a dye bath or by application of the dye by brush, feather, spray, or otherwise, for the purpose of changing the color of the fur or hair, or to accentuate its natural color. When dyestuff is applied only to the ends of the hair or fur, by feather or otherwise, it may be described as "tip-dyed." The application of dyestuff to the leather or the skin (known in the trade as "tipping", as distinguished from tip-dyeing the hair or fur as described in this paragraph) and which does not effect a change of, nor accentuate the natural color of the hair or fur, shall not be considered as "dyeing."

(e) The term "blended" shall not be used as a part of the required information to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

(f) Where a fur or fur product is not pointed, bleached, dyed, tip-dyed or otherwise artificially colored it may be described as "natural".

§ 301.20 *Fur products composed of pieces.* (a) Where fur products, or fur mats and plates, are composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur, such fact shall be disclosed as a part of the required information in labeling, invoicing and advertising. Where a fur product is made of the backs of skins such fact may be set out in labels, invoices and advertising.

(b) Where fur products, or fur mats and plates, are composed wholly or substantially of two or more of the parts set out in paragraph (a) of this section or one or more of such parts and other fur, disclosure in respect thereto shall be made by naming such parts or other fur in order of predominance by surface area.

(c) The terms "substantial part" and "substantially" mean ten per centum (10 percent) or more in surface area.

(d) The term "assembled" shall not be used in lieu of the terms set forth in paragraph (a) of this section to describe fur products or fur mats and plates composed of such parts.

§ 301.21 *Disclosure of used furs.* (a) When fur in any form has been worn or used by an ultimate consumer it shall be designated "used fur" as a part of the required information in invoicing and advertising.

(b) When fur products or fur mats and plates are composed in whole or in part of used fur, such fact shall be disclosed as a part of the required information in labeling, invoicing and advertising; as for example:

Leopard
Used Fur

or

Dyed Muskrat
Contains Used Fur

§ 301.22 *Disclosure of damaged furs.* (a) The term "damaged fur," as used in this part, means a fur, which, because of a known or patent defect resulting from natural causes or from processing, is of such a nature that its use in a fur product would decrease the normal life and durability of such product.

(b) When damaged furs are used in a fur product, full disclosure of such fact shall be made as a part of the required information in labeling, invoicing, or advertising such product; as for example:

Mink
Fur origin: Canada
Contains Damaged Fur

§ 301.23 *Second-hand fur products.* When a fur product has been used or worn by an ultimate consumer and is subsequently marketed in its original, reconditioned, or rebuilt form with or without the addition of any furs or used furs, the requirements of the act and regulations in respect to labeling, invoicing and advertising of such product shall be applicable thereto, subject, however, to the provisions of § 301.14 as to country of origin requirement, and in addition, as a part of the required information such product shall be designated "Second-hand", "Reconditioned-Second-hand", or "Rebuilt-Second-hand", as the case may be.

§ 301.24 *Repairing, restyling and remodeling fur products for consumer.* When fur products owned by and to be returned to the ultimate-consumer are repaired, restyled or remodeled and used fur or fur is added thereto, labeling of the fur product shall not be required. However, the person adding such used fur or fur to the fur product, or who is responsible therefor, shall give to the owner an invoice disclosing the information required under the act and regulations respecting the used fur or fur added to the fur product, subject, however, to the provisions of § 301.14 as to country of origin requirement.

§ 301.25 *Name required to appear on labels and invoices.* The name required by the act to be used on labels and invoices shall be the full name under which the person is doing business, and no trade-mark, trade name nor other name which does not constitute such full name shall be used in lieu thereof.

§ 301.26 *Registered identification number.* (a) Registered numbers for use as the required identification in lieu of the name on fur product labels as provided in section 4 (2) (E) of the act will be issued by the Commission to qualified persons residing in the United States upon receipt of an application duly executed in the form set out in paragraph (d) of this section.

(b) (1) Registered identification numbers shall be used only by the person or concern to whom they are issued, and such numbers are not transferable or assignable.

(2) Any change in name, business address, or legal business status of a person to whom a registered identification number has been assigned shall be reported promptly to the Federal Trade Commission.

(3) Registered identification numbers shall be subject to cancellation whenever any such number was procured or has been used improperly or contrary to the requirements of the act and regulations, or when otherwise deemed necessary in the public interest.

(c) Where a fur product is subject also to the Wool Products Labeling Act and the label affixed thereto sets forth all of the information required under each act, as provided in § 301.32, a registered identification number issued under the rules and regulations relating to the Wool Products Labeling Act may be used thereon as the required identification.

(d) Form of application for registered identification number (printed forms are available upon request at the offices of the Commission):

APPLICATION FOR REGISTERED IDENTIFICATION NUMBER UNDER THE FUR PRODUCTS LABELING ACT

To the FEDERAL TRADE COMMISSION,
Washington 25, D. C.

The undersigned, _____,
(Full name of applicant)
a _____
(Corporation, partnership or proprietorship)
residing in the United States and having principal office and place of business at _____, _____,
(Street and number) (City)
_____, being engaged in
(State or Territory)
manufacturing for introduction into commerce of a fur product as defined in section 2 (d) of the Fur Products Labeling Act, or in introducing it into commerce, selling it in commerce, advertising or offering it for sale in commerce or transporting or distributing it in commerce, hereby makes application to the Federal Trade Commission for a registered identification number for use on its required labels.

The undersigned is engaged in the _____ (Manufacturing, distributing, etc.) of the following fur products _____
(List products)

The following execution to be used only by individuals, partnerships and unincorporated associations:

Dated, signed and executed this _____ day of _____ 19____, at _____,
(City)
_____
(State or Territory)

_____
(Name under which business is conducted)

_____
(Signature of proprietor, or partner)

(If firm is a partnership list partners below.)

_____
(Please type or print)

_____

_____

_____

STATE OF _____,
County of _____, *ss:*

On this _____ day of _____, 19____, before me personally appeared the said _____
(Name of proprietor or partner signing)
to me known to be the person described in and who executed the foregoing instrument,

and acknowledged the execution of the same in the capacity and for the uses and purposes therein stated.

[Impression of notarial seal required here] _____
Notary public in and for County of _____
_____
State of _____
My commission expires _____

The following execution to be used only by corporations:

In witness whereof the _____
(Full corporate name)
the undersigned applicant herein, a corporation chartered and doing business under the laws of the State of _____, having principal office and place of business aforesaid, has this _____ day of _____, 19____, caused this application to be executed and its name and corporate seal to be hereto affixed.

_____
(Full corporate name)

By _____
(Signature and title of executive officer)

STATE OF _____,
County of _____, ss:

On this _____ day of _____, 19____, before me personally appeared _____
_____
(Name of executive officer)
(Please type or print)

to me personally known and acknowledged the execution of the foregoing instrument on behalf of said corporation for the uses and purposes therein stated.

[Impression of notarial seal required here] _____
Notary Public in and for County of _____
_____
State of _____
My commission expires _____

§ 301.27 *Label and method of affixing.* At all times during the marketing of a fur product the required label shall have a minimum dimension of one and three-fourths (1¾) inches by two and three fourths (2¾) inches. Such label shall be of a material of sufficient durability and shall be conspicuously affixed to the product in a secure manner and with sufficient permanency to remain thereon throughout the sale, resale, distribution and handling incident thereto, and shall remain on or be firmly affixed to the respective product when sold and delivered to the purchaser and purchaser-consumer thereof.

§ 301.28 *Labels to be avoided.* Labels which are insecurely or inconspicuously attached, or which in the course of offering the fur product for sale, selling, transporting, marketing, or handling incident thereto, are likely to become detached, indistinct, obliterated, illegible, mutilated, inaccessible or inconspicuous shall not be used.

§ 301.29 *Requirements in respect to disclosure on label.* (a) The required information shall be set out on the label in a legible manner and in not smaller than pica or twelve (12) point type, and all parts of the required information shall be set out in letters of equal size and conspicuousness. All of the required information with respect to the fur product shall be set out on one side of the label and no other information shall appear on such side except the lot or style number and size. The other side of the label may be used to set out any non-required information which is true and non-deceptive and which is not prohibited by the act and regulations, but in all cases the animal name used shall be that set out in the Name Guide.

(b) The required information may be set out in hand printing provided it conforms to the requirements of paragraph (a) of this section, and is set out in indelible ink in a clear, distinct, legible and conspicuous manner. Handwriting shall not be used in setting out any of the required information on the label.

§ 301.30 *Arrangement of required information on label.* (a) The applicable parts of the information required with respect to the fur to appear on labels affixed to fur products shall be set out in the following sequence:

(1) That the fur product contains or is composed of pointed, bleached, dyed, or tip-dyed fur when such is the fact;

(2) The name or names (as set forth in the Fur Products Name Guide) of the animal or animals that produced the fur;

(3) That the fur product is composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur, when such is the fact;

(4) The name of the country of origin of any imported furs used in the fur product;

(5) Any other information required or permitted by the act and regulations with respect to the fur.

(b) That part of the required information with respect to the name or registered identification number of the manufacturer or dealer may precede or follow the required information set out in paragraph (a) of this section.

§ 301.31 *Labeling of fur products consisting of two or more units.* (a) The label shall be attached to and appear upon each garment or separate article of wearing apparel subject to the act irrespective of whether two or more garments or articles may be sold or marketed together or in combination with each other.

(b) In the case of fur products manufactured for use in pairs or groups, only one label will be required if all units in the pair or group are of the same fur and have the same country of origin, and are firmly attached to each other when marketed and delivered in the channels of trade and to the purchaser-consumer and the information set out on the label is clearly applicable to each unit in the pair or group and supplies the information required under the act and rules and regulations.

§ 301.32 *Fur product containing material other than fur.* (a) Where a fur product contains a material other than fur the content of which is required to be disclosed on labels under other statutes administered by the Commission, such information may be set out on the same side of the label and in immediate conjunction with the information required under this act; as for example:

100% Wool
Interlining—100% Reused Wool
Trim—Dyed Muskrat
Fur origin: Canada

(b) Information which may be desirable or necessary to fully inform the purchaser or other material content of a fur product may be set out on the same side of the label as used for disclosing the information required under the act and rules and regulations; as for example:

Body—Cotton
Lining—Nylon Pile
Collar—Dyed Mouton-processed Lamb
Fur origin: Argentina

§ 301.33 *Labeling of samples.* Where samples of furs or fur products subject to the act are used to promote or effect sales of fur products, said samples, as well as the fur products purchased therefrom, shall be labeled to show the information required under the act and regulations.

§ 301.34 *Label or invoice incomplete or inaccurate.* (a) If a person subject to section 3 of the act with respect to a fur product finds or has reasonable cause to believe the label affixed thereto is incorrect or does not contain all the information required by the act and the rules and regulations, he shall correct such label or replace same with a substitute containing the required information.

(b) If a person subject to section 3 of the act with respect to a fur or fur product finds or has reasonable cause to believe that the invoice issued to him in relation to such fur or fur product is incorrect or does not contain all the information required by the act and regulations, he shall, in connection with any invoice issued by him in relation to such fur or fur product correctly set forth all of the information required by the act and regulations in relation to such fur or fur product.

§ 301.35 *Substitution of labels.* (a) Persons authorized under the provisions of section 3 (e) of the act to substitute labels affixed to fur products may do so, provided the substitute label is complete and carries all the information required under the act and rules and regulations in the same form and manner as required in respect to the original label. The substitute label need not, however, show the name or registered number appearing on the original label if the name or registered number of the person who affixes the substitute appears thereon.

(b) The original label may be used as a substitute label provided the name or registered number of the person making the substitution, together with the item number or mark assigned by such person to said fur product for record purposes is inserted thereon without interfering with or obscuring in any manner other required information. In connection with such substitution the name or registered number as well as any record numbers appearing on the original label may be removed.

(c) Persons substituting labels under the provision of this section shall maintain the records required under § 301.41.

§ 301.36 *Sectional fur products.* (a) Where a fur product is composed of two or more sections containing different aminal furs the required information with respect to each section shall be

separately set forth in labeling, invoicing or advertising; as for example:

Dyed Rabbit
Fur origin: France
Trimming: Dyed Mouton-processed Lamb
Fur origin: Argentina

or

Body: Dyed Kolinsky
Fur origin: Russia
Tail: Dyed Mink
Fur origin: Canada

(b) The provisions of this section shall not be interpreted so as to require the disclosure of very small amounts of different animal furs added to complete a fur product or skin such as the ears, snoot, or under part of the jaw.

§ 301.37 *Manner of invoicing furs and fur products.* (a) In the invoicing of furs and fur products, all of the required information shall be set out in a clear, legible, distinct and conspicuous manner. The invoice shall be issued at the time of the sale or other transaction involving furs or fur products, but the required information need not be repeated in subsequent periodic statements of account respecting the same furs or fur products.

(b) Non-required information or representations appearing in the invoicing of furs and fur products shall in no way be false or deceptive nor include any names, terms or representations prohibited by the act and regulations. Nor shall such information or representations be set forth or used in such manner as to interfere with the required information.

§ 301.38 *Advertising of furs and fur products.* (a) (1) In advertising furs or fur products, all parts of the required information shall be stated in close proximity with each other and, if printed, in legible and conspicuous type of equal size.

(2) Non-required information or representations appearing in the advertising of furs and fur products shall in no way be false or deceptive nor include any names, terms or representations prohibited by the act and regulations. Nor shall such information or representations be set forth or used in such manner as to interfere with the required information.

(b) (1) In general advertising of a group of fur products composed in whole or in part of imported furs having various countries of origin, the disclosure of such countries of origin may, by reference, be made through the use of the following statement in the advertisement in a clear and conspicuous manner:

Fur products labeled to show country of origin of imported furs

(2) The provisions of this paragraph shall not be applicable in the case of catalogue, mail order, or other types of advertising which solicit the purchase of fur products in such a manner that the purchaser or prospective purchaser would not have the opportunity of viewing the product and attached label prior to delivery thereof.

(c) In advertising of an institutional type referring only to the general nature or kind of business conducted or to the general classification of the types or kinds of furs or fur products manufactured or handled, and which advertising is not intended to aid, promote, or assist directly or indirectly in the sale or offering for sale of any specific fur products or furs, the required information need not be set forth: *Provided, however,* That if reference is made in the advertisement to a color of the fur which was caused by dyeing, bleaching or other artificial coloring, such facts shall be disclosed in the advertising, and provided further, that when animal names are used in such advertising, such names shall be those set forth in the Fur Products Name Guide. For example, the kind of advertising contemplated by this paragraph is as follows:

X Fur Company
Famous for its Black Dyed Persian Lamb
Since 1900

or

X Company
Manufacturers of Fine Muskrat Coats,
Capes and Stoles

§ 301.39 *Exempted fur products.* (a) Where the cost of any manufactured fur or furs contained in a fur product, exclusive of any costs incident to its incorporation therein, does not exceed five dollars ($5.00), or where a manufacturer's selling price of a fur product does not exceed five dollars ($5.00), and no express or implied representation is made concerning the fur contained in such product and the provisions of paragraphs (b) and (c) of this section are met, the fur product shall be exempt from the requirements of the act and regulations: *Provided, however,* That if the fur product is made of or contains any used fur, or if the fur product itself is or purports to be the whole skin of an animal with the head, ears, paws, and tail, such as a choker or scarf, the fur product is to be labeled, invoiced and advertised in accordance with the requirements of the act and regulations regardless of cost of the fur used in the fur product, or manufacturer's selling price.

(b) Where a fur product is exempt under this section from the requirements of the act and regulations, the manufacturer thereof shall maintain, in addition to the other records required under the act and regulations, adequate records showing the cost of the fur used in such fur product, or copies of invoices showing the manufacturer's selling price of the fur product, provided such price is used as the basis for exemption. Such records shall be preserved for at least three years.

(c) Where a fur product is exempt under this section and the manufacturer's selling price exceeds five dollars ($5.00) the manufacturer's or wholesaler's invoice shall carry information indicating such fur product is exempt from the provisions of the act and regulations; as for example: "FPL Exempt".

§ 301.40 *Item number or mark to be assigned to each fur product.* (a) For the purpose of identification, each fur product shall be assigned a separate item number or mark by the manufacturer thereof: *Provided, however,* That where all of the furs used in a group of fur products are obtained through the same purchase and from the same source and all of the required information with respect to such furs is identical, then a single item number or mark may be assigned to identify all of the fur products in such group. Each number or mark so assigned shall appear on the required label and invoice pertaining to such product and used for the identification thereof in the records required by § 301.41.

(b) Any subsequent dealer in fur products may assign to each fur product handled a different item number or mark to be used on the required label and invoice pertaining to such product, in lieu of that of the manufacturer or other supplier, and for the identification of such fur product in the records required by § 301.41.

§ 301.41 *Maintenance of records.* (a) Pursuant to section 3 (e) and section 8 (d) (1), of the act, each manufacturer or dealer in fur products or furs, irrespective of whether any guaranty has been given or received, shall maintain records showing all of the required information relative to such fur products or furs in such manner as will readily identify each fur or fur product manufactured or handled.

(b) The records to be maintained under this section shall include copies of all purchase orders, sales contracts, and invoices; business correspondence; manufacturing records, advertising matter, and all other data showing:

(1) The purchase and receipt of all fur products and furs handled;

(2) The respective item number or mark assigned to each fur product by the manufacturer or supplier thereof as required by § 301.40;

(3) The item number or mark which may be assigned to any particular fur product by a subsequent dealer in lieu of that assigned by the manufacturer or supplier thereof, as permitted by § 301.40;

(4) That the fur product manufactured or handled is "second hand", when such is the fact;

(5) That the fur handled or the fur product manufactured or handled contains or is composed of pointed, bleached, dyed, or tip-dyed fur, when such is the fact;

(6) The name or names (as set forth in the Fur Products Name Guide) of the animal or animals that produced the fur handled or the fur contained in each fur product manufactured or handled;

(7) That the fur product or fur mats or plates manufactured or handled are composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur, when such is the fact;

(8) That the fur handled is used or the fur product manufactured or handled contains or is composed of used or damaged furs, when such is the fact;

(9) The name or names of the countries of origin of all imported furs handled or imported furs contained in each fur product manufactured or handled;

(10) All of the required information including the required item number or mark appearing on any label affixed to a fur product which is removed for the purpose of substitution;

(11) The sale of each fur handled and fur product manufactured or handled.

§ 301.42 *Deception as to nature of business.* When necessary to avoid deception, the name of any person other than the manufacturer of the fur product appearing on the label or invoice shall be accompanied by appropriate words showing that the fur product was not manufactured by such person; as for example:

Distributed by ----------
or
---------- Wholesalers

§ 301.43 *Use of deceptive trade or corporate names, trade-marks or graphic representations prohibited.* No person shall use in labeling, invoicing or advertising any fur or fur product a trade name, corporate name, trade-mark or other trade designation or graphic representation which misleads or deceives or has the capacity or tendency to mislead or deceive purchasers, prospective purchasers or the consuming public as to:

(a) The character of the product including method of construction;

(b) The name of the animal producing the fur;

(c) The method or manner of distribution; or

(d) The geographical or zoological origin of the fur.

§ 301.44 *Misrepresentation of prices.* (a) No person shall, with respect to a fur or fur product, advertise such fur or fur product at alleged wholesale prices or at alleged manufacturers cost or less, unless such representations are true in fact; nor shall any person advertise a fur or fur product at prices purported to be reduced from what are in fact fictitious prices, nor at a purported reduction in price when such purported reduction is in fact fictitious.

(b) No person shall, with respect to a fur or fur product, advertise such fur or fur product with comparative prices and percentage savings claims except on the basis of current market values or unless the time of such compared price is given.

(c) No person shall, with respect to a fur or fur product, advertise such fur or fur product as being "made to sell for", being "worth" or "valued at" a certain price, or by similar statements, unless such claim or representation is true in fact.

(d) No person shall, with respect to a fur or fur product, advertise such fur or fur product as being of a certain value or quality unless such claims or representations are true in fact.

(e) Persons making pricing claims or representations of the types described in paragraphs (a), (b), (c) and (d) of this section shall maintain full and adequate records disclosing the facts upon which such claims or representations are based.

(f) No person shall, with respect to a fur or fur product, advertise such fur or fur product by the use of an illustration which shows such fur or fur product to be a higher priced product than the one so advertised.

(g) No person shall, with respect to a fur or fur product, advertise such fur or fur product as being "bankrupt stock", "samples", "show room models", "Hollywood Models", "Paris Models", "French Models", "Parisian Creations", "Furs Worn by Society Women", "Clearance Stock", "Auction Stock", "Stock of a business in a state of liquidation", or similar statements, unless such representations or claims are true in fact.

§ 301.45 *Representations as to construction of fur products.* (a) No misleading nor deceptive statements as to the construction of fur products shall be used directly or indirectly in labeling, invoicing or advertising such products. (For example, a fur product made by the skin-on-skin method should not be represented as having been made by the let-out method.)

(b) Where a fur product is made by the method known in the trade as letting-out, or is made of fur which has been sheared or plucked, such facts may be set out in labels, invoices and advertising.

§ 301.46 *Reference to guaranty by Government prohibited.* No representation nor suggestion that a fur or fur product is guaranteed under the act by the Government, or any branch thereof, shall be made in the labeling, invoicing or advertising in connection therewith.

§ 301.47 *Form of separate guaranty.* The following is a suggested form of separate guaranty under section 10 of the act which may be used by a guarantor residing in the United States, on and as part of an invoice in which the merchandise covered is listed and specified and which shows the date of such document, the date of shipment of the merchandise and the signature and address of the guarantor:

We guarantee that the fur products or furs specified herein are not misbranded nor falsely nor deceptively advertised or invoiced under the provisions of the Fur Products Labeling Act and rules and regulations thereunder.

§ 301.48 *Continuing guaranties.* (a) Under section 10 of the act any person residing in the United States and handling furs or fur products may file a continuing guaranty with the Federal Trade Commission. When filed with the Commission a continuing guaranty shall be fully executed in duplicate and execution of each copy shall be acknowledged before a notary public. Forms for use in preparing continuing guaranties will be supplied by the Commission upon request.

(b) Continuing guaranties filed with the Commission shall be renewable annually and at such other times as any change occurs in legal business status of the person filing the continuing guaranty. The guarantor shall promptly report any such change to the Commission and advise the Commission of any change in the address of its principal office and place of business.

(c) The following is the prescribed form of continuing guaranty:

CONTINUING GUARANTY UNDER THE FUR PRODUCTS LABELING ACT

The undersigned, ----------,
(Full name of guarantor)
a ----------,
(Corporation, partnership, proprietorship)
residing in the United States and having principal office and place of business at ----------, ----------,
(Street and number) (City)
----------, and engaged in manu-
(State or Territory)
facturing or handling furs or fur products hereby guarantees that every such fur product contained in each shipment or other delivery hereafter made by it, will not be misbranded when so shipped and delivered, and that no fur or fur product in any such shipment or delivery will be falsely or deceptively invoiced or advertised within the meaning of the Fur Products Labeling Act and the rules and regulations thereunder.

The following execution to be used only by individuals, partnerships and unincorporated associations:

Dated, signed and executed this ----------, day of ----------, 19 ----, at ----------,
(City)

(State or Territory)

(Name under which business is conducted)

(Signature of Proprietor or Partner)

(If firm is a partnership list partners below.)

STATE OF ----------,
County of ----------, *ss:*

On this ------ day of ----------, 19----, before me personally appeared the said ----------
(Name of proprietor or partner signing)
to me known to be the person described in and who executed the foregoing instrument, and acknowledged the execution of the same for the uses and purposes therein stated.

[Impression of Notarial seal required here] ----------
Notary Public in and for county of ----------
State of ----------
My commission expires ----------

The following execution to be used only by corporations:

Dated, signed and executed this ----------, day of ----------, 19----, at ----------,
(City)

(State or Territory)

[Impression of corporate seal required here] ----------
(Full corporate name)
By ----------
(Signature and title of executive officer)

Attest:

(Secretary)

STATE OF ----------,
County of ----------, *ss:*

On this ------ day of ----------, 19----, before me personally appeared ---------- (Name of ----------,
executive officer signing)
---------- of
(Title of executive officer)
----------,
(Name of corporation)

to me personally known, and acknowledged the execution of the foregoing instrument on behalf of said corporation for the uses and purposes therein stated.

[Impression of notarial seal required here] ----------

Notary public in and for county of ----------

State of ----------

My commission expires ----------

§ 301.49 *Deception in general.* No furs nor fur products shall be labeled, invoiced or advertised in any manner which is false, misleading or deceptive in any respect.

Promulgated and made effective by the Federal Trade Commission on August 9, 1952.

Issued: June 27, 1952.

By direction of the Commission.

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

[F. R. Doc. 52-7305; Filed, July 7, 1952; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter A—The Department

[Dept. Reg. 108.156]

PART 96—PARCEL POST SHIPMENTS OF INDIVIDUAL RELIEF PACKAGES

JUNE 30, 1952.

Preamble. Pursuant to section 535 of Public Law 400, 82d Congress, and Executive Order No. 10368 of June 30, 1952, the authority to pay ocean freight charges on shipments of relief supplies and packages under section 117 (c) of the Economic Cooperation Act of 1948, as amended, has been placed in the Department of State.

The regulations in this part, which have been approved by the Postmaster General, supersede Part 202 of Chapter II of this title.[1]

Sec.

AUTHORITY: § 96.1 to 96.9 issued under sec. 104, 62 Stat. 138, as amended; 22 U. S. C. Sup. 1503. Interpret or apply sec. 117, 62 Stat. 153, as amended, sec. 535, Public Law 400, 82d Cong.; 22 U. S. C. Sup. 1515, E. O. 10368; 17 F. R. 5929.

§ 96.1 *Scope of the regulations in this part.* This part provides the rules under which the Secretary of State will pay ocean freight charges from a United States port to initial foreign ports of entry on relief packages originating in the United States (including its territories and insular possessions) and consigned by an individual by parcel post to an individual residing in Austria, Italy, or the zones of Trieste occupied by the United States and the United Kingdom, and those areas of China which the Secretary may deem to be eligible for assistance.

§ 96.2 *Definition of relief package.* A "relief package" is defined as a gift parcel, containing articles permitted by § 96.4 to be sent by an individual free of cost to the person receiving it for the personal use of himself or his immediate family.

§ 96.3 *Manner of payment of ocean freight charges.* The Secretary of State will reimburse the Post Office Department for the ocean freight charges on relief packages sent by parcel post by an individual to an individual in any of the countries listed above, to the extent that the international parcel post rate paid by the sender has been reduced pursuant to regulations of the Post Office Department. (Part II United States Official Postal Guide, edition of July 1, 1951, pp. 90, 133, 236 and 365.)

§ 96.4 *Limitations of contents of relief packages.* (a) The contents of relief packages shall be limited to nonperishable food; clothing and clothes-making materials; shoes and shoemaking materials; mailable medical and health supplies; household supplies and utensils; and vegetable seeds; if permitted under existing United States postal regulations. (Part II United States Official Postal Guide, edition of July 1, 1951, pp. 90, 133, 236 and 365.)

(b) Relief packages shipped hereunder are subject to regulations prescribed by the Office of International Trade of the Department of Commerce.

(c) The combined total domestic retail value of vegetable seeds must not exceed $5.00.

§ 96.5 *Weight and size limitations.* The maximum weight and dimensions of each relief package sent by parcel post must conform to the limitations established by the Post Office Department for the particular country of destination.

§ 96.6 *Identification.* When a relief package is presented to a post office for mailing under the regulations in this part, the words "U. S. A. Gift Parcel" shall be endorsed conspicuously by the sender on the addressee side of the package and also entered on the customs declaration. The use of the words "U. S. A. Gift Parcel" is a certification by the individual mailing the relief package that the provisions of the regulations in this part have been met.

§ 96.7 *Postal regulations.* Information concerning the Post Office regulations should be obtained from the local post offices with respect to size and weight limitations, customs declaration (Form 2966), dispatch note (Form 2972), and the postage rate applicable for such shipments.

§ 96.8 *Import regulations.* Senders of relief packages are reminded that each receiving country has import and customs regulations, and that certain items may be subject to import restrictions or duties. Information regarding such regulations may be ascertained either from the proposed recipient, from the Office of International Trade, Department of Commerce, Washington 25, D. C., or any of the district offices of the Department of Commerce.

§ 96.9 *Saving clause.* The Secretary of State may waive, withdraw, or amend at any time or from time to time any or all of the provisions of the regulations in this part.

Effective date. These regulations shall become effective July 1, 1952.

WILLARD L. THORP, *Assistant Secretary of State.*

[F. R. Doc. 52-7433; Filed, July 7, 1952; 9:00 a. m.]

[1] Revoked, 17 F. R. 5934.

[Dept. Reg. 108.157]

PART 97—OCEAN SHIPMENTS OF SUPPLIES BY VOLUNTARY NONPROFIT RELIEF AGENCIES

JUNE 30, 1952.

Preamble. Pursuant to section 535 of Public Law 400, 82d Congress, and Executive Order No. 10368 of June 30, 1952, the authority to pay ocean freight charges on shipments of relief supplies and packages under section 117 (c) of the Economic Cooperation Act of 1948, as amended, has been placed in the Department of State.

The regulations in this part supersede Part 203 of Chapter II of this title.[1]

Sec.

AUTHORITY: § 97.1 to 97.6 issued under sec. 104, 62 Stat. 138, as amended; 22 U. S. C. Sup. 1503. Interpret or apply sec. 117, 62 Stat. 153, as amended, sec. 535, Public Law 400, 82d Cong.; 22 U. S. C. Sup. 1515, E. O. 10368; 17 F. R. 5929.

§ 97.1 *Definition of terms.* For the purposes of this part:

(a) "The Secretary" shall mean the Secretary of State.

(b) "The Committee" shall mean the Advisory Committee on Voluntary Foreign Aid of the Department of State.

(c) "Supplies" shall include goods shipped in bulk and relief packages.

§ 97.2 *Scope of the regulations in this part.* This part provides the rules under which the Secretary, in order to further the efficient use of United States voluntary contributions for relief in countries or zones hereinafter designated, will pay ocean freight charges from United States ports to initial foreign ports of entry of such designated countries or zones on supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with the Committee, for distribution in Austria, those areas of China which the Secretary may deem to be eligible for assistance, the Federal Republic of Germany, Greece, France, Italy, the zones of Trieste occupied by the United States and the United Kingdom, and, when the Secretary determines it necessary and expedient, in any country eligible for economic or technical assistance under the Mutual Security

Act of 1952 (P. L. 400, 82d Cong., 2d Sess.).

§ 97.3 *Agencies within scope of the regulations in this part.* Any United States voluntary nonprofit relief agency may make application for reimbursement of ocean freight charges on shipments of supplies donated to or purchased by it for distribution within the foreign countries and zones listed in § 97.2, *Provided:*

(a) An agreement for duty-free entry and defrayment of inland transportation costs of relief supplies within the scope of the regulations in this part has been concluded between the United States and the recipient country.

(b) The general program and projects by countries of operation of the agency, and the supplies in support thereof, have been approved by the recipient country in accordance with the agreement referred to in paragraph (a) of this section.

(c) The agency is registered with the Committee, and therefore has met all the requirements of registration as set forth in the regulations "Registration of Agencies for Voluntary Foreign Aid." (Part 98 of this subchapter.)

§ 97.4 *Manner of payment of ocean freight charges.* By means of an equitable apportionment of the funds available for this purpose the Secretary will reimburse agencies qualified under § 97.2 and § 97.3 to the extent of ocean freight charges paid by them for shipments made in conformity with the regulations in this part: *Provided,* That application for such reimbursement is submitted to the Secretary of State, Attention: Advisory Committee on Voluntary Foreign Aid, Department of State, Washington 25, D. C., within forty-five days of date of shipment, together with receipted invoices for such charges, supported by ocean bills of lading, showing that such charges are limited to the actual cost of transportation of the supplies from end of ship's tackle at the United States port of loading to end of ship's tackle at port of discharge, correctly assessed at the time of loading by the carrier for freight on a weight, measurement, or unit basis, and free of any other charges.

§ 97.5 *Refund by agencies.* Any agency reimbursed hereunder will refund promptly to the Secretary upon demand the entire amount, or any lesser amount specified, of ocean freight charges reimbursed, and to the recipient country upon demand the entire amount, or any lesser amount specified, of inland transportation costs reimbursed, whenever the Secretary determines that the reimbursements were improper as being in violation of any of the provisions of Public Law 400, 82d Congress, any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of the Department of State.

§ 97.6 *Saving clause.* The Secretary may waive, withdraw, or amend at any time or from time to time any or all of the provisions of the regulations in this part.

Effective date. These regulations shall become effective July 1, 1952.

WILLARD L. THORP,
Assistant Secretary of State.

[F. R. Doc. 52-7434; Filed, July 7, 1952; 9:00 a. m.]

[Dept. Reg. 108.158]

PART 98—REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

JUNE 30, 1952.

Sec.
98.1 A register of voluntary foreign aid agencies and of their activities.
98.2 Application for registration.
98.3 Requirements for registration.
98.4 Validation of registration.
98.5 Amendments to registration.
98.6 Validation of programs and projects.
98.7 Representation of registrants.
98.8 Acceptance and termination of registration.
98.9 Saving clause.

AUTHORITY: §§ 98.1 to 98.9 issued under sec. 4, 63 Stat. 111; 5 U. S. C. 151c.

§ 98.1 *A register of voluntary foreign aid agencies and of their activities.* To foster the public interest in the field of voluntary foreign aid and the activities of nongovernmental organizations which serve the public interest therein, the Advisory Committee on Voluntary Foreign Aid of the Department of State (referred to in this part as the Committee) is hereby authorized and directed to establish and to maintain, pursuant to the rules set forth in this part, a register of such nongovernmental organizations qualified for and voluntarily accepting registration; such register (a) to serve as a repository of information, including currently recording therein the organization, purposes, programs, finances and other pertinent activities of the registrants for public guidance; (b) to enable the Committee to facilitate the programs and projects of the registrants through the exercise of its good offices and the provision of facilities authorized by the laws, regulations and procedures related to voluntary foreign aid as administered by the Committee, other United States agencies, or by international governmental agencies supported by the United States; and (c) to provide information and advice, and perform such other functions, as may be necessary in furtherance of the purposes of this section.

§ 98.2 *Application for registration.* Any person or nongovernmental organization or agency carrying on any nonprofit activities in the United States for the purpose of furthering or engaging in voluntary aid in areas outside the United States, including, but not limited to, projects and services of relief, rehabilitation, reconstruction and welfare in the fields of health, education, agriculture and industry, emigration and resettlement, may voluntarily make application for registration to the Chairman, Advisory Committee on Voluntary Foreign Aid, Department of State, Washington 25, D. C. Any person, organization, or agency whose application for registration is accepted under this part shall be referred to in this part as a registrant.

§ 98.3 *Requirements for registration.* To establish that the primary purpose to be served is the provision of voluntary foreign aid, an applicant for registration shall submit evidence by its charter, articles of incorporation, constitution, bylaws, and other relevant documents, and a statement upon forms to be provided by the Committee or otherwise as may be required that:

(a) It maintains its principal place of business in the United States;

(b) It is controlled by an active and responsible body composed principally of United States citizens, who serve without compensation, who have accepted the responsibility to carry out the activities of the agency to be reported to the Committee, and who will exercise satisfactory controls to assure that its services and resources are administered competently in the public interest;

(c) It has been authorized by the Bureau of Internal Revenue to inform donors that their contributions may be deducted for Federal income tax purposes;

(d) It is not engaged, or will not be engaged, in any activities or enterprises inconsistent with the fulfillment of the purposes and objectives as set forth in the application, or which may be recorded in the registration, or in any programs or projects thereunder;

(e) The funds and resources of the registrant will be obtained, expended, and distributed in ways which conform to accepted ethical standards without unreasonable cost for promotion, publicity, fund raising and administration at home and abroad;

(f) The committee will be informed of any plans, including projected publicity, for popular drives for funds or other forms of support to permit the committee to offer suggestions and where appropriate to lend its good offices. Such popular drives will be timed in so far as practicable, to avoid conflict with national appeals for public support during the limited periods of the countrywide campaigns of the American National Red Cross, the Community Chests, Savings Bond drives of the United States Treasury, or similar campaigns of accepted general national interest;

(g) It will refer to the Committee for appropriate consideration any proposed programs, procedures or agreements affecting other Federal agencies or international governmental agencies but which also affect the action responsibilities of the Committee before formal steps are concluded with such agencies, and in order that the Committee may lend its good offices and that coordination may be assured pursuant to the President's Directive of May 14, 1946 and Departmental Announcement 33 of February 13, 1950 of the Department of State;

(h) Such current and periodic reports and information will be provided as the Committee may require from time to time pertaining to the registrant's organization, programs, projects, and finances, including audits by a certified public accountant, or other pertinent activities. All records pertaining to responsibilities as a registrant and related to activities as such shall be made avail-

able for official inspection. Information on registration, organization, periodic reports on programs and finances shall be available for public inspection.

§ 98.4 *Validation of registration.* Certificates of registration will be issued by the Committee to applicants which fulfill the requirements set forth in § 98.3 and upon the finding of the Committee that the general purposes to be served are of a character and fulfill a need that justify appeals for voluntary support, warrant the cooperation of the United States Government, and otherwise are deemed to serve the public interest. Such certificates may be withheld, in the discretion of the Committee, until an initial program has been recorded under the terms set forth in § 98.6. Certificates will be published in the FEDERAL REGISTER.

§ 98.5 *Amendments to registration.* A registrant's certificate of registration shall be amended whenever a material change is made in the registrant's organization, its purposes or governing personnel. The application for amendment shall be supported by a resolution of the controlling body or other evidence certified by an authorized official. Amended certificates will be published in the FEDERAL REGISTER.

§ 98.6 *Validation of programs and projects.* (a) Registrants, to carry out and fulfill the purposes and objectives of their organization and to obtain appropriate official United States support and facilities, will submit applications upon forms provided by the Committee or otherwise as may be required, for the recording of specific country programs or specific projects of relief, rehabilitation, reconstruction and welfare as these are developed in the fields of health, education, agriculture, industry, emigration and resettlement. Notices of acceptance will be issued by the Committee as supplements to certificates of registration: *Provided*, That:

(1) The specific program or specific project is within the scope of any agreement that has been concluded between the United States Government and the government of the country of interest in furtherance of the operations of registrants acceptable to such governments;

(2) In the absence of such an agreement as set forth in subparagraph (1) of this paragraph satisfactory assurances are:

(i) Obtained from the government of the country in question that appropriate facilities are or will be afforded for the necessary and economical operations of the program or project including (*a*) acceptance of the specific program or specific project; (*b*) the supplies approved in support of the program or project are free of customs duties, other duties, tolls, and taxes; (*c*) treatment of supplies as a supplementary resource and not as a substitute for public rations; (*d*) the identification of the supplies, to the extent practicable, as to their United States origin and their free provision by the donor agency; and (*e*) in so far as practicable the reception, unloading, warehousing and transport of the supplies free of cost to points of distribution.

(ii) Provided by the registrant that (*a*) shipments will be made only to consignees reported to the Committee and full responsibility is assumed by such consignees for the noncommercial distribution of the supplies free of cost to the persons ultimately receiving them; and (*b*) distribution is under the supervision of United States citizens specifically charged with the responsibility for the program or project, or by nationals, upon notification to the Committee in justification of their selection on account of the character and economy of the operation, and the degree of cooperation and acceptance of responsibility of the indigenous agency.

(b) Programs and projects which involve the contractual support of United States or international governmental agencies and acceptance of measures of responsibility by the Committee will be recorded following an understanding between the Committee and the contracting official agency to assure correlation in the attainment of common objectives, and pursuant to the President's Directive of May 14, 1946 and Departmental Announcement 33 of February 13, 1950 of the Department of State.

§ 98.7 *Representation of registrants.* The Committee, in appropriate cases, may exercise its good offices or recommend to and appear before United States agencies or international agencies supported by the United States Government, to facilitate the recorded programs of any registrant or committees of such registrants, and to further the provision of facilities authorized by laws, regulations, and procedures in support of voluntary foreign aid.

§ 98.8 *Acceptance and termination of registration.* (a) Registrations shall remain in force until relinquished voluntarily by the registrant upon written notice to the Committee or formal notice from the Committee is published in the FEDERAL REGISTER stating that they are:

(1) Amended in accordance with § 98.5; or

(2) Suspended or terminated.

(b) Acceptance of a notice of relinquishment of registration shall be subject to submittal of final reports to the Committee, including the plans for disposition of the registrant's residual assets acquired in support of its registered programs.

§ 98.9 *Saving clause.* The Secretary of State may waive, withdraw, or amend from time to time any or all of the provisions of the regulations in this part.

Effective date. The regulations in this part shall become effective as of the date of their publication in the FEDERAL REGISTER and shall supersede as of their effective date "Conditions of Agency Registration" of September 1, 1948, promulgated by the Advisory Committee on Voluntary Foreign Aid.

Certificates of registration and amendments thereto heretofore issued by the Advisory Committee on Voluntary Foreign Aid, and which are valid as of the effective date of the regulations in this part, shall continue in force and effect.

WILLARD L. THORP,
Assistant Secretary of State.

[F. R. Doc. 52-7435; Filed, July 7, 1952; 9:00 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1452—PRIME CONTRACTS AND SUBCONTRACTS WITHIN THE SCOPE OF THE ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

PART 1454—PARTIAL MANDATORY EXEMPTION OF SUBCONTRACTS FOR NEW DURABLE PRODUCTIVE EQUIPMENT

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

PART 1456—METHODS OF SEGREGATING RENEGOTIABLE AND NONRENEGOTIABLE SALES

PART 1458—RECEIPTS OR ACCRUALS UNDER STATUTORY MINIMUM

MISCELLANEOUS AMENDMENTS

1. Section 1452.7 *Brokers, manufacturers' agents, and dealers* is amended by deleting the heading and inserting in lieu thereof the following: *Brokers and manufacturers' agents.*

2. Section 1452.5 (b) *Exemptions* is amended by deleting subparagraph (12) and inserting in lieu thereof the following:

(12) *Corps of Engineers.* All contracts to the extent that they obligate funds appropriated for the civil functions of the Corps of Engineers, Department of the Army, except contracts entered into after June 30, 1950 (i) for the construction of facilities directly or indirectly related to the generation or distribution of hydroelectric energy, and (ii) for materials required for the construction of facilities directly or indirectly related to the generation or distribution of hydroelectric energy.

3. Section 1454.8 *Subcontracts related to subcontracts for new durable productive equipment* is amended to read as follows:

§ 1454.8 *Subcontracts related to subcontracts for new durable productive equipment.* The extent to which the act applies to receipts or accruals from subcontracts for new durable productive equipment which is incorporated in another item of such equipment will be determined by reference to the average useful life of the equipment in question and not by reference to the life of the equipment of which it becomes a part. Subcontracts for equipment or other materials which are not new durable productive equipment are not covered by the exemption set forth in this part even though the equipment or other materials are incorporated in new durable productive equipment. The extent to which the act applies to receipts or accruals from

such subcontracts will be determined according to the provisions of § 1456.5 of this subchapter.

4. Section 1455.3 (b) *Exemptions* is amended by deleting subparagraph (4) and inserting in lieu thereof the following:

(4) *Perishable subsistence supplies.* Prime contracts and subcontracts for perishable subsistence supplies.

(i) *Application of exemption.* For the purposes of this exemption, the term "perishable subsistence supplies" includes all foods in such a state that they require storage under controlled refrigeration and humidity for preservation or, to avoid waste or spoilage, customarily require distribution and consumption within a short period. This category includes (but is not limited to) all fresh, smoked, frozen or refrigerated food products, meats and meat products, dairy and poultry products, waterfoods, fruits, vegetables, fruit juices and concentrates.

(ii) *Perishable subsistence supplies exemption list.* The Board has determined that the items shown on the following list are "perishable subsistence supplies" when such items are in a state described in subdivision (i) of this subparagraph. A prime contract or subcontract for an item listed will not, however, be deemed exempt when such item is packed or processed so that it is not in such a state. For example, although tomatoes are listed, canned tomatoes will not be deemed perishable subsistence supplies.

PERISHABLE SUBSISTENCE SUPPLIES

Fruits:
- Apples.
- Apricots.
- Avocados.
- Bananas.
- Blackberries.
- Blueberries.
- Cantaloupes.
- Cherries.
- Cranberries.
- Currants.
- Dates.
- Dewberries.
- Figs, fresh.
- Gooseberries.
- Grapefruit.
- Grapes.
- Lemons.
- Limes.
- Logan blackberries.
- Melons:
  - Casaba.
  - Honeydew.
  - Honeyball.
  - Muskmelons.
  - Persian.
  - Watermelons.
- Olives.
- Oranges.
- Peaches.
- Pears.
- Persimmons.
- Plums, including fresh prunes.
- Quinces.
- Raspberries:
  - Black.
  - Red.
- Rhubarb.
- Strawberries.
- Tangerines.

Vegetables:
- Artichokes:
  - Globe.
  - Jerusalem.
- Asparagus.
- Beans:
  - Green.
  - Lima.
  - Snap.
- Beets:
  - Bunch.
  - Topped.
- Broccoli, sprouting.
- Brussels sprouts.
- Cabbage.
- Carrots:
  - Bunch.
  - Topped.
- Cauliflower.
- Celeriac
- Celery.
- Corn: Sweet.
- Cucumbers.
- Endive (escarole).
- Greens (collards, etc.).
- Kale.
- Kohlrabi.
- Leeks: Green.
- Lettuce.
- Mushrooms.
- Onions:
  - Dry.
  - Green.
- Parsnips.
- Peas: Green.
- Peppers:
  - Chili (dry).
  - Sweet green.
- Potatoes:
  - Irish.
  - Sweet.
- Pumpkins.
- Radishes.
- Rutabagas.
- Salisify.
- Spinach.
- Squashes.
- Tomatoes:
  - Mature green.
  - Ripe.
- Turnips.

Dairy products:
- Butter.
- Buttermilk.
- Cheese.
- Cream:
  - Fresh.
  - Whipped.
- Eggs:
  - Shell.
  - Dried whole.
  - Dried yolk.
  - Dried spray albumen.
  - Fermented albumen.
- Ice cream and ice cream mix.
- Milk:
  - Fresh.
  - Concentrated.
  - Frozen.
  - Recombined.
- Milk—Con.
  - Chocolate flavored drink.
- Sherbets and Ices.
- Yoghurt.

Poultry:
- Chicken.
- Duck.
- Turkey.

Meats:
- Bacon.
- Frankfurters.
- Beef.
- Fatbacks.
- Hams.
- Shoulders.
- Lamb.
- Pork.
- Sausage casings (except synthetic).
- Veal.
- Lamb and Mutton.
- Lard and lard substitutes.
- Offals.
- Rabbits.

Fish and sea foods:
- All fish and sea foods.

Miscellaneous:
- Beverage bases.
- Bread and other bakery products (except biscuits, crackers, cracked meal, breakfast cereals, hard bread and zwieback).
- Fruit juices or concentrates.
- Honey.
- Horseradish.
- Oleomargarine.
- Potato chips.
- Shortening, compound.
- Yeast, compressed.

5. Section 1455.3 (b) *Exemptions* is further amended by deleting subparagraph (6) and inserting in lieu thereof the following:

(6) *Subcontracts for architectural, design or engineering services.* Subcontracts described in section 103 (g) (3) (A) and (B) of the act for architectural, design or engineering services, no part of which services is or was related to the effecting or procuring of a contract with a Department or a subcontract, if the aggregate renegotiable business of the subcontractor holding such subcontracts and all persons under control of or controlling or under common control with such subcontractor during a fiscal year of 12 months is not more than $250,000, or, during a fiscal year which is a fractional part of 12 months, is not more than the same fractional part of $250,000: *Provided, however,* That such a subcontractor is not exempted from the provisions of section 105 (e) (1) of the act which require the filing of the financial statement prescribed by Part 1470 of this subchapter.

6. Section 1456.6 *How to determine receipts or accruals subject to renegotiation; brokers, manufacturers' agents, and dealers* is amended by deleting the headnote and inserting in lieu thereof the following: *How to determine receipts or accruals subject to renegotiation; brokers and manufacturers' agents.*

7. Section 1458.3 *No reduction by refund below statutory minimum* is amended by adding to paragraph (b) the following: "Notwithstanding the preceding sentence, subcontracts described in section 103 (g) (3) (A) and (B) of the act for architectural, design or engineering services, no part of which services is or was related to the effecting or procuring of a contract with a Department or a subcontract, will be treated, for the purposes of this section and §§ 1458.4 and 1458.5, as if such subcontracts were subcontracts described in section 103 (g) (1) of the act."

(Sec. 109, Pub. Law 9, 82d Cong.)

Dated: June 26, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-7302; Filed, July 7, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 12, Amdt. 2]

CPR 12—MILLED RICE

CEILING PRICE FOR FORTIFIED OR ENRICHED RICE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 12 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 12 fixes the ceiling price for fortified on enriched rice at $.40 per cwt. above the ceiling price for the particular variety, class, grade and quality of milled rice which is fortified or enriched.

Puerto Rico recently enacted legislation requiring that all rice sold there meet specified standards as to nutrient content. This legislation, designed to correct various nutritional deficiencies in the diet of the Puerto Rican people, specifies that fortified rice contain minimum amounts of thiamine, niacin and iron.

Over 90 percent of the rice received in Puerto Rico from outside sources is produced in the United States. During the 1950–51 crop year, approximately 1,913,000 hundredweight of California rice and 912,000 hundredweight of Southern rice (Arkansas, Texas, Louisiana, Mississippi) were sold to Puerto Rico. From August 1951, through March of 1952, Puerto Rico received about 1,439,000 hundredweight of rice from California and about 716,000 hundredweight from the South. This represents approximately 30 percent of the total quantity of milled rice sold by domestic millers for consumption outside the United States in the 1950–51 crop year and about 17 percent for the first six months of the crop year 1951–52. Although these figures represent rice of all types sold to Puerto Rico during these periods, the great bulk of the rice bought by Puerto Rico from the United States is polished white rice from which the natural vitamins have been removed in the milling process and which must be fortified to comply with Puerto Rican law. Fortified rice produced in the United States is also being sold to Ha-

wail, Guam and Cuba, although fortification is not required by law.

Ceiling prices for milled rice, as set by CPR 12, do not cover the costs of fortification. To avoid disruption of the flow of rice into these important trade channels and to prevent impairment of the increasing production of fortified rice, it is necessary to permit millers to reflect these costs in their ceiling prices.

Since fortified rice is a relatively new product, at the present time no defined standards exist for it except those set forth in Puerto Rican law which were patterned after those of the United States Food and Drug Administration for enriched flour. The rinsing test required by Puerto Rico was adapted from that of the U. S. Food and Drug Administration for enriched corn grits. In view of the lack of other satisfactory definition, the standards used by Puerto Rico and the U. S. Food and Drug Administration have been adopted for the purpose of setting a ceiling price. On the basis of information submitted by persons closely connected with the development of this product and by various members of the industry, the Director finds that these standards are reasonable and appropriate both for sales to Puerto Rico and in other world markets. No practicable alternative to these standards exists for securing effective price control of this type of rice and these standards comply with the requirements of the Defense Production Act of 1950, as amended.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable provisions of that Act.

AMENDATORY PROVISIONS

Section 4 (a) is amended by adding a new subparagraph (3) to read as follows:

(3) *Fortified or enriched rice.* Your ceiling price, per hundred pounds, for fortified or enriched rice is your ceiling price, per hundred pounds, for the particular variety, class, grade and quality of milled rice which is fortified or enriched, plus 40 cents.

(i) *Fortified or enriched rice* means polished white rice to which is added thiamine, niacin, and iron so as to contain not less than 2.0 milligrams of thiamine, 16.0 milligrams of niacin and 13.0 milligrams of iron per pound, and which, when subjected to the following rinsing test, retains at least 85 percent of the above prescribed minimum amount of each substance.

(a) *Rinsing test.* Transfer 100 grams of fortified rice to a 2-liter Erlenmeyer flask containing 1 liter of water at 25° C. Stopper the flask and rotate it for exactly one-half minute so that the grains are kept in motion. Allow the grains to settle for exactly one-half minute, and then pour off 850 cubic centimeters of the water along with any floating or suspended matter. Determine the amounts of thiamine, niacin and iron in the wet grains and water remaining in the flask. From these results calculate the number of milligrams of each substance remaining per pound of the rice before rinsing.

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

Effective date. This amendment shall become effective July 8, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 3, 1952.

[F. R. Doc. 52-7500; Filed, July 3, 1952; 4:57 p. m.]

[Ceiling Price Regulation 22, Amdt. 49]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

ROUNDING OF CEILING PRICES BY MANUFACTURERS WHO HAVE ESTABLISHED UNIFORM CEILING PRICES FOR RESELLERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 49 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 22 eliminates certain difficulties which have resulted from differences between the rounding provisions contained in Section 25, CPR 22 and Section 3 (c), SR 4 to CPR 7.

SR 4 to CPR 7 enables manufacturers and wholesalers whose branded merchandise has historically been resold at uniform prices, to obtain authorization for uniform ceiling prices for sales by resellers. Section 3 (c) of SR 4 permits rounding of computed retail ceiling prices to the nearest customary retail "price point", provided that such rounding does not exceed 4 percent of the otherwise computed ceiling price.

Most manufacturers who have established uniform ceiling prices for resellers have computed their own ceiling prices under CPR 22. Section 25 of CPR 22 allows manufacturers to round their ceiling prices so that they will be expressed in the nearest cents or fraction of a cent normally employed. Such rounding, however, may not in any case exceed 1 percent of the ceiling price prior to rounding.

The variance between the 4 percent tolerance allowed by Section 3 (c) of SR 4, CPR 7 and the 1 percent tolerance allowed by Section 25 of CPR 22 has on occasion created difficulty. This has occurred in cases where, pursuant to the 4 percent tolerance allowed by SR 4, CPR 7, a ceiling price for retailers is established at such a level that application of customary trade discounts yields manufacturers' prices exceeding the 1 percent tolerance permitted by Section 25 of CPR 22. For example, suppose a manufacturer has a computed CPR 22 ceiling price of 61 cents and the computed retail ceiling price is $1.22. This computed retail ceiling price may be rounded to $1.25 if a 25 cent price point is customary. Although the customary discount for manufacturers' sales to retailers in such case is 50 percent, the manufacturer cannot sell the commodity at 62½ cents ($1.25×50 percent), because he cannot round his ceiling price beyond 61.6 cents under Section 25, CPR 22.

This amendment corrects this type of difficulty by permitting manufacturers who have established uniform ceiling prices for retailers under SR 4, CPR 7, to round their own ceiling prices to the extent necessary to preserve their resellers' customary mark-ups, without regard to the 1 percent limitation hitherto in effect under Section 25, CPR 22. Any manufacturer who uses this amendment to round any of his ceiling prices, must round his ceiling prices for all his commodities for which uniform retailers' ceiling prices have been established under SR 4, to reflect decreases as well as increases.

In view of the corrective nature of this amendment, consultation with industry representatives, including trade association representatives, has been found to be unnecessary and impracticable. However, several individual manufacturers have informally requested action in the nature of this amendment.

AMENDATORY PROVISIONS

Section 25 of Ceiling Price Regulation 22 is amended to read as follows:

SEC. 25. *Rounding ceiling prices.* (a) You may round your ceiling prices determined under this regulation so that they will be expressed in the nearest cents or fraction of cent you normally employ. If you elect to do so you must similarly round the ceiling prices for all your commodities normally priced by you upon the same basis, to reflect decreases as well as increases. Except as provided in paragraph (b) of this section, the increase may in no event be greater than 1 percent of your ceiling price prior to rounding. For example, if you normally quote to the nearest quarter of a cent and your ceiling price for commodity A is 21.20 cents, you may round that ceiling price to 21¼ cents. However, if your ceiling price for commodity B is 27.30 cents you must round its ceiling price to 27¼ cents.

(b) You may round your ceiling prices for commodities which are listed in Appendix B of Ceiling Price Regulation 7 and for which uniform retailers' ceiling prices have been authorized under Supplementary Regulation 4 to Ceiling Price Regulation 7 to the extent necessary to preserve the same percentage mark-ups which the various classes of resellers had during the calendar year 1950. If you elect to do so you must similarly round the ceiling prices for all your commodities for which uniform retailers' ceiling prices have been authorized under Supplementary Regulation 4 to Ceiling Price Regulation 7, to reflect decreases as well as increases.

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

Effective date. This amendment 49 to Ceiling Price Regulation 22 is effective July 12, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 7, 1952.

[F. R. Doc. 52-7537; Filed, July 7, 1952; 11:59 a. m.]

[Ceiling Price Regulation 123, Supplementary Regulation 1]

CPR 123—CEILING PRICES FOR UNTREATED EASTERN RAILROAD TIES

SR 1—SUSPENSION FROM CEILING PRICES OF PRODUCERS' SALES FOR EXPORT OF UNTREATED SOUTHERN PINE CROSS TIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation No. 1 to Ceiling Price Regulation 123, is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 123 suspends from the provisions of CPR 123 producers' sales for export of untreated Southern Pine cross ties.

Southern Pine cross ties are used primarily by domestic railroads and domestic industrial concerns; they are normally not exported. Producers' ceiling prices for untreated Southern Pine cross ties established by CPR 123 are based upon prices that prevailed during the period from December 19, 1950 to January 25, 1951, the base period of the General Ceiling Price Regulation. During that period there were few, if any, producers' sales for export of untreated Southern Pine cross ties. As a result, ceiling prices established by CPR 123 for untreated Southern Pine cross ties, while adequate to induce enough production to satisfy domestic needs, are inadequate to stimulate enough production to meet increased demands for Southern Pine cross ties for use in foreign countries. An immediate need, vital to the defense effort of the United States, has arisen for Southern Pine cross ties to be used in South America.

Pricing data is not available to enable the Office of Price Stabilization to determine appropriate ceiling prices for producers' sales for export of untreated Southern Pines cross ties. This action, suspending the ceilings on this commodity, is taken in order to remove any price impediment to an adequate production for export.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 1 to CPR 123 are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production and the furtherance of the objectives of the Defense Production Act of 1950, as amended.

In formulating this supplementary regulation, the Director has consulted with representatives of industry to the extent practicable under the circumstances, and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Suspension.
3. Records.
4. Definition.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* The purpose of this supplementary regulation is to suspend from the provisions of Ceiling Price Regulation 123, hereinafter referred to as CPR 123, producers' sales for export of untreated Southern Pine cross ties.

SEC. 2. *Suspension.* On and after July 7, 1952, the provisions of CPR 123 are suspended with respect to producers' sales for export of untreated Southern Pine cross ties. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it. The suspension effected by this supplementary regulation does not operate to place producers' sales for export of untreated Southern Pine cross ties under the General Ceiling Price Regulation, under Ceiling Price Regulation 61, or under any other ceiling price regulation.

SEC. 3. *Records.* During the period of suspension, on sales covered by this supplementary regulation, you, and buyers from you, shall make and keep, for the period indicated in section 17 of CPR 123, the records that you are required to make and keep under the provisions of section 17 of CPR 123, and such records must separately identify all sales and purchases made under this supplementary regulation. You, and buyers from you, shall also continue to preserve for the period indicated in section 17 of CPR 123 all records which you, and buyers from you, made and kept under the provisions of section 17 of CPR 123.

SEC. 4. *Definition.* When used in this supplementary regulation the term "sale for export" means a sale, to a buyer located in the continental United States, of untreated Southern Pine cross ties destined for export and subsequent reshipment to any place outside the continental United States or a territory or possession of the United States.

Effective date. This supplementary regulation shall become effective July 7, 1952.

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

ELLIS ARNALL,
Director of Price Stabilization.

JULY 7, 1952.

[F. R. Doc. 52-7538; Filed, July 7, 1952; 11:59 a. m.]

[Ceiling Price Regulation 139, Supplementary Regulation 1]

CPR 139—REBUILT AND USED AUTOMOTIVE PARTS

SR 1—CATALOG PRICING FOR CERTAIN LONG-TERM MAIL ORDER SELLERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to Ceiling Price Regulation 139 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation is issued for the same reasons and accomplishes the same results as Supplementary Regulation 1 to Ceiling Price Regulation 67 (Resellers' Ceiling Prices for Machinery and Related Manufactured Goods). Accordingly, the Statement of Considerations involved in the issuance of that supplementary regulation is equally applicable to this supplementary regulation.

In the opinion of the Director of Price Stabilization the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In view of the wide coverage of this supplementary regulation, special circumstances have rendered consultation with industry representatives including trade association representatives, impracticable.

Every effort has been made to conform this supplementary regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any of its provisions may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this supplementary regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Applications for catalog price determining methods.
3. Invoicing.
4. Applicability of CPR 139.
5. Definitions.

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

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides that long term mail order sellers covered by CPR 139 may upon application, be permitted to follow their historic practices in determining ceiling prices for items included in their catalogs. The meaning of the term "long term mail order seller" is explained in section 5 (*Definitions*). This section is descriptive only. The following sections control.

SEC. 2. *Applications for catalog price determining methods.*—(a) *Who may apply.* If you are covered by CPR 139 and if you are a long term mail order seller you may apply to the Office of Price

Stabilization for approval of a method of determining ceiling prices for commodities under CPR 139 which are included in your catalogs. Such a proposed method must provide that prices of items included in your catalogs will not be increased during the life of the catalogs; the method must show the period during which you determine prices of items included in your catalog and what catalogs you propose to use to determine your customary markups. The method must also provide that if you issue intermediate or flyer catalogs during the life of a general catalog the prices in such intermediate or flyer catalogs will reflect any decrease in the cost of the items included in the flyer or intermediate catalog that have occurred between the time you determine the price of items included in the general catalog and the time you determine the prices of items included in the intermediate or flyer catalog. The life of a general catalog shall not exceed eight calendar months, and the life of an intermediate or flyer catalog shall not exceed four calendar months. A more complete explanation of the terms "general catalog" and "intermediate or flyer catalog" is found in section 5 (*Definitions*).

(b) *Contents of application.* Your application must be filed by registered mail with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information:

(1) Your business name and address.

(2) A specific reference to this supplementary regulation.

(3) A statement of the geographic area served by you.

(4) A statement of the year in which you started in the long term catalog mail order business.

(5) A general description of the catalogs you issue, or propose to issue each year, including the effective period or proposed effective period for each catalog.

(6) Your proposed method or methods for determining ceiling prices of CPR 139 items included in these catalogs, a statement of the periods during which catalog prices are determined, and identification of the catalogs used to determine customary markups.

(c) *Action on your application.* After receipt of your application the Director may approve or disapprove your proposed ceiling price determining method, establish a different ceiling price determining method, or request further information. If, thirty days after receipt of your application by the Office of Price Stabilization as shown by your return receipt, none of the actions just listed has been taken, you may use your proposed ceiling price determining method until such time as the Office of Price Stabilization shall notify you that this method has been disapproved. However, the Director may at any time disapprove, revoke, or modify your proposed ceiling price determining method by order. This disapproval, revocation or modification will not be retroactive as to any sales made before the date of such disapproval, revocation or modification.

SEC. 3 *Invoicing*—(a) *Requirements of CPR 139.* Section 56 of CPR 139 requires that an invoice containing certain information be furnished to every purchaser to whom you make a sale of $5.00 or more, of commodities covered by CPR 139. If you apply under this supplementary regulation and your application is approved you may use the provisions of this section, with respect to invoicing, instead of section 56 of CPR 139.

(b) *Returned order in lieu of an invoice.* If you use this section instead of section 56 of CPR 139 you must return to every purchaser to whom you make a sale of an item, or items, covered by CPR 139 included in your catalog, a copy of the complete order form sent to you by the purchaser indicating thereon that the order has been filled or partially filled, as the case may be.

SEC. 4. *Applicability of CPR 139.* All of the provisions of CPR 139 which are not inconsistent with this supplementary regulation remain applicable to you.

SEC. 5. *Definitions*—(a) *Definitions for this supplementary regulation*—(1) *Long-term mail order seller.* This term means a person who issues at least one general catalog each year, and who regularly makes deliveries by mail, express or freight to ultimate consumers in response to orders received from them by mail or otherwise for commodities selected from general catalogs or other printed price lists issued by this person.

(2) *General catalog.* A general catalog is a catalog or other printed price list which is issued by a long-term mail order seller periodically and remains in effect at least four months and covers the same periods in each year.

(3) *Intermediate or flyer catalog.* This term means a special catalog announcing a sale or any other type of catalog which is issued during the effective life of a general catalog. Such a catalog is one that does not remain in effect for the life of a general catalog, does not supersede the general catalog except for certain specified items, and in no event has an effective life of more than four months.

(b) *CPR 139 definitions.* Except for the definitions listed in paragraph (a) of this section, all of the terms used in this supplementary regulation have the same meaning as in CPR 139.

Effective date. This Supplementary Regulation 1 to Ceiling Price Regulation 139 shall become effective July 12, 1952.

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

ELLIS ARNALL,
Director of Price Stabilization.

JULY 7, 1952.

[F. R. Doc. 52-7539; Filed, July 7, 1952; 12:00 p. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 2, Sub-Order 1, Revision 1, Amdt. 1]

DFO 2—PROCESSED FRUITS AND VEGETABLES; SET ASIDE REQUIREMENTS

SO 1—CANNED VEGETABLES—SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of Defense Food Order 2, Sub-Order 1, Revision 1, effective April 3, 1952, relating to the requirement for processors to set aside and reserve specified quantities of their 1952 production of canned pumpkin and canned tomato paste are no longer necessary or appropriate to promote the national defense. Such circumstance has rendered consultation with industry representatives impracticable and unnecessary. This amendatory order, therefore, is made effective pursuant to the authority vested in me by Defense Food Order 2, as amended (16 F. R. 3345, 4981).

SUMMARY OF AMENDMENT

Defense Food Order 2, Sub-Order 1, Revision 1 (17 F. R. 2930) sets forth, in Column B of Table 1 thereof, the various percentages of the respective base packs of the canned vegetables (listed in Column A) that are used in computing a processor's set aside requirements for a particular canned vegetable. The percentages for pumpkin and tomato paste are "8.3" and "4.7" respectively. The purpose of this order is to reduce each of such percentages to zero. Such reduction is based upon a recent downward revision of the requirements of Government agencies for canned pumpkin and tomato paste. The modification in the percentages is accomplished by replacing the "8.3" and "4.7" percentages with a zero "(0.0)" percentage.

AMENDATORY PROVISIONS

Defense Food Order 2, Sub-Order 1, Revision 1 (17 F. R. 2930) is hereby amended by deleting from Column B of Table 1 of said sub-order the figures "8.3" relating to pumpkin, and "4.7" relating to tomato paste, and inserting, in lieu thereof, the figures "0.0".

With respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order 2, Sub-Order 1, Revision 1 prior to the effective time of the provisions hereof, all provisions of Defense Food Order 2, Sub-Order 1, Revision 1 shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

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

Done at Washington, D. C., this 3d day of July, 1952, to become effective upon publication in the FEDERAL REGISTER.

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

[F. R. Doc. 52-7497; Filed, July 3, 1952; 4:56 p. m.]

[Defense Food Order 2, Sub-Order 2, Revision 1, Amdt. 1]

DFO 2—PROCESSED FRUITS AND VEGETABLES; SET ASIDE REQUIREMENTS

SO 2—CANNED FRUITS—SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of this amendatory order are necessary and appropriate to promote the national defense; and it is, therefore, made effective pursuant to the authority vested in me by Defense Food Order 2, as amended (16 F. R. 3345, 4981). Defense Food Order 2, Sub-Order 2, Revision 1 (17 F. R. 2932), which became effective April 3, 1952, requires, with respect to canned Kadota Figs produced in 1952, that processors set aside and reserve a quantity thereof for the requirements of Government agencies. However, these requirements have now been reduced to such an extent that a smaller set-aside percentage of "23.7," rather than "35.7" (computed with respect to the total base pack production of canned Kadota Figs), will be adequate for such requirements. The greater percentage (i. e., "35.7"), therefore, is no longer necessary or appropriate to promote the national defense; and such circumstance has rendered consultation with industry representatives unnecessary as the amendment will result in a relaxation of restrictions on industry.

SUMMARY OF AMENDMENT

Defense Food Order 2, Sub-Order 2, Revision 1 (17 F. R. 2932) sets forth, in column B of Table 1 thereof, the various percentages of the respective base packs of the canned fruits (listed in Column A) that are used in computing a processor's set-aside requirements for a particular canned fruit. The percentage for Kadota Figs is "35.7." The purpose of this order is to reduce such percentage to "23.7." Such reduction is based upon a recent downward revision of the requirements of Government agencies for canned Kadota Figs. The modification in the percentage is accomplished by replacing the "35.7" percentage with the new "23.7" percentage.

AMENDATORY PROVISIONS

Defense Food Order 2, Sub-Order 2, Revision 1 (17 F. R. 2932) is hereby amended by deleting from Column B of Table 1 of said sub-order the figures "35.7" and inserting, in lieu thereof, the figures "23.7."

With respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order 2, Sub-Order 2, Revision 1, prior to the effective time of the provisions hereof, all provisions of Defense Food Order 2, Sub-Order 2, Revision 1, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

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

Done at Washington, D. C., this 3d day of July 1952, to become effective upon publication in the FEDERAL REGISTER.

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

[F. R. Doc. 52-7498; Filed, July 3, 1952; 4:57 p. m.]

[Defense Food Order 3, Amdt. 5]

DFO-3—AGRICULTURAL IMPORTS

The Secretary of Agriculture having determined that the unrestricted importation of the commodities listed in Appendix A will have one or more of the effects specified in section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 131, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2061 et seq.), and the Administrator of the Production and Marketing Administration having hereby determined under section 101 of said act that import controls with respect to rice; flaxseed (linseed); and linseed oil, and combinations and mixtures in chief value of such oil; are necessary or appropriate to promote the national defense, this order is made effective pursuant to said act, and delegations of authority thereunder. Consultation with industry representatives in the formulation of this order has been rendered impractical. The Defense Production Act of 1950, as amended, was extended in effect on June 30, 1952. Defense Food Order No. 3, as hereby amended, imposes over the commodities covered by such determinations the import controls contemplated by the act and to effectuate such determinations must be made effective as soon as possible. This order affects numerous segments of the economy and time is not available to permit consultation with all affected segments. Accordingly, consultation with industry representatives has been omitted.

Defense Food Order No. 3, as amended (16 F. R. 7934, 8272; 17 F. R. 4490, 5829), is hereby amended to read as follows:

Sec.
1. Definitions.
2. Prohibitions and restrictions on imports.
3. Authorizations.
4. Exceptions.
5. Restrictions after importation.
6. Changes of commodities listed in Appendix A, and designations thereof.
7. Standards and guides.
8. Records and reports.
9. Audits and inspections.
10. Communications.
11. Suspension; revocations.
12. Petitions for relief from hardship.
13. Delegation of authority.
14. Violations.
15. Effect on liability of removal of commodity from order, or change of designation.
16. Effective date.

AUTHORITY: Sections 1 to 16 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2154. Interpret or apply secs. 101 and 104, 64 Stat. 798, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2071, 2074.

SECTION 1. *Definitions.* Except where the context otherwise requires, the following terms shall have the meanings set forth below.

(a) "Act" means the Defense Production Act of 1950, as amended (64 Stat. 798, as amended).

(b) "Administrator" means the Administrator, Production and Marketing Administration, United States Departments of Agriculture, and any other officer or employee of that Department authorized to act in his stead.

(c) "Director" means the Director of the Office Requirements and Allocations, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of that Department authorized to act in his stead.

(d) "Consignee" means the person to whom a commodity is consigned at the time of importation.

(e) "Commodity" means a commodity listed from time to time in Appendix A.

(f) "Appendix A" means Appendix A of this order as from time to time amended.

(g) "Governing date" means the date as shown in Appendix A when a commodity becomes subject to this order.

(h) "Import" means to transport or cause to be transported in any manner into the United States from any foreign country, in any capacity other than as a carrier in the regular course of its operations as such. It includes, but is not limited to, shipments from any foreign country into a free port or foreign trade zone, or into a bonded warehouse, or in bond for transshipment into a foreign country, or otherwise in the custody of the United States Bureau of Customs in the United States.

(i) "United States" means the United States, its territories and possessions and the District of Columbia.

(j) "In transit" means that a commodity (1) is afloat, (2) has had an on-board ocean bill of lading actually issued with respect to it, or (3) has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the United States.

(k) "Owner" means any person who has any property interest in a commodity except a person whose interest is held solely as a security for the payment of money.

(l) "Person" includes any individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of the foregoing. It also includes the Government of the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

SEC. 2. *Prohibitions and restrictions.* (a) No person, after the governing date for any commodity followed by the designation (A) in Appendix A, shall import such commodity except:

(1) As provided in section 4 or

(2) As authorized by a validated authorization in the case of importations into a free port or foreign trade zone, or into a bonded warehouse, or in bond, or otherwise in the custody of the United States Bureau of Customs in the United States, for transshipment into any for-

eign country (except shipments under section 4 (a) (2)).

(b) No person, after the governing date for any commodity followed by the designation (B) in Appendix A, shall import such commodity except:

(1) As provided in section 4 or

(2) As authorized by a validated authorization issued under such conditions and requirements as the Director may prescribe in published policy statements or supplemental orders.

(c) The fact that importation of a commodity is authorized under this order does not relieve the importer from compliance with other applicable laws and regulations.

(d) The foregoing provisions shall apply regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of commodities listed in Appendix A.

SEC. 3. *Authorizations.* (a) Any person subject to the jurisdiction of the States who desires authorization, as provided in this order, for importation of a commodity listed in Appendix A, whether owner, purchaser, seller, or consignee of the commodity to be imported, or agent of any of them, may make application therefor by letter or telegram or on Form PMA-551, or such other form as may be issued for this purpose by the Director, addressed to the Office of Requirements and Allocations, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: Defense Food Order No. 3 (Agricultural Imports). Unless otherwise expressly permitted, such authorization shall apply only to the particular commodity and shipment mentioned therein and to the persons and their agents concerned with such shipment. Such authorizations shall not be assignable or transferable either in whole or in part, except as authorized in writing by the Director. In the issuance or denial of authorizations for importation of commodities listed in Appendix A, the Director shall act in accordance with the standards and guides set forth in section 7.

(b) The Director may impose such conditions and requirements as to the granting of authorizations hereunder and the handling and disposal of commodities to be imported hereunder as he may deem necessary or appropriate to effectuate the purposes of this order.

SEC. 4. *Exceptions.* (a) Unless otherwise directed by the Director, and except as provided in section 8, the requirements of this order shall not apply to commodities listed in Appendix A which:

(1) Are owned, at the time of importation, by any United States governmental department, agency, or corporation;

(2) Are shipped into the United States in transit from one point in Mexico to another point in Mexico or from one point in Canada to another point in Canada;

(3) Are shipments between points in the United States;

(4) Are commodities imported as samples or gifts or for personal use where the value of each consignment or shipment is less than $25.00.

(b) An authorization will not be required under section 2 with respect to any commodity followed by the designation (B) in Appendix A for its importation into a free port or foreign trade zone, or into a bonded warehouse, or in bond for transhipment into a foreign country, or otherwise in the custody of the United States Bureau of Customs.

SEC. 5. *Restrictions after importation.* No commodity listed in Appendix A which is imported under this order after the governing date shall be sold, delivered, processed, consumed, purchased or received except in accordance with the conditions and requirements imposed in any authorization issued for its importation, or amendments thereof, or otherwise imposed by the Director in the particular case to carry out the purposes of this order. Commodities so imported may otherwise be dealt with or disposed of without restriction under this order.

SEC. 6. *Changes of commodities listed in Appendix A and designations thereof.* The Administrator will from time to time add commodities to or remove commodities from the list in Appendix A, and designate listed commodities by designation (A) or (B), in accordance with determinations by the Secretary of Agriculture under section 104 of the act, or his own determinations under section 101 of the act.

SEC. 7. *Standards and Guides.* (a) In the issuance of authorizations for importations of commodities followed by the designation (B) in Appendix A, the Director shall allocate the authorizations granted by him on a fair and equitable basis among individual applicants, with due regard for the needs of small business enterprises. He shall also allocate such authorizations among foreign countries of origin if, in his opinion such allocation is necessary to assure such countries of an equitable portion of authorized imports. Authorizations will be issued in a manner to effectuate the purposes of the current determinations under the Act.

(b) Statements of the policies followed by the Director, in authorizing imports under (a) and of any changes in such policies, shall be currently published in the FEDERAL REGISTER.

SEC. 8. *Records and reports.* (a) No commodity followed by the designation (A) in Appendix A, which is imported after the governing date, including any commodity imported under the provisions of section 4, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file in duplicate with the entry Form DFO-7, or such other form as may be required for this purpose by the Director, except as provided in paragraph (b) of this section. No commodity followed by the designation (B) in Appendix A which is imported after the governing date, including any commodity imported under the provisions of section 4, shall be entered through the United States Bureau of Customs for consumption, unless the person making the entry shall file in duplicate with the entry Form DFO-7, or such other form as may be required for this purpose by the Director, except as provided in paragraph (b) of this section. Both copies of such form shall be transmitted by the Collector of Customs to the Director, Office of Requirements and Allocations, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: Defense Food Order 3 (Agricultural Imports).

(b) A form as required in paragraph (a) of this section need not be filed in connection with a subsequent entry for any purpose of a commodity with respect to the original entry of which such form was previously filed in accordance with paragraph (a) of this section.

(c) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in the Director's discretion, in the enforcement or administration of the provisions of this order.

SEC. 9. *Audits and inspections.* The Director shall be entitled to make such audit and inspection of the books, records, and other writings, premises, and stocks of commodities of any person, and to make such investigations as may be necessary or appropriate, in the Director's discretion, in the enforcement or administration of the provisions of this order.

SEC. 10. *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Office of Requirements and Allocations, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: Defense Food Order 3 (Agricultural Imports).

SEC. 11. *Suspension; revocation.* (a) Any import authorization issued under this order for any commodity listed in Appendix A may be revoked at any time by the Administrator upon his determination that the person to whom such authorization was issued has made substantial imports of any commodity listed in Appendix A which were not authorized under this order or has wilfully violated any provision of this order and that such revocation is necessary or appropriate to effectuate the purposes of this order and the act. Pending action by the Administrator in such instances, the authorization may be suspended by the Director.

(b) All authorizations for any commodity listed in Appendix A may be suspended or revoked at any time by the Administrator without prior notice upon his determination that such action is necessary to effectuate the current determinations under sections 101 and 104 of the act.

SEC. 12. *Petitions for relief from hardship.* (a) Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Director.

Petitions shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor. The Director may take such action with reference to the petition as he deems appropriate. If the petitioner is dissatisfied with the action taken by the Director on the petition, he may appeal to the Production and Marketing Administration Defense Order Appeals Board, which may take such action as it deems appropriate. Such action shall be final. Procedure relating to hardship petitions is set forth in DFO–4 (16 F. R. 7568).

(b) The presence of a commodity in a free port or foreign trade zone, or in a bonded warehouse, or in bond, or otherwise in the custody of the United States Bureau of Customs, shall not be a basis for relief from hardship.

SEC. 13. *Delegation of authority.* The administration of this order and the powers vested in the Administrator, insofar as such powers relate to the administration of this order are hereby delegated to the Director. The Director is authorized to redelegate any or all of the authority vested in him by this order to any officer or employee of the United States Department of Agriculture.

SEC. 14. *Violations.* Any person who wilfully violates any provision of this order is guilty of a crime, and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order or requirement pursuant hereto. Commodities imported by any person contrary to this order may be charged against any unused import quota held by such person for any commodity listed in Appendix A. The Director may direct the disposition and use of any commodity which is imported contrary to this order.

SEC. 15. *Effect on liability of removal of a commodity from order or change of designation.* The removal of any commodity from Appendix A or change in the designation for any commodity listed in Appendix A shall not be construed to affect in any way any liability for violations of this order which occurred prior to the date of such removal or change.

SEC. 16. *Effective date.* This order shall be effective immediately. With respect to violations, rights accrued, liabilities incurred, or appeals taken under or concerning Defense Food Order 3, as amended, prior to the effective date hereof, all provisions of said order shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action or other proceeding with respect to any such violation, right, liability or appeal.

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

Issued this 3d day of July 1952.

[SEAL] ROY W. LENNARTSON,
Acting Administrator, Production and Marketing Administration.

APPENDIX A—ITEMS SUBJECT TO DEFENSE FOOD ORDER NO. 3

[The numbers listed after the following commodities are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of Aug. 1, 1950). Commodities are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control]

Commodity	Commerce Import class No.	Governing date
Butter (A)	0044.000	Aug. 9, 1951
Butter oil (A)	1423.200	Do.
Milk, skimmed, dried (nonfat dried milk solids) (A)	0041.100	Do.
Malted milk and compounds, or mixtures of or substitutes for milk or cream (B)	0041.900	July 3, 1952
Casein or lactarene, and mixtures in chief value thereof, n. s. p. f. (B)	0943.000	Aug. 9, 1951
Italian cheese (B)	0046.010 through 0046.250 and 0046.940	Do.
Cheddar cheese (B)	0046.490	Do.
Blue mold cheese (B)	0046.600	Do.
Edam and Gouda cheese (B)	0046.750 and 0046.790	Do.
Varieties of cheese containing, or processed in whole or in part, from Cheddar, Blue Mold, Edam and Gouda (B)	0046.990	Do.
Registered or certified flaxseed for planting purposes (B)	2233.000	July 1, 1951
Other flaxseed (linseed) (A)	2233.000	Do.
Linseed oil, and combinations and mixtures, in chief value of such oil (A)	2254.000	Do.
Peanuts, blanched, roasted, prepared or preserved (A)	1380.080	Aug. 9, 1951
Peanuts, shelled (A)	1367.000	Do.
Peanuts, not shelled (A)	1368.000	Do.
Peanut oil (ground nut oil) (A)	1427.000	Do.
Registered or certified rice seed for planting purposes (B)	1051.000	July 1, 1951
Other rice:		
Paddy (A)	1051.000	Do.
Uncleaned or brown rice (A)	1051.100	Do.
Cleaned or milled rice (A)	1053.000	Do.
Patna rice, cleaned, for use in canned soups (A)	1054.000	Do.
Broken rice (includes brewers rice) (B)	1059.200	Do.

[F. R. Doc. 52–7541; Filed, July 7, 1952; 12:25 p. m.]

[Import Determination Re DFO–3, Revision 1]

DETERMINATION RELATING TO IMPORTS UNDER DEFENSE PRODUCTION ACT

Pursuant to the authority vested in me by section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 132; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2074), it is hereby determined that imports (other than by the Government of the United States), during the period from July 1, 1952, through June 30, 1953, into the commerce of the United States of the commodities and products hereinafter listed, except as herein specified, would with respect to each such commodity or product or type or variety thereof listed (a) impair or reduce the domestic production of a commodity or product specified in said section 104 below present production levels, (b) interfere with the orderly domestic storing and marketing of a commodity or product specified in said section 104, or (c) result in an unnecessary burden or expenditure under a Government price support program.

This determination applies to:

Butter.[1]
Butter oil.[2]
Casein and lactarene, and mixtures in chief value thereof, n. s. p. f.[3]
The following types and varieties of cheese:
Italian.[4]
Cheddar.[5]
Blue Mold.[6]
Edam and Gouda.[7]
Varieties containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam, and Gouda.[8]
Flaxseed (linseed).[9]
Linseed oil, and combinations and mixtures, in chief value of such oil.[10]
Malted milk and compounds, or mixtures of or substitutes for milk or cream.[11]
Skimmed, dried milk (nonfat, dried milk solids).[12]
Peanuts (blanched, roasted, prepared, preserved).[13]
Peanuts (shelled, not shelled).[14]
Peanut oil (ground nut oil).[15]
Paddy rice.[16]
Uncleaned or brown rice.[17]
Cleaned or milled rice.[18]
Cleaned Patna rice for use in canned soups.[19]
Broken rice.[20]

The foregoing determination applies to all types and varieties of the listed commodities and products except as otherwise specified.

Importations during the period from July 1, 1952 through June 30, 1953, of the following commodities and products, subject to Government regulation under the following conditions, will not have any of the effects specified in section 104

[1] Commerce Import Class No. 0044.000.
[2] Commerce Import Class No. 1423.200.
[3] Commerce Import Class No. 0943.000.
[4] Commerce Import Class No. 0046.010 through 0046.250 and 0046.940.
[5] Commerce Import Class No. 0046.490.
[6] Commerce Import Class No. 0046.600.
[7] Commerce Import Class No. 0046.750 and 0046.790.
[8] Commerce Import Class No. 0046.990.
[9] Commerce Import Class No. 2233.000.
[10] Commerce Import Class No. 2254.000.
[11] Commerce Import Class No. 0041.900.
[12] Commerce Import Class No. 0041.100.
[13] Commerce Import Class No. 1380.080.
[14] Commerce Import Class No. 1367.000, 1368.000.
[15] Commerce Import Class No. 1427.000.
[16] Commerce Import Class No. 1051.000.
[17] Commerce Import Class No. 1051.100.
[18] Commerce Import Class No. 1053.000.
[19] Commerce Import Class No. 1054.000.
[20] Commerce Import Class No. 1059.200.

of the Defense Production Act, as amended.

(a) Casein or lactarene and mixtures in chief value thereof, n. s. p. f., in a quantity not in excess of 40,000,000 pounds;

(b) Cheddar cheese in a quantity not in excess of 8,500,000 pounds;

(c) Italian type cheese in original loaves in a quantity not in excess of 20,000,000 pounds;

(d) Blue Mold cheese in a quantity not in excess of 3,000,000 pounds;

(e) Edam and Gouda cheese in a quantity not in excess of 3,000,000 pounds;

(f) Varieties of cheese containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam, and Gouda, in a quantity not in excess of the quantity imported during the calendar year 1950;

(g) Malted milk and compounds, or mixtures of or substitutes for milk or cream, which are determined by the official responsible for administration of Defense Food Order No. 3, as amended, to have none of the customary uses of butter;

(h) Registered or certified flaxseed and rice for planting purposes only and in accordance with applicable laws and regulations;

(i) Brewer's rice;

(j) The listed commodities and products as samples or gifts or for personal use where the value of each consignment or shipment is less than $25.00.

(k) Such amounts of the listed commodities and products as may be required to avoid unnecessary or unreasonable hardship and as may be required to assure equitable treatment for small or new business.

This determination is made upon the basis of facts presently available and is subject to revision whenever it is determined that such action is necessary or appropriate in effectuating the purposes of the act.

This determination shall be effective upon issuance and shall supersede the determination of August 9, 1951 under section 104 of the Defense Production Act (16 F. R. 7937; 17 F. R. 5895), but said determination of August 9, 1951, shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action or other proceeding concerning any violation, right accrued, liability incurred, or appeal taken under or with respect to said determination or Defense Food Order 3, issued August 9, 1951, as amended (16 F. R. 7934, 8272; 17 F. R. 4490, 5829), prior to the effective date hereof.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interprets or applies Sec. 104, 64 Stat. 798, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2074)

Done at Washington, D. C., this 3d day of July 1952.

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

[F. R. Doc. 52-7542; Filed, July 7, 1952; 12:25 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Procedural Regulation 3]

RPR 3—Procedures for Adjustments, Administrative Review and Interpretations

This regulation is issued in order to provide for orderly procedures by prescribing the following rules for adjustments, administrative review and interpretations under the maximum rent regulations. There is excepted from this regulation all proceedings commenced before July 1, 1952, in which orders have been entered before July 1, 1952, pursuant to Rent Procedural Regulation 2.

Sec.

AUTHORITY: Sections 1 to 79 issued under sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894. Interpret or apply secs. 407, 408, 64 Stat. 807, 808, as amended; 50 U. S. C. App. Sup. 2107, 2108.

SECTION. 1. *Purpose of this regulation.* It is the purpose of this regulation to prescribe and explain the procedure of the Office of Rent Stabilization in making various kinds of determinations in connection with the establishment of maximum rents and the issuance of certificates relating to eviction.

(a) Sections 2 to 12 ("Landlords' petitions, tenants' applications and action on the Area Rent Director's initiative") deal with petitions by landlords and applications by tenants for adjustment of maximum rents, certificates relating to eviction, and other relief provided for by the maximum rent regulations. An adjustment in maximum rent or any other relief can be granted only if the applicable maximum rent regulation contains specific provision for the adjustment or other relief sought.

(b) Sections 18 to 54 ("Protests to the Director of Rent Stabilization") deal with protests. The procedure governing the filing and determination of protests is set forth in these sections.

(c) Sections 60 to 62 explain the way in which interpretations of the meaning or effect of provisions of the act or of maximum rent regulations are given by officers of the Office of Rent Stabilization.

(d) Sections 65 to 79 ("Miscellaneous provisions and definitions").

LANDLORDS' PETITIONS, TENANTS' APPLICATIONS AND ACTION ON THE AREA RENT DIRECTOR'S INITIATIVE

SEC. 2. *Petitions and applications.* A landlord's petition or a tenant's application for adjustment or other relief including a petition for a certificate relating to eviction, may be filed by any landlord or tenant who requests such adjustment or relief pursuant to a provision of the maximum rent regulation authorizing such action. Where a land-

lord is seeking a rental adjustment pursuant to the provisions of an applicable maximum rent regulation he must, with his petition, file upon a form prescribed by the Director of Rent Stabilization a certificate of maintenance of the services, furniture, furnishings and equipment which he is required to provide.

SEC. 3. *Method of filing, form, contents and service.* (a) A landlord's petition or tenant's application for adjustment or other relief provided by a maximum rent regulation shall be filed only with the Area Rent Director of the Office of Rent Stabilization for the defense-rental area within which the housing accommodations involved are located. Petitions and applications shall be filed upon forms prescribed by the Director of Rent Stabilization and pursuant to instructions stated on such forms and must be accompanied by affidavits or other documents setting forth all of the evidence upon which the petitioner or applicant relies in support of the facts alleged in his petition or application and by proof of service upon the other party or parties. A landlord's petition and tenant's application and all accompanying documents shall be filed in an original and one copy and shall be served upon the other party or parties in the manner prescribed by section 6, except as provided in paragraph (b) of this section.

(b) Notwithstanding any other provision of this regulation, the Area Rent Director, in appropriate cases involving petitions for rental adjustments, may require the landlord to file additional copies of the petition for adjustment with the area rent office and may dispense with the requirement that the petition and accompanying documents be served on the tenant prior to entry of an order thereon. If in such a case the petition is granted in whole or in part, the Area Rent Director shall serve copies of the petition and order on both the landlord and the tenant. Within 15 days after the issuance date of the order of increase the tenant may file with the area rent office a written request for revocation or modification, together with facts and evidence supporting such request. The tenant must serve a copy of such request and accompanying documents on the landlord within 7 days after he has filed it with the area rent office and the landlord shall be afforded a period of 7 days from the date of such service within which to file a reply.

SEC. 4. *Response to landlord's petition or tenant's application and service.* (a) Responding parties shall be afforded a period of seven (7) days from the date of service of the petition or application within which to serve and file written objections to the petition or application together with supporting evidence.

(b) The response must in all cases be limited to the grounds prescribed in the petition or application. The response shall be filed with the Area Rent Director in an original and one (1) copy. Any affected person who fails to file such a response, together with proof of service upon the other party or parties, in the manner provided by section 6 shall be deemed to have waived his right to become a party to the proceedings before the Area Rent Director except upon leave granted for good cause shown.

SEC. 5. *Petitioner's or applicant's rebuttal.* (a) Parties shall be afforded a period of seven (7) days from the date of service of the copy of the response within which to file written rebuttal to the response, together with supporting evidence.

(b) The rebuttal must be strictly limited to the matters set forth in the response and must be filed with the Area Rent Director in an original and one (1) copy.

SEC. 6. *Service of papers by landlords and tenants in proceedings in area rent office.* (a) Wherever this regulation requires a landlord or tenant to serve a petition, application, response, affidavit, notice, or other document upon another party or parties in a proceeding in the area rent office, such service shall be made in the following manner:

(1) Where the proceeding involves four (4) or fewer tenants the landlord shall serve each tenant concerned by personal service, by leaving a copy of the document to be served at the tenant's residence, or by mail or telegraph addressed to the tenant at his residence.

(2) Where the proceeding involves more than four (4) tenants, the landlord may serve the document in the manner prescribed by subparagraph (1) of this paragraph. However, the landlord may, at his option, serve the document by posting and keeping posted for a period of 15 days a copy thereof in the common entrance to the premises or if there be more than one common entrance, in each common entrance or in one or more public places upon the premises accessible to all tenants concerned in the proceedings. If service is made by posting the landlord shall also serve upon each tenant concerned a notice of the nature of the document posted and the place of posting. The notice of posting shall be served in the manner prescribed by subparagraph (1) of this paragraph.

(3) Where a tenant is required to serve a document such service is required to be made only upon the landlord and may be made by personal service, by leaving a copy of the document at the landlord's residence or principal place of business, by mailing a copy thereof to the landlord at his residence or principal place of business in a properly addressed, postpaid envelope, or by telegraph.

(b) Service of a document shall be deemed to have been made when the document or notice of its posting is mailed in a properly addressed, post-paid envelope, delivered to a telegraph office, delivered to the party personally, or left at the party's residence or principal place of business.

(c) Service by a landlord or tenant in a proceeding in the area rent office may be proved by a post-office receipt for the mail, or by affidavit or certification of the facts of service by the person making such service. Proof of service must be annexed to the document at the time it is filed.

SEC. 7. *Joint petitions and applications; consolidations.* Two or more landlords or tenants may file a joint petition or application for adjustment or other relief where the grounds of the petition or application are common to all landlords or tenants joining therein. A joint petition or application shall be filed and determined in accordance with the provisions governing the filing and determination of petitions and applications filed severally. A petition or application may include as many housing accommodations as present common questions which can be expeditiously determined in one proceeding. Whenever the Area Rent Director deems it necessary or appropriate, he may order the filing of separate petitions or applications or consolidate separate petitions or applications presenting common questions which can be determined expeditiously in one proceeding. The Area Rent Director may, in the case of a tenant's application, when he deems it appropriate, join tenants of other units in the subject building.

SEC. 8. *Investigation by the Area Rent Director.* Upon the commencement of any proceeding, the Area Rent Director may make such investigation of the facts, hold such conferences, and require the filing of such reports, evidence in affidavit form or other material relevant to the proceeding, as he may deem necessary or appropriate for the proper disposition of the proceeding.

SEC. 9. *Action by the Area Rent Director on his own initiative.* (a) In any case, except as provided in paragraph (b) of this section, where the Area Rent Director pursuant to the provisions of a maximum rent regulation, deems it necessary or appropriate to enter an order on his own initiative, he shall, before taking such action, serve a notice upon the landlord and tenant of the housing accommodations involved stating the proposed action and the grounds therefor. The proceeding shall be deemed commenced on the date of issuance of such notice. Both parties shall be afforded a period of seven (7) days from the date of mailing within which to respond to the notice of proceeding. The response must in all cases be limited to the issues raised by the notice and shall be filed with the Area Rent Director in an original and one (1) copy. Any person so notified who fails to file such a response shall be deemed to have waived his right to become a party to the proceedings before the Area Rent Director except upon leave granted for good cause shown.

(b) In any case where the Area Rent Director proposes to reduce a maximum rent on his own initiative, and the case did not result from a tenant's application the tenant shall not be a party to such proceeding and notices in connection therewith need not be served upon the tenant. However, a copy of any order reducing a maximum rent shall be served upon the tenant as well as upon the landlord. If the tenant feels that a further reduction in maximum rent is warranted, his remedy shall be to file an application for reduction under the applicable maximum rent regulation rather

than a protest under this regulation: *Provided, however*, That if such further reduction is claimed upon the same grounds as that upon which the Area Rent Director's order of reduction was based, and the landlord filed a protest from such order, the tenant's application for reduction shall be forwarded to the Director of Rent Stabilization for consideration and determination as a part of the appeal proceeding.

SEC. 10. *Action by the Area Rent Director.* (a) At any appropriate stage of a proceeding the Area Rent Director may:

(1) Dismiss the petition or application if it fails substantially to comply with the provisions of the applicable maximum rent regulation or of this procedural regulation; or

(2) Grant or deny the petition or application in whole or in part or issue an appropriate order in proceedings commenced by him; or

(3) Serve upon or make available for inspection by the other party any relevant evidence presented by a landlord or tenant and not otherwise required to be served and afford an opportunity to file rebuttal thereto if in his discretion he deems such service or opportunity necessary; or

(4) Notice such proceeding for an oral hearing to be held in accordance with section 12; or

(5) Provide for the introduction into the record of such evidence as he may deem appropriate. Any evidence introduced into the record by the Area Rent Director must be served upon or made available for inspection by all parties to the proceeding who shall be afforded an opportunity to file evidence in response thereto; or

(6) Up to the date of entry of the order, accept for filing any evidentiary papers, even though not filed within the time limited; or

(7) Require any person to appear and testify or to produce documents, or both.

(b) An order entered by an Area Rent Director upon a petition or application for adjustment or other relief, or an order entered by an Area Rent Director on his initiative or upon remand of a proceeding to the Area Rent Director by the Director of Rent Stabilization pursuant to section 52 shall be effective and binding until changed by further order and shall be final subject only to protest. Unless a protest has been filed, an order entered by the Area Rent Director may be revoked or modified at any time: *Provided*, That due notice of the intention to revoke or modify was previously given to all persons subject to such order. This proviso shall not apply to proceedings under section 3 (b). A copy of an order entered by the Area Rent Director shall be served upon all parties to the proceedings.

(c) *Review by Local Advisory Board.* During the pendency of any proceeding before the Area Rent Director the landlord or the tenant may, pursuant to the procedures of the local rent advisory board, request a review of the proceeding. Any recommendation of the board based upon such a review shall be placed in effect by the Area Rent Director if it is in accordance with the act and regulations.

(d) Upon remand of a proceeding to the Area Rent Director by the Director of Rent Stabilization pursuant to section 52, the Area Rent Director shall proceed in accordance with the order of remand and consistent with the matters involved and at the conclusion of such proceedings shall issue an appropriate order.

SEC. 11. *Evidence not subject to landlord's or tenant's control.* In any proceeding before an Area Rent Director, the landlord or tenant may file a statement in affidavit form setting forth in detail the nature and sources of any evidence not subject to his control, upon which the landlord or tenant believes he can reply in support of the facts alleged by him. Such statement shall be accompanied by an application for assistance by way of interrogatories or otherwise, in obtaining documentary evidence or evidence of persons not subject to the control of the landlord or tenant showing in every instance what material facts would be adduced thereby. Such application, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and if calling for the production of documents, shall specify such documents with sufficient particularity to enable identification for purposes of production. If the Area Rent Director deems the evidence necessary, he shall order its production. When such an application is denied written notice of such denial shall be served upon the parties.

SEC. 12. *Oral testimony*—(a) *Requests for oral hearing.* In most cases, evidence in proceedings before an Area Rent Director will be received only in written form, since this procedure is most conducive to the fair and expeditious disposition of such proceedings. However, the Area Rent Director may, upon his own initiative, direct the receipt of oral testimony or the landlord or tenant may request that oral testimony be taken. Such request shall be accompanied by a showing as to why the filing of affidavits, or other written evidence will not permit the fair and expeditious disposition of the proceeding. In the event that an oral hearing is ordered, notice thereof shall be served on the landlord and tenant not less than five (5) days prior to such hearing. The time and place of hearing shall be stated in the notice. A presiding officer shall be appointed by the Area Rent Director with all necessary powers to conduct the hearing. Any such oral hearing may be limited in such manner and to such extent as is deemed appropriate to the expeditious determination of the proceeding. Where a request for oral hearing is denied, written notice of such denial shall be served upon the parties.

(b) *Stenographic report of oral hearing.* A stenographic report of the oral hearing shall be made in duplicate. A copy shall be available for inspection during business hours in the appropriate defense-rental area office.

PROTESTS TO THE DIRECTOR OF RENT STABILIZATION

Introduction. Sections 18 to 54 deal with protests. A protest is the means provided by section 203 (a) of the act for landlords to make formal objections to a maximum rent regulation and for landlords or tenants to make formal objections to an order. Ordinarily, the filing of a protest is a prerequisite to obtaining judicial review by the Emergency Court of Appeals of the validity of a rent regulation or order. The other method available to landlords, only, to obtain judicial review is the filing of a complaint in the Emergency Court of Appeals after obtaining special leave to do so in an enforcement proceeding pursuant to law.

Those sections also contain provisions for consideration of protests by boards of review. A party is entitled to consideration of his objections by a board of review if he files a protest or response in accordance with the provisions of this regulation, making a specific request for consideration by a board of review in accordance with section 21 of this regulation.

GENERAL PROVISIONS

SEC. 18. *Right to protest.* (a) Except as provided in section 9 (b), any landlord subject to any provision of a maximum rent regulation, or any landlord or tenant subject to an order issued by an Area Rent Director may file a protest in the manner set forth below: *Provided, however*, That in the case of an order entered pursuant to proceedings under section 3 (b) the tenant may file a protest only from the order entered in the proceedings had upon the tenant's request for revocation or modification.

(b) Any protest filed by a landlord or tenant not subject to the order or the provision protested, or otherwise not in accordance with the requirements of this regulation, may be dismissed by the Director of Rent Stabilization.

SEC. 19. *Scope of protest.* (a) A party who files a protest from an order issued by an Area Rent Director shall be limited to the presentation of briefs and arguments directed to the objections raised and the evidence presented in the prior proceedings. No new evidence or objections shall be presented, received, or considered on such a protest, except as authorized by paragraph (b) of this section. A protest against a maximum rent regulation may be accompanied by any relevant supporting evidence in affidavit form.

(b) A protestant may request leave to present further specified evidence or objections setting forth the reasons for the request. Such request will be granted only upon a showing that such evidence is newly discovered or a showing that prior presentation was not possible. Such evidence should not be submitted with the request and will be received only upon entry of an order authorizing its introduction into the record. The order may limit the evidence in any manner deemed necessary.

SEC. 20. *Time and place of filing protests.* (a) A protest may be filed against the provisions of a maximum rent regulation or amendment thereto issued and effective on or after July 1, 1952, within 6 months after the effective date of such regulation or amendment or within 6 months after new grounds arise there-

under and with respect to a regulation or amendment issued and effective prior to July 1, 1952, only within 6 months after new grounds arise thereunder.

(b) A protest directed against an order must be filed within six (6) months after the date of issuance of the order to be reviewed; or within six (6) months after new grounds arise thereunder.

(c) A protest shall be filed in an original and two (2) copies with the Certifying Officer, Office of Rent Stabilization, Washington 25, D. C.: *Provided, however,* That where a protest is directed solely against a regulation a copy shall be filed with the Area Rent Director of the area out of which the protest arises and that where the protest is from an order of an Area Rent Director, a copy of the protest, accompanying documents and briefs, shall be filed with the Area Rent Director issuing the order being protested, and one (1) copy shall be served upon any landlord or tenant who is subject to the order, in the manner prescribed by section 22.

(d) Each copy of the protest, accompanying documents and briefs, shall be printed, typewritten, mimeographed or prepared by similar process and shall be plainly legible. Copies shall be double-spaced except that quotations shall be single-spaced and indented.

SEC. 21. *Form and contents of protests*—(a) *What each protest must contain.* There is no printed form for use in making a protest. However, every protest shall be clearly designated "Protest to the Director of Rent Stabilization" and shall set forth the following:

(1) The name and postoffice address of the person filing the protest, whether he is the landlord or tenant of the accommodations, the manner in which such person is subject to the provision of the maximum rent regulation or the order appealed from, the location, by postoffice address or otherwise, of all housing accommodations involved in the protest and the names and addresses of all other parties in the prior proceedings and in the case of a protest to an order, the names and addresses of all other persons subject to the order protested;

(2) The name and post office address of any person filing the protest on behalf of the landlord or tenant and the name and post office address of the person to whom all communications from the Office of Rent Stabilization, relating to the protest shall be sent;

(3) A complete identification of the provision or provisions protested, citing the number of the maximum rent regulation or the order, the section or sections thereof to which objection is made, the date of issuance thereof, and the name of the defense-rental area involved;

(4) A statement that a copy of the protest and all accompanying documents and briefs has been filed with the Area Rent Director, as provided in section 20 (c) and proof of service as prescribed by section 22 (c);

(5) A simple concise statement of objections pertinent to the provision or provisions protested, making known the precise grievance of the protestant; each such objection to be separately stated and numbered;

(6) A clear and concise statement based upon the record of the proceedings in the area rent office of all facts supporting each objection. The supporting facts must be limited to the objections specified;

(7) A statement of the relief requested and, if modification of a provision of a maximum rent regulation is sought, a statement of the specific changes which the landlord seeks to have made in this provision;

(8) A statement signed and sworn to (or affirmed) before an officer authorized to take oaths either by the person filing the protest personally, or, if a partnership, by a partner, or, if a corporation or association, by a duly authorized officer, that the protest and the documents filed therewith are prepared in good faith:

Provided, however, That in the case of protest directed against a regulation, the person filing the appeal shall file an oath or affirmation that the facts alleged are true to the best of his knowledge, information and belief. The person filing the protest shall specify which of the facts alleged are known to be true and which are alleged on information and belief. Where any statement is filed by a representative on behalf of the protestant, the statement must be accompanied by a power of attorney as provided in section 73.

(b) *Consideration by a board of review upon request by a party.* A party who wishes the protest considered by a board of review must specifically so request. If he also wishes to offer oral argument, he must so state, indicating the order of his preference as to (1) argument before a full board in Washington, D. C., or (2) argument before a subcommittee of the board at the nearest Regional Office or elsewhere as requested. A simple request for consideration of the protest by a board of review, without more, will be construed as a request for consideration without oral argument. Section 41 of this regulation sets forth the considerations which will be determinative in the decision as to where oral argument may be heard. The request for consideration by a board of review must be made either in the protest or in the response. Further provisions with respect to proceedings before a board of review are to be found in sections 39 to 46, inclusive, of this regulation.

SEC. 22. *Service of papers by landlords and tenants in proceedings upon protest.* (a) Wherever this regulation requires a landlord or tenant to serve a protest, response, rebuttal affidavit, notice, or other document upon another party or parties in proceedings upon protest to the Director of Rent Stabilization, such service shall be made in the following manner:

(1) Where the proceeding involves four (4) or fewer tenants the landlord shall serve each tenant concerned by personal service, by leaving a copy of the document to be served at the tenant's residence, or by mail or telegraph addressed to the tenant at his residence.

(2) Where the proceeding involves more than four (4) tenants, the landlord may serve the document in the manner prescribed by subparagraph (1) of this paragraph. However, the landlord may, at his option, serve the document by posting and keeping posted for a period of 15 days a copy thereof in the common entrance to the premises or if there be more than one common entrance, in each common entrance or in one or more public places upon the premises accessible to all tenants concerned in the proceedings. If service is made by posting, the landlord shall also serve upon each tenant concerned a notice of the nature of the document posted and the place of posting. The notice of posting shall be served in the manner prescribed by subparagraph (1) of this paragraph.

(3) Where a tenant is required to serve a document such service is required to be made only upon the landlord and may be made by personal service, by leaving a copy of the document at the landlord's residence or principal place of business, by mailing a copy thereof to the landlord at his residence or principal place of business in a properly addressed, post-paid envelope, or by telegraph.

(b) Service of a document shall be deemed to have been made when the document or notice of its posting is mailed in a properly addressed, postpaid envelope, delivered to a telegraph office, delivered to the party personally, or left at the party's residence or principal place of business.

(c) Service by a landlord or tenant in a proceeding upon protest to the Director of Rent Stabilization may be proved by a post-office receipt for the mail, or by affidavit or certification of the facts of service by the person making such service. Proof of service must be annexed to the document at the time it is filed.

SEC. 23. *Assignment of docket number.* Upon receipt of a protest it shall be assigned a docket number, and all further papers filed in the proceedings by either the appellant or other parties and all correspondence relating thereto shall contain on the first page thereof the docket number so assigned.

SEC. 24. *Joint protests; consolidation.* Two or more landlords or tenants may file a joint protest. Joint protests shall be filed and determined in accordance with the provisions governing the filing and determination of protests filed severally. A joint protest shall be verified in accordance with section 21 by each person joining in the protest. A joint protest may be filed only where at least one ground is common to all persons joining in the protest. Whenever the Director of Rent Stabilization deems it necessary or appropriate for the disposition of joint protests, he may treat such joint protests as several, and, in any event, he may require the filing of relevant materials by each person joining therein. Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more protests the Director of Rent Stabilization may consolidate such protests.

SEC. 25. *Stay of landlord's obligation to refund.* (a) Where the effect of an Area Rent Director's order is to require a landlord to make a refund to the

tenant, the obligation to refund shall be stayed if the landlord, within twenty (20) days after the date of issuance of said order, duly files a protest together with a refund transmittal memorandum directed to the Director, Budget and Finance Branch, Office of Rent Stabilization, Washington 25, D. C., on forms prescribed by the Director of Rent Stabilization, accompanied by a certified check or money order in the amount of the refund payable to the U. S. Treasurer, and such additional information and documents as may be required. The money so deposited shall be distributed pursuant to the order of the Director of Rent Stabilization, or in accordance with the final disposition of the proceedings.

(b) Compliance with that portion of an order, issued by the Director of Rent Stabilization upon the final determination of a protest which specifies the manner in which the money deposited pursuant to this section shall be distributed to a tenant, shall be stayed for a period of thirty (30) days from the date of issuance of said order.

(c) Compliance with that portion of an order, issued by the Director upon the determination of a protest which specifies the manner in which the money deposited shall be distributed to a tenant, shall be further stayed if the protestant, within thirty days after the date of issuance of said order files a complaint in the United States Emergency Court of Appeals in accordance with law, objecting to the provisions of the order which requires the refund. In such event the money so deposited shall be distributed by order of the Director in a manner consistent with the ultimate disposition of the proceedings.

(d) If, within thirty days after entry of a judgment or order, interlocutory or final, by the United States Emergency Court of Appeals in a proceeding described in paragraph (c) herein, a petition for a writ of certiorari is filed in the Supreme Court of the United States, the distribution of the money deposited in escrow shall be stayed, and the funds shall thereafter be distributed by order of the Director in a manner consistent with the ultimate disposition of the proceedings.

SEC. 26. *Stay of certificates relating to eviction.* (a) Where a tenant files a protest from an order with respect to a certificate relating to his eviction within twenty (20) days after date of its issuance, the certificate shall be stayed until thirty (30) days after determination of the protest: *Provided, however,* That the waiting period, if any, provided by the certificate shall not be tolled by the stay and that the termination or expiration of a stay shall not operate to curtail such waiting period: *And provided, further,* That where the tenant's protest or objections are dilatory, frivolous, or not made in good faith, the stay of the certificate may be terminated.

(b) If the tenant files a complaint against the order in the United States Emergency Court of Appeals in accordance with law, the certificate shall be deemed suspended until entry of the final judgment of that Court and for a period of thirty (30) days thereafter. If within that period the tenant files a petition for certiorari to review such judgment in the Supreme Court of the United States, the certificate shall be deemed suspended until ultimate disposition of the proceeding. Where, pursuant to a judgment of that Court or of the Emergency Court of Appeals the proceeding is remanded to the Director, the certificate shall remain suspended during the further proceedings before the Director.

(c) Where the certificate relating to eviction is in suspension and where, upon complaint filed by the landlord in the Emergency Court of Appeals pursuant to law against an order involving such certificate, the determination complained of is set aside in whole or in part, or the proceedings remanded to the Director, the certificate shall be deemed suspended in the same manner provided for in paragraph (b) of this section as if the tenant had been the complainant.

SEC. 27. *Response to protests.* (a) Where an appeal from an order issued by an Area Rent Director has been filed by a landlord or tenant, the other party or parties shall be afforded a period of fifteen (15) days from the date of service of such appeal and documents within which to serve and file a response to the appeal. Such response shall be filed with the Certifying Officer, Office of Rent Stabilization, Washington 25, D. C., in an original and two (2) copies, together with proof of service upon the other party or parties, as prescribed by section 22 (c). The response shall be limited to the presentation of briefs and arguments directed to the objections raised and the evidence presented in the prior proceedings. No new evidence or objections shall be presented, received, or considered in such response except as authorized by paragraph (b) of this section.

(b) A respondent may request leave to present further specified evidence or objections setting forth the reasons for the request. Such request will be granted only upon a showing that such evidence is newly discovered or a showing that prior presentation was not possible. Such evidence should not be submitted with the request and will be received only upon entry of an order authorizing its introduction into the record. The order may limit the evidence in any manner deemed necessary.

EVIDENCE AND BRIEFS

SEC. 33. *Submission of briefs.* The parties to a protest proceeding may serve and file briefs in support of their contentions only with the protest or response, as the case may be, unless leave is granted to serve and file a brief at some other time. An original and two (2) copies shall be filed separate and distinct from the protest, response, or evidential material.

SEC. 34. *Introduction of evidence into record of protest proceeding.* The Director of Rent Stabilization may, at any time, in his discretion, incorporate such evidence into the record of any protest proceeding or direct any party thereto to submit such evidence, in the form of affidavits or otherwise, as he deems appropriate. In the event any such new evidence is introduced into the record of the protest proceeding it must be served upon all parties to the proceeding or be made available for inspection by them and such parties shall be afforded a reasonable opportunity to file evidence in rebuttal thereto.

SEC. 35. *Receipt of oral testimony and evidence not subject to party's control.* (a) In cases of a protest from an order of an Area Rent Director, additional evidence will be received from the parties only where leave has been granted by the Director of Rent Stabilization in accordance with sections 19 and 27, or where the Director of Rent Stabilization, on his own initiative has determined that additional evidence is necessary for a proper determination.

(b) Evidence where permitted in protest proceedings will ordinarily be received only in written form because this procedure is most conducive to the fair and expeditious disposition of protests. However, a request for the receipt of oral testimony may be made in the circumstances set forth below. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the protest.

(c) In the event that the Director of Rent Stabilization orders the receipt of oral testimony, notice shall be served on all parties to the protest proceeding not less than five (5) days prior to the receipt of such testimony, which notice shall state the time and place of the hearing and the name of the presiding officer designated by the Director of Rent Stabilization. Any such oral hearing may be limited in such manner and to such extent as is deemed appropriate to the expeditious determination of the proceeding. If the Director of Rent Stabilization rejects the request for receipt of oral testimony he may, if he deems it appropriate, permit the filing of a request for written interrogatories, as provided in paragraph (d) of this section. Where a request for oral hearing is denied the order of such denial shall be served upon the parties.

(d) A request for the receipt of evidence not subject to the party's control may be made only upon a showing that such evidence is necessary to the disposition of the protest. Such request must be made in affidavit form setting forth in detail the nature and sources of any evidence, not subject to his control, upon which the party believes he can rely in support of the facts alleged in his protest. Such statement shall be accompanied by an application for assistance by way of interrogatories, or otherwise in obtaining the documentary evidence or evidence of persons not subject to the control of the party, showing in every instance what material facts would be adduced thereby. Such applications, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and if calling for the production of documents shall specify such documents with sufficient particularity to permit identification for purposes of production. Any order issued with respect to such request

shall be served upon all parties to the proceeding.

(e) Landlords who have filed a protest directed against a maximum rent regulation may request receipt of oral testimony and assistance in obtaining evidence not subject to their control in the manner set forth in paragraphs (b) (c) and (d) of this section. Landlords and tenants who are parties to a protest proceeding directed against an order issued by an Area Rent Director may request receipt of oral testimony and assistance in obtaining evidence not subject to their control only where: (1) Evidence has been introduced into the record by the Director of Rent Stabilization pursuant to section 34; (2) where such request was made in the prior proceedings and denied; or (3) where the request could not reasonably have been made at a prior stage of the proceedings.

(f) A stenographic report of the oral hearing shall be made in triplicate. A copy shall be available for inspection during business hours in the appropriate defense-rental area office.

SEC. 36. *Evidence in support of a rent regulation.* Any person affected by a maximum rent regulation may submit evidence in support of the regulation in the manner set forth in this section.

(a) *Written evidence in support of the regulation.* Any person affected by the provisions of a maximum rent regulation, may at any time after the issuance of such regulation submit to the Director of Rent Stabilization a statement in support of any such provision or provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the maximum rent regulation and may be accompanied by affidavits, and other data in written form. In the event that protest has been, or is subsequently, filed against a provision of a maximum rent regulation in support of which a statement has been submitted, the Director of Rent Stabilization may include such statement in the record of the proceedings taken in connection with such appeal. If such supporting statement is incorporated into the record and is not so incorporated at an oral hearing, copies of such supporting statement shall be served upon, or made available for inspection by the person filing the protest and he shall be given a reasonable opportunity to present evidence in rebuttal thereof.

(b) *Receipt of oral testimony in support of the regulation.* Ordinarily, material in support of the maximum rent regulation, like material in support of protests, will be received only in written form. Where, however, the Director of Rent Stabilization is satisfied that the receipt of oral testimony is necessary, he may, on his own motion, direct such testimony to be received.

BOARDS OF REVIEW

SEC. 39. *Right to consideration by a board of review.* (a) Under the law, a protest filed in accordance with this regulation, must, upon the protestant's or respondent's request, be considered by a board of review before it can be denied in whole or in part.

(b) Consideration of the record in protest proceedings by a board of review is undertaken for the purpose of reconsidering the provision or provisions of the maximum rent regulation or order protested and recommending action relative thereto to the Director. A board of review considers the protest upon the basis of the record which has been developed in the proceedings. Protestant and the respondent are accorded an opportunity to present oral argument to a board upon the basis of the objections raised and the evidence in the record, and are guided by the explanatory statement of the issues in the notice of consideration by a board of review.

SEC. 40 *Composition of boards of review.* A board of review is composed of one or more officers or employees of the Office of Rent Stabilization, designated by the Director to review the record of the proceedings on a particular protest and make recommendations to him as to its disposition. The number of members constituting a board will be determined in the light of the scope and complexity of the issues presented. When a board consists of more than one member, ordinarily at least one member shall be selected who has been directly responsible for the formulation or administration of the maximum rent regulation or order protested. The protestant and the respondent will be advised of the membership of a board considering the protest and, if the board consists of more than one member, of the member selected to preside, in the notice of consideration by a board provided for in section 42. When necessitated by incapacity of a member or other good cause, the Administrator may make substitutions in the membership of the board as originally constituted.

SEC. 41. *Where boards of review hear oral argument.* A board of review consisting of more than one member will ordinarily hear oral argument at the National Office in Washington, D. C., and only in exceptional cases and for good cause shown will the full board hold hearings elsewhere. A board consisting of only one member may hear argument at a Regional Office or elsewhere. Where it has been requested that oral argument be heard at some other place than the National Office and where the board consists of more than one member, a subcommittee thereof may be designated to hear argument at the place requested or at some other convenient place. A request for oral argument without specifying preference as to place of argument will be construed as a request for oral argument at the National Office in Washington, D. C.

SEC. 42. *Notice of consideration by board of review.* (a) Before denial in whole or in part of any protest as to which consideration by a board of review has been requested in accordance with section 21 (b) or (c) of this regulation, which request has not subsequently been waived, notice of consideration by a board of review will be sent by registered mail to the protestant and to the respondent. Sending of the notice marks a close of the evidential record in the proceedings. The notice will indicate the issues thought to be determinative and may serve as a guide in planning oral argument. The notice of consideration shall contain, or be accompanied by, the following items, as nearly as the circumstances permit:

(1) Information identifying the protest, including the maximum rent regulation or order being protested and the docket number;

(2) A list of the documents comprising the record of the proceeding;

(3) A brief statement of the issues involved;

(4) A statement of the time (which shall not be less than seven days from the date of the mailing of the notice) and place where the board of review or a subcommittee thereof will hear oral argument;

(5) A list of persons comprising the board of review which is thereby appointed to consider the protest, with their official titles and a designation of the presiding member if the board of review is composed of more than one person.

SEC. 43. *Waiver of right to consideration in whole or part in protest proceedings.* A party who has properly requested consideration by a board of review in accordance with section 21 may, if he so desires, waive his right to consideration by a board. A party who has requested both consideration by and oral argument before a board of review, or subcommittee thereof, may waive his right to oral argument only, or he may waive both oral argument and consideration by a board. Such waiver shall be in writing and shall constitute a part of the record of proceedings on the protest. Failure of a party to appear at a hearing of oral argument, which he has not waived in accordance with the foregoing, at the time and place specified in the notice of consideration shall, unless a reasonable excuse is shown, also constitute waiver of his right to consideration by a board. Unexcused failure to appear at a hearing of oral argument shall be noted on the record of proceedings. A waiver by less than all of a group of joint parties shall not affect the rights of a party who has made no waiver. The board shall, in any event, give consideration to the protest, unless both parties have waived their rights thereto as provided in this section.

SEC. 44. *Hearing of oral argument.* (a) Argument before a board of review shall ordinarily be limited to one hour except for good cause shown. Where the magnitude of the issues involved warrants more extended discussion or where the parties are numerous, the board may extend or limit the time of each in its discretion. A board may exclude specific argument deemed to be irrelevant to the objections set forth in the protest or unsupported by any evidence in the record. Hearings of argument will be open to the public. Where argument is to be heard by a board of review consisting of more than one member, a majority of such board shall constitute a quorum for the purpose of hearing argument. Presentation of oral argument may be accompanied by submission of a brief.

(b) A stenographic report of all hearings of oral argument by boards of review or subcommittees thereof may be taken. The report will be transcribed at the direction of the board if a transcription is desired to facilitate consideration of the protest. The report will ordinarily be transcribed if the argument is heard by a subcommittee of a board. If the report is transcribed a copy shall be available in the Office of Rent Stabilization, Washington, D. C. Any protestant or respondent, who wishes a copy of the report may obtain it by requesting the reporter at the hearing to make a copy for him and paying the cost thereof.

SEC. 45. *Action by boards of review at conclusion of their consideration of a protest.* Within a reasonable time after the hearing of oral argument or after the closing of the record, if such argument has been waived, a board of review shall submit its recommendations in writing to the Director as to the disposition of the protest. The recommendations of a majority of the members of a board shall constitute the recommendations of the board, but the disagreement of any member with the recommendations shall be expressly noted. The protestant and the respondent will be advised of the recommendations of the board in an appendix to the Administrator's opinion disposing of the protest or closing the docket. Copies of these documents, containing the board's recommendations, will be sent to the protestant and the respondent by mail. A board of review shall have authority to recommend to the Director that the protest be granted or denied in whole or in part. If it is the opinion of the board that the record in the proceedings should be expanded, it may refer the record of the proceedings to the Director in order that the Director may consider permitting the amendment of the protest or the receipt of additional evidence.

SEC. 46. *Action by Director after receipt of board of review's recommendations.* After receipt of a board of review's recommendations as to the disposition of the protest, the Director shall, within a reasonable time, grant or deny the protest in whole or in part.

ACTION BY THE DIRECTOR OF RENT STABILIZATION

SEC. 52. *Action by the Director of Rent Stabilization.* (a) Within a reasonable time after the filing of any petition in accordance with the regulation, but in no event more than 30 days after such filing, the Director shall:

(1) Dismiss any protest which does not conform in a substantial respect to the provision of this regulation; or strike from the record or reject any evidential material which does not conform to the requirements set forth in this regulation: *Provided, however,* That the failure to strike or reject such evidence submitted in contravention of section 19 shall not constitute acceptance thereof; or

(2) Terminate or reinstate a stay of a certificate relating to eviction; or

(3) Grant or deny such protest in whole or in part or, if considered necessary or appropriate, remand the proceedings to the Area Rent Director for further action not inconsistent with the determination of the Director of Rent Stabilization; or

(4) Notice such protest for an oral hearing to be held in accordance with section 35; or

(5) Serve upon or make available to the other party or parties for inspection any evidence presented by the landlord or tenant and not otherwise required to be served or made available, and afford an opportunity to file rebuttal thereto, if, in his discretion, he deems such opportunity necessary; or

(6) Provide for the introduction into the record of the protest proceeding of such evidence as he may deem appropriate, in accordance with section 34; or

(7) Require any person to appear and testify or to produce documents, or both.

(8) Notice such protest for hearing of oral argument by a board of review.

SEC. 53. *Relief where landlord's obligation to refund has been stayed.* In those cases where a stay of the obligation to refund has been obtained in accordance with section 25, the modification or revocation of the order by the Director of Rent Stabilization or by the Area Rent Director upon remand, as it affects the refund, shall be retroactive.

SEC. 54. *Opinion denying protest in whole or in part.* In the event that the Director denies any protest in whole or in part, the protestant and the respondent shall be informed of any economic data or other facts of which he takes official notice, the grounds upon which such decision is based, and (if the protest has been considered by a board of review) the recommendations of a board of review and, if any recommendation of such a board has been rejected, the reason for rejection. Any order entered in such protest proceedings shall be effective from the date of its issuance unless otherwise provided in such order, or in this regulation.

INTERPRETATIONS

SEC. 60. *Interpretations.* An interpretation given by the Director of Rent Stabilization or an officer of the Office of Rent Stabilization, with respect to any provisions of the act or any maximum rent regulation or order promulgated thereunder, will be regarded as official only if such interpretation was requested and issued in accordance with sections 61 and 62, or was issued as an interpretation of general applicability. An official interpretation shall be applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which, it is given, unless issued as an interpretation of general applicability.

SEC. 61. *Requests for interpretations; form and contents.* Any person desiring an official interpretation of the Housing and Rent Act of 1947, as amended, or of any maximum rent regulation or order promulgated thereunder, shall make a request in writing for such interpretation. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as practicable, state the names and post office addresses of the persons and the location of the housing accommodations involved. If the inquirer has previously requested an interpretation on the same or substantially the same facts, his request shall so indicate and shall state the official or office to which his previous request was addressed. No interpretation shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

SEC. 62. *Interpretation to be written; authorized officials.* Interpretations involving individual cases shall be in writing and signed by the Director of Rent Stabilization, or by one of the following officers of the Office of Rent Stabilization: The general counsel,. any assistant general counsel, any regional attorney, or any chief rent attorney for a defense-rental area office. Interpretations of general applicability shall be issued only by the Director of Rent Stabilization, the general counsel or an assistant general counsel.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. 65. *Contemptuous conduct.* Contemptuous conduct at any hearing shall be ground for exclusion from the hearing.

SEC. 66. *Continuance or adjournment of hearing.* Any hearing may be continued or adjourned to a later date or a different place by announcement at the hearing by the person who presides.

SEC. 67. *Filing of notices, etc.* All notices, reports, registration statements, notices of termination of leases and other documents which a landlord or tenant is required to file pursuant to the provisions of the act, any maximum rent regulation or this regulation shall be filed with the appropriate defense-rental area office or other specifically designated office, and shall be deemed filed on the date received by said office: *Provided, however,* That any such notice, report, registration statement, notice of termination of lease or other document properly addressed to and received by the appropriate office shall be deemed filed on the date of the post mark: *And provided further,* That when the last day for filing falls on a Saturday, Sunday or legal holiday, the document may be physically filed at the appropriate office on the next business day.

SEC. 68. *Service of papers.* (a) Except as otherwise specifically provided in this regulation, the following provision shall govern service and proof of service: Notices, orders, and other process and papers may be served personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served, or by mail, or by telegraph. When service is made personally or by leaving a copy at the residence or principal office or place of business, the verified return of the person serving or leaving the copy shall constitute sufficient proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall constitute sufficient proof of service. When service is by unregistered mail proof of service may be made by an affidavit of mailing or by any other acceptable proof or testimony. In any

proceeding under section 9, or in any proceeding to revoke or modify an order, any notice, order or other process or paper directed to the person named as landlord on the registration statement, filed pursuant to the registration section of the applicable maximum rent regulation at the mailing address given thereon, or where a notice of change of identity has been filed pursuant to said registration section, to the person named as landlord and at the address given in such notice of change of identity most recently theretofore filed, shall constitute notice to such landlord; except when service is made by landlord, notice to the tenant may be given by mailing to the "occupant" of the subject housing accommodations.

(b) In any proceeding under section 9 involving more than one tenant or in any proceeding involving public housing operated by the United States or by a State or any of its political subdivisions or by any agency of the foregoing the landlord may be required to serve notices, orders and other process and papers on the tenants affected in the manner prescribed by the Area Rent Director and to prepare and file such appropriate evidence of such service as may be required.

SEC. 69. *Time limitations.* All time limitations prescribed in this regulation shall be strictly observed by all parties to the proceedings and extensions or waivers will be afforded as a matter of right only upon a showing of good cause for inability to meet the time limitation.

SEC. 70. *Official notice.* The Area Rent Director or the Director of Rent Stabilization may take official notice of economic data and other facts, including facts found as a result of reports filed and studies and investigations made.

SEC. 71. *Subpoenas.* Subpoenas shall be issued only by the Director of Rent Stabilization and may require the production of documents or the attendance of witnesses at any designated place. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person or leaving a copy at his regular place of business or abode and by tendering to him the fees and mileage specified in section 206 (f) (3) of the act. When the subpoena is issued on behalf of the Office of Rent Stabilization, fees and mileage need not be tendered in advance. Any person 18 years of age or over may serve a subpoena. The person making the service shall make an affidavit thereof describing the manner in which service is made and return such affidavit on or with the original subpoena forthwith to the Certifying Officer, Office of Rent Stabilization, Washington 25, D. C. In case of failure to make such service, the reasons for the failure should be stated on the original subpoena.

SEC. 72. *Witness fees.* Witnesses summoned to give testimony pursuant to section 71 shall be paid the fees and mileage specified by section 206 (f) (3) of the act. Such fees shall be paid by the party requesting the subpoena and on whose behalf it is issued. The Director of Rent Stabilization shall pay such fees only to witnesses summoned by him upon his own initiative.

SEC. 73. *Action by representatives.* Any action which by this regulation is required of, or permitted to be taken by, a landlord or tenant may, unless otherwise expressly stated, be taken on his behalf by any person whom the landlord or tenant has authorized to represent him. Such authority shall be given by written power of attorney where the action is in connection with protest. In such case the power of attorney, signed by the landlord or tenant, shall be filed at the time action on his behalf is taken.

SEC. 74. *Certifying Officer; office hours.* The Office of the Certifying Officer, Office of Rent Stabilization, Washington 25, D. C., shall be open on week days, except Saturday, from 9 a. m. to 5 p. m. and shall be closed on Saturdays. Any persons desiring to file any papers, or to inspect any documents filed with such office at any time other than the regular office hours stated, may file a written application with the Certifying Officer, requesting permission therefor.

SEC. 75. *Confidential information; inspection of documents filed with Area Rent Director or Certifying Officer.* Petitions, applications, protests and all papers filed in connection therewith are public records, open to inspection in the Area Rent Office or the Office of the Certifying Officer upon such reasonable conditions as the Area Rent Director or Certifying Officer may prescribe. Except as provided above, confidential information filed with the Office of Rent Stabilization, will not be disclosed unless in the judgment of the Director of Rent Stabilization the disclosure thereof is in the public interest.

SEC. 76. *Appearance of employees and former employees.* Appearance of employees and former employees of the Office of Rent Stabilization or of any predecessor agency, in a representative capacity before the Office of Rent Stabilization, shall be governed by any provision relating thereto promulgated by the Director of Rent Stabilization.

SEC. 77. *Definitions.* As used in this regulation, unless the context otherwise requires, the term:

(a) "Act" means the Housing and Rent Act of 1947, as amended;

(b) "Subject to." A landlord is "subject to" a provision of a maximum rent regulation or of an order only if such provision prohibits or requires action by him. A tenant is "subject to" an order if he is or was the tenant of the subject housing accommodations during any period of time concerned in the order.

(c) "Date of issuance" with respect to a maximum rent regulation, means the date on which such maximum rent regulation was or is filed with the Federal Register Division.

(d) "Federal Register" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), as amended.

(e) "Maximum rent regulation" means any regulation establishing a maximum rent.

(f) "Maximum rent" means the maximum rent established by any maximum rent regulation or order issued thereunder.

(g) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(h) "Landlord" includes an owner, lessor, sublessor, assignee or any other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(i) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(j) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(k) "Area Rent Director" means the person designated by the Director of Rent Stabilization as director of any defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Area Rent Director by the Director of Rent Stabilization.

(l) "Petition" when referring to a landlord's request for an adjustment of maximum rent shall include applications as well as petitions.

SEC. 78. *Amendment to this regulation.* Any provision of this regulation may be amended or revoked by the Director of Rent Stabilization at any time. Such amendment or revocation shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication unless otherwise specified therein.

SEC. 79. *Saving provisions.* (a) Rent Procedural Regulation 2, issued November 21, 1951, shall continue to apply to all cases where the maximum rent regulation or order was issued before July 1, 1952.

(b) This regulation shall apply to all protests against maximum rent regulations issued on or after July 1, 1952, and to protests against maximum rent regulations issued prior to that date where the protest is based upon new grounds arising on or after July 1, 1952. This regulation shall also apply to all cases involving orders issued on or after July 1, 1952.

Issued this 1st day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

[F. R. Doc. 52-7380; Filed, July 1, 1952; 5:03 p. m.]

[Rent Regulation 2, Amdt. 13 to Schedule B]

RR 2—Rooms in Rooming Houses and Other Establishments

Schedule B—Specific Provisions Relating to Individual Defense Rental Areas or Portions Thereof

CALIFORNIA

Effective July 8, 1952, Rent Regulation 2 is amended as set forth below.

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

Issued this 3d day of July 1952.

Tighe E. Woods,
Director of Rent Stabilization.

A new item 64 is added to Schedule B of Rent Regulation 2, reading as follows:

64. Provisions relating to the Townships of Monterey and Pacific Grove in Monterey County, California, portions of the Monterey Bay, California, Defense-Rental Area (Item 33a of Schedule A):

Decontrol of trailers and trailer spaces. The application of this regulation to housing accommodations in trailers and ground rented as trailer space is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item 64 of Schedule B.

[F. R. Doc. 52-7478; Filed, July 8, 1952; 8:53 a. m.]

[Rent Regulation 4, Amdt. 5 to Schedule B]

RR 4—Motor Courts

Schedule B—Specific Provisions Relating to Individual Defense Rental Areas or Portions Thereof

CALIFORNIA

Effective July 8, 1952, Rent Regulation 4 is amended as set forth below.

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

Issued this 3d day of July 1952.

Tighe E. Woods,
Director of Rent Stabilization.

A new item 17 is added to Schedule B of Rent Regulation 4, reading as follows:

17. Provisions relating to the Townships of Monterey and Pacific Grove in Monterey County, California, portions of the Monterey Bay, California, Defense-Rental Area (Item 33a of Schedule A):

Decontrol of daily rates. The application of maximum daily rents established by this regulation for controlled rooms in motor courts is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item 17 of Schedule B.

[F. R. Doc. 52-7479; Filed, July 8, 1952; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Subchapter T—Sale, Lease, or Use, and Acquisitions

[Circular 1826]

Part 257—Lease or Sale of Small Tracts, Not Exceeding Five Acres, for Home, Cabin, Camp, Health, Convalescent, Recreational, or Business Sites

OFFERS TO LEASE PUBLIC LAND IN ALASKA IN TERMINATED LEASE

A new § 257.19a is added as follows:

§ 257.19a *Offers to lease public land in Alaska in terminated lease.* (a) When a small tract lease of public land in Alaska has terminated because of the expiration of the term for which it was issued, or where such a lease is canceled on relinquishment or for any other reason, the land during the remainder of the calendar month in which the lease expires and during the calendar month following such expiration, or during the remainder of the calendar month in which the notation of such cancellation is made on the land office tract books and during the calendar month following such notation, will not be subject to further application under the small tract laws except as follows:

(1) During the period from the 5th to the 15th, inclusive, of the month following the expiration of the lease, or the notation of the cancellation of the lease on the land office tract books, any qualified person may file in the proper office a "Lease Termination Drawing Card", Form 4-1215, describing the tract desired.

(2) If more than one card is received during the period mentioned in subparagraph (1) of this paragraph, all cards will be included in a drawing to be held at a subsequent date in the same month, the date to be fixed by the manager or other authorized officer. The drawing will determine priority and establish an adequate list of eligibles and of alternates entitled to file a lease offer for the land. If one card only is received, the land will be allocated to that applicant. An applicant may not file more than one card for each tract made available pursuant to this section. If pursuant to any such card any tract is allocated to an applicant, no additional allocation to him under any other such card will be made. A lease offer must be filed by a successful applicant within such time as may be allowed for that purpose by the manager or other authorized officer.

(b) On and after the first business day of the month following the drawing provided for in paragraph (a) of this section, the land, if not then included in a small tract lease, may be applied for under the small tract law by any qualified person as provided in § 257.7, subject, however, to the prior right to lease the land under that law acquired by any applicant by the filing of a Lease Termination Drawing Card, and also subject to the right of the prior lessee to remove his improvements, if any, as provided in § 257.19.

(c) Except in Alaska, small tract lease offers for lands in terminated small tract leases will be processed in the order in which they are filed after the lands become subject to appropriation. If conflicting lease offers are filed simultaneously, the rights of the applicants will be determined by a drawing, pursuant to 43 CFR 295.8.

(52 Stat. 609, as amended; 43 U. S. C. 682a)

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

R. D. Searles,
Acting Secretary of the Interior.

July 1, 1952.

[F. R. Doc. 52-7392; Filed, July 7, 1952; 8:48 a. m.]

Appendix—Public Land Orders

[Public Land Order 848]

ARIZONA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH YUMA TEST STATION

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

Subject to valid existing rights, the public lands in the following-described areas in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army in connection with the Yuma Test Station:

Gila and Salt River Meridian

T. 1 N., R. 19 W.,
  Secs. 6, 7, 18, 19, 30, and 31.
T. 2 N., R. 19 W.,
  Secs. 6, 7, 18, 19, 30, and 31.
T. 1 N., Rgs. 20 and 21 W.
T. 2 N., Rgs. 20 and 21 W., unsurveyed.
T. 1 N., R. 22 W., unsurveyed.
Tps. 2 and 3 S., R. 14 W., unsurveyed.
Tps. 4 and 5 S., R. 14 W.
T. 6 S., R. 14 W.,
  Secs. 1 to 21, inclusive;
  Secs. 28, 29 and 30.
Tps. 5 and 6 S., R. 15 W.
T. 7 S., R. 15 W.,
  Secs. 5, 6 and 7.
Tps. 5 and 6 S., R. 16 W.
T. 7 S., R. 16 W.,
  Secs. 1 to 12, inclusive;
  Secs. 14 to 20, inclusive.
T. 6 S., R. 17 W., unsurveyed.
T. 7 S., R. 17 W.,
  Secs. 1 to 24, inclusive;
  Secs. 26 to 30, inclusive;
  Sec. 31, N½;
  Sec. 32, N½.
T. 6 S., R. 18 W., unsurveyed.
T. 7 S., R. 18 W., part unsurveyed,
  Secs. 1 to 33, inclusive;
  Sec. 34, N½;
  Sec. 35, N½;
  Sec. 36, N½.
T. 8 S., R. 18 W., part unsurveyed,
  Secs. 4 to 9, inclusive;
  Sec. 17, N½;
  Sec. 18.

T. 5 S., R. 19 W., unsurveyed,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
Tps. 6 and 7 S., R. 19 W., unsurveyed.
T. 8 S., R. 19 W.,
Secs. 1 to 18, inclusive, unsurveyed;
Sec. 19, N½, SE¼;
Secs. 20 to 23, inclusive;
Sec. 24, W½;
Sec. 27, N½;
Sec. 28, N½.
T. 1 S., R. 20 W.
Tps. 2, 3, 4, 5, and 6 S., R. 20 W., unsurveyed.
T. 7 S., R. 20 W., part unsurveyed,
Secs. 1 to 28, inclusive;
Sec. 29, N½;
Sec. 30, N½;
Sec. 33, E½;
Secs. 34, 35, and 36.
T. 8 S., R. 20 W., part unsurveyed,
Secs. 1 and 2;
Sec. 3, N½;
Sec. 11, N½, SE¼;
Sec. 12;
Sec. 13, N½, SE¼.
T. 1 S., R. 21 W.
Tps. 2, 3, and 4 S., R. 21 W., unsurveyed.
T. 5 S., R. 21 W.,
Secs. 1 to 6, inclusive;
Secs. 8 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 32 to 36, inclusive.
T. 6 S., R. 21 W., part unsurveyed,
Secs. 1 to 5, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 32 to 36, inclusive.
T. 7 S., R. 21 W.,
Secs. 1 to 4, inclusive;
Secs. 5, 8 and 17, those parts east of a line parallel to and ¼ mile east of Gila Canal;
Secs. 20 to 24, inclusive;
Secs. 9 to 16, inclusive;
Sec. 25, N½;
Sec. 26, N½;
Secs. 27, 28, 29, 32, 33 and 34.
Tps. 1, 2, and 3 S., R. 22 W., unsurveyed.
T. 4 S., R. 22 W.,
Secs. 1 to 30, inclusive;
Sec. 36.

The area described including both public and non-public lands aggregate approximately 892,570 acres.

This order shall take precedence over, but not otherwise affect, (1) the order of July 30, 1941, of the Secretary of the Interior establishing Arizona Grazing District No. 3, and (2) the orders of January 31, 1903, October 6, 1921, and March 14, 1929, of the Secretary of the Interior and the order of May 5, 1950 of the Bureau of Reclamation withdrawing lands for Reclamation purposes so far as such orders affect any of the above-described lands: *Provided, however*, That the Bureau of Reclamation shall have the right to construct and maintain storm water protective and drainage works on the lands withdrawn for reclamation purposes, and the Bureau of Reclamation or its permittees shall have the right to search for and remove construction materials on the lands withdrawn for reclamation purposes, subject to the prior written approval of the Commanding Officer of the Yuma Test Station.

It is intended the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952.

[F. R. Doc. 52-7383; Filed, July 7, 1952; 8:45 a. m.]

[Public Land Order 849]

FLORIDA

RESERVING PUBLIC LAND FOR USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES AND REVOKING PUBLIC LAND ORDER NO. 267 OF MARCH 16, 1945

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

Subject to valid existing rights, the following-described public land in Florida is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force for military purposes:

TALLAHASSEE MERIDIAN

T. 32 S., R. 40 E.,
Sec. 20, lot 1, the east ten acres, as shown on plat of survey approved December 26, 1859.

It is intended that this land shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

Public Land Order No. 267 of March 16, 1945, reserving the above-described land for the use of the Navy Department for aviation purposes, is hereby revoked.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952.

[F. R. Doc. 52-7384; Filed, July 7, 1952; 8:46 a. m.]

[Public Land Order 850]

ALASKA

RESERVING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH THE ALASKA COMMUNICATION SYSTEM

By virtue of the authority vested in the President by the act of March 12, 1914, 38 Stat. 305, 307 (48 U. S. C. 303), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from sale or disposal and reserved for the use of the Department of the Army in connection with the Alaska Communication System:

FEDERAL ADDITION TO SEWARD TOWN SITE

Lot 3 block 3 as shown on plat of survey approved May 22, 1916, by the Commissioner of the General Land Office.

It is intended that the land described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952.

[F. R. Doc. 52-7385; Filed, July 7, 1952; 8:46 a. m.]

[Public Land Order 851]

NEW MEXICO

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF STATE IN CONNECTION WITH RIO GRANDE CANALIZATION PROJECT

By virtue of the authority vested in the President by the act of May 13, 1924, 43 Stat. 118, as amended by the act of August 19, 1935, 49 Stat. 660 (27 U. S. C. 277c) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described land in New Mexico is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of State in connection with the Rio Grande Canalization Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 4 W., Sec. 33.

The area described contains 640 acres.

This order shall be subject to the order of April 8, 1935, of the Secretary of the Interior establishing New Mexico Grazing District No. 4, so far as such order affects the above-described land.

The Department of State and its permittees shall exercise reasonable care to avoid creating unnecessary hazards to livestock using the land.

It is intended that the land described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952.

[F. R. Doc. 52-7387; Filed, July 7, 1952; 8:47 a. m.]

[Public Land Order 852]

UTAH

WITHDRAWING PUBLIC LANDS FROM MINERAL LOCATION

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

Subject to valid existing rights, the public lands within the following-described areas in Utah are hereby withdrawn from prospecting, location, entry, or purchase under the mining laws, and reserved under the jurisdiction of the Secretary of the Interior for administration or disposal as an automobile racing and testing ground:

SALT LAKE MERIDIAN

T. 2 N., R. 16 W.,
Sec. 31.
T. 1 N., R. 17 W.,
Secs. 19, 20 and 21;
Sec. 22, SW¼;
Sec. 27, W½E½ and W½;
Secs. 28, 29, 30, 31, and 33;
Sec. 34, W½E½ and W½.
T. 1 N., R. 18 W.,
Sec. 24, SE¼SE¼;
Sec. 25, E½.
T. 1 S., R. 17 W.,
Sec. 4, lots 2, 3, and 4, S½NW¼, and W½SW¼;
Secs. 5 and 6;
Sec. 7, N½NE¼;
Sec. 8, N½NW¼.

The areas described, including both public and non-public lands, aggregate 8,927.41 acres.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952

[F. R. Doc. 52-7389; Filed, July 7, 1952; 8:47 a. m.]

[Public Land Order 853]

MICHIGAN

POWER-SITE RESTORATION NO. 504, PARTIALLY REVOKING EXECUTIVE ORDER OF JANUARY 30, 1915, ESTABLISHING POWER-SITE RESERVE NO. 470

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of January 30, 1915, reserving certain lands in Michigan for water-power sites as Power-Site Reserve No. 470, is hereby revoked so far as it affects the following-described lands:

MICHIGAN MERIDIAN

T. 26 N., R. 1 E.,
Sec. 5, N½NW¼.
T. 26 N., R. 3 E.,
Sec. 9, E½NE¼.
T. 26 N., R. 4 E.,
Sec. 14, NW¼.
T. 25 N., R. 5 E.,
Sec. 3, W½NE¼ and NE¼NW¼;
Sec. 4, W½NE¼;
Sec. 11, N½NE¼ and NE¼NW¼;
Sec. 27, W½SE¼;
Sec. 34, NW¼NE¼.
T. 26 N., R. 5 E.,
Sec. 27, SW¼NW¼.
T. 26 N., R. 1 W.,
Sec. 2, SE¼NW¼ and W½SE¼;
Sec. 4, NW¼SW¼;
Sec. 10, SW¼NW¼ and NW¼SW¼.

The areas described, including both public and non-public lands, aggregate 1,060.33 acres.

The lands in sec. 5, T. 26 N., R. 1 E., and in secs. 2 and 4, T. 26 N., R. 1 W., are patented lands. The remaining lands are within the Huron National Forest.

Effective on the date of publication of this order in the FEDERAL REGISTER, the public lands affected by this order shall be subject to application by the State of Michigan for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act as amended (16 U. S. C. 1946 ed., Supp. IV, 818).

This order shall not otherwise affect the status of the lands until 10:00 a. m. on the ninety-first day after the date of this order.

This order shall be known as Power-Site Restoration No. 504.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952.

[F. R. Doc. 52-7391; Filed, July 7, 1952; 8:48 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter A—Rules of Practice

PART 501—PRACTICE BEFORE THE COMMISSION

SCHEDULE OF FEES

Section 501.7 is hereby revised to read as follows:

§ 501.7 *Schedule of fees.* The schedule of fees is set forth as follows:

For assisting internees or evaders in the preparation and filing of an application for detention benefits * * * not in excess of 1 percent of the total amount awarded.

For assisting prisoners of war in the preparation and filing of an application for compensation * * * not in excess of 1 percent of the total amount awarded.

For assisting survivors of internees, evaders, or prisoners of war in the preparation and filing of an application for either detention benefits or compensation * * * not in excess of 2 percent of the total amount awarded.

For securing additional oral or written testimony, or in the preparation and presentation of an appeal under sections 5 and 6 of the act the Commission may authorize an additional fee, but said additional fee plus the fee previously allowed will not exceed 10 percent of the total amount awarded.

For assisting religious organizations or the personnel of religious organizations in the preparation and filing of an application for reimbursement under section 7 (a) of the act, not in excess of:

10 percent on the first $1,000 awarded.
7½ percent on the next $9,000 awarded.
5 percent on the next $40,000 awarded.
1 percent on all over $50,000 awarded.

For services rendered to religious organizations or the personnel of religious organizations in presenting a claim for compensation under section 7 (b) through (g) of the act, a fee agreed upon by the parties, but not in excess of:

10 percent on the first $100,000 awarded.
6 percent on the next $400,000 awarded.
4 percent on all over $500,000 awarded.

(Sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup. 2001)

DANIEL F. CLEARY,
Chairman, War Claims Commission.

[F. R. Doc. 52-7415; Filed, July 7, 1952; 8:56 a. m.]

TITLE 50—WILDLIFE

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

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—SQUAW CREEK NATIONAL WILDLIFE REFUGE, MISSOURI

STATE FISHING LAWS

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that the existing prohibition against the use of trotlines for fishing in the waters of the Squaw Creek National Wildlife Refuge can be relaxed without interfering with the primary purpose for which the refuge was established.

Inasmuch as the following regulation is a relaxation of the existing restrictions regarding fishing within the refuge, publication prior to the effective date is not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, § 33.213 is revised to read as follows:

§ 33.213 *State fishing laws.* Any person while fishing within any areas of the refuge open to fishing must comply with all applicable State laws and regulations.

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

Dated: July 1, 1952.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 52-7382; Filed, July 7, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–78]

[Docket No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

JUNE 27, 1952.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code, and Part II of the Interstate Commerce Act.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix as set forth below.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL] W. P. BARTEL,
Secretary.

PART 71—GENERAL INFORMATION AND REGULATIONS

Amend § 71.12 paragraph (b) (15 F. R. 8262, Dec. 2, 1950) (49 CFR 71.12, 1950 Rev.) to read as follows:

§ 71.12 *Export shipments by domestic carriers by rail and motor vehicles.* * * *

(b) Except for the requirements of §§ 77.817 and 77.823 of this chapter, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle or water as may be necessary to effect transfer of export shipments from place of shipment to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such export shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

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 (15 F. R. 8263, 8265, 8266, 8267, 8268, 8269, 8270, 8271, 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—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Dimethylamine, anhydrous	F. G	73.302, 73.306, 73.314, 73.315.	Red Gas	300 pounds.
Grenades, hand or rifle, with gas, smoke or incendiary material but without bursting charges.	See ¶ 73.88 (d), 73.330, 73.350.			
Magnesium scrap (borings, chunks, clippings, shavings, sheets or turnings)	F. S	73.153, 73.220	Yellow	100 pounds.
Monomethylamine, anhydrous	F. G	73.302, 73.306, 73.314, 73.315.	Red Gas	300 pounds.
Perchloro-methyl-mercaptan	Pois. B	73.345, 73.360	Poison	10 pounds.
Trimethylamine, anhydrous	F. G	73.302, 73.306, 73.314, 73.315.	Red Gas	300 pounds.
Add				
Aldrin	Pois. B	73.376	Poison	200 pounds.
Aldrin mixture, liquid	Pois. B	73.361	Poison	55 gallons.
Aldrin mixture, dry, with more than 20 percent aldrin.	Pois. B	73.376	Poison	200 pounds.
Carbon, activated. See Charcoal, activated.				
Chlorate and magnesium chloride mixture	Oxy. M	73.153, 73.229	Yellow	100 pounds.
Cyclotrimethylenetrinitramine, desensitized. See High explosives.				
Cyclotrimethylenetrinitramine, wet with not less than 10 percent of water. See High explosives.				
Illuminating projectiles fuzed or not fuzed, with expelling charges. See Special fireworks.				
Isopropyl percarbonate, stabilized	Cor. L	No exemption, 73.282.	White	Not accepted.
Isopropyl percarbonate, unstabilized	F. S	No exemption, 73.218.	Yellow	Not accepted.
Pressurized flammable liquid, n. o. s*	F. L	No exemption, 73.142.	Red	10 gallons.
Projectiles, illuminating, incendiary or smoke with expelling charge but without bursting charge. See Special fireworks.				
Smoke projectiles with bursting charges. See Explosive projectile.				
Smoke projectiles with expelling charge but without bursting charge. See Special fireworks.				
Cancel				
Carbopropoxide, stabilized	Cor. L	No exemption, 73.282.	White	Not accepted.
Carbopropoxide, unstabilized	F. S	No exemption, 73.218.	Yellow	Not accepted.
Illuminating projectiles fuzed and with expelling charges. See Explosive projectiles.				
Illuminating projectiles not fuzed and without expelling charges. See Special fireworks.				
Projectiles, illuminating, incendiary or smoke. See § 73.56 and Special fireworks.				

PART 73—SHIPPERS

Amend § 73.9 paragraph (a) (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.9, 1950 Rev.) to read as follows:

§ 73.9 *Import and export shipments.* (a) Import shipments of explosives and other dangerous articles offered in the United States in original packages for transportation by carriers by rail freight, rail express, motor vehicle, or water must comply with all requirements of the regulations in Parts 71–78 of this chapter. The importer must furnish with the order to the foreign shipper, and also to the forwarding agent at the port of entry, full and complete information as to the packing, marking, labeling, and other requirements, as prescribed in Parts 71–78 of this chapter. The forwarding agent must file with the initial carrier in the United States a properly certified shipping order or other shipping paper as prescribed in this part. Except for the requirements of §§ 77.817 and 77.823 of this chapter, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle or water as may be necessary to effect transfer of import shipments from place of discharge to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such import shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

* * * * *

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

1. Amend § 73.29 paragraphs (c) and (d) (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.29, 1950 Rev.) to read as follows:

§ 73.29 *Empty containers.* * * *

(c) Carboys previously used for the shipment of acids, corrosive liquids, or alkaline caustic liquids when offered to carriers for transportation as "empty" carboys, must have been thoroughly (completely) drained and securely stoppered. Whenever practicable they should not be loaded with valuable or perishable freight.

(d) Empty bottles previously used for the shipment of acids, corrosive liquids, or alkaline caustic liquids must be thoroughly (completely) drained and securely stoppered.

* * * * *

2. Amend § 73.33 paragraph (o) (15 F. R. 8282, Dec. 2, 1950) (49 CFR 73.33, 1950 Rev.) to read as follows:

§ 73.33 *Qualification, maintenance, and use of cargo tanks.* * * *

(o) Each outlet of cargo tanks used for the transportation of liquefied compressed gases, except carbon dioxide, shall be provided with an approved suitable automatic excess-flow valve or in lieu thereof may be fitted with an approved automatic quick-closing internal valve. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve.

(Exception remains unchanged.)

(Subparagraphs (1) and (2) remain unchanged.)

(3) Filling and discharge lines shall be provided with manually operated shut-off valves located as close to the tank as is practicable, except where an automatic quick-closing internal valve is used, in which case the manually operated shut-off valve may be located anywhere in the line ahead of the hose connection. The use of so-called "Stop-Check" valves to satisfy with one valve the requirements of this rule and of paragraph (o) of this section is forbidden.

* * * * *

3. Amend § 73.34 Exception (k) (10) (15 F. R. 8284, Dec. 2, 1950) (49 CFR 73.34, 1950 Rev.) to read as follows:

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

(k) * * *

(10) ICC-9 cylinders must be tested in accordance with the requirements of §§ 78.63-13 (a) and 78.63-17 (a) (2) of this chapter.

* * * * *

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.65 paragraphs (b) and (e) (15 F. R. 8289, Dec. 2, 1950) (49 CFR 73.65, 1950 Rev.) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* * * *

(b) Ammonium picrate, nitroguanidine, nitrourea, urea nitrate, picric acid, tetryl, trinitroresorcinol, trinitrotoluene, pentolite and cyclotrimethylenetrinitramine (desensitized), in dry condition, in addition to containers prescribed in paragraph (a) (1) to (5) of this section, may be shipped in containers complying with the following specifications:

(No change in subparagraphs (1) and (2).)

* * * * *

(e) Ammonium picrate, picric acid, urea nitrate, trinitrobenzene, trinitroresorcinol, trinitrotoluene and cyclotrimethylenetrinitramine when wet with not less than 10 pounds of water to each 90 pounds of dry material must be shipped in containers complying with the following specifications:

(1) Spec. 10B (§ 78.156 of this chapter). Wooden barrels or kegs. Not over 50 gallons nominal capacity.

(2) (See § 73.192 for shipments of wet ammonium picrate, wet picric acid and wet urea nitrate not in excess of 16 ounces and § 73.193 for shipment of wet picric acid and wet urea nitrate not in excess of 25 pounds.) (See § 73.212 for shipments of wet trinitrobenzene and wet trinitrotoluene not in excess of 16 ounces.)

(3) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter.) Fiber drums. Authorized only for cyclotrimethylenetrinitramine wet with not less than 10 pounds of water to each 90 pounds of dry material in inside containers which must be bags made of at least 10-ounce cotton duck, rubber or rubberized cloth and securely closed. The dry weight of cyclotrimethylenetrinitramine in one container must not exceed 200 pounds. These bags containing the cyclotrimethylenetrinitramine must then be placed in a rubber bag, rubberized cloth bag or bag made of suitable watertight material which must be securely closed and then placed in the fiber drum. If shipment of cyclotrimethylenetrinitramine is to take place at a time freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol and water of such proportions that freezing will not occur in transit.

* * * * *

2. Amend § 73.69 paragraph (c) (15 F. R. 8291, Dec. 2, 1950) (49 CFR 73.69, 1950 Rev.) to read as follows:

§ 73.69 *Detonating fuzes, boosters, or other detonating fuze parts containing an explosive.* * * *

(c) Each outside package must be plainly marked "Detonating Fuzes—Handle Carefully—Do Not Store or Load With Any High Explosive" or "Boosters (Explosive)—Handle Carefully."

* * * * *

3. Amend § 73.88 paragraph (d) (15 F. R. 8293, Dec. 2, 1950) (49 CFR 73.88, 1950 Rev.) to read as follows:

§ 73.88 *Definition of class B explosives.* * * *

(d) Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. (See § 73.100 (r) for common fireworks.) Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles and smoke projectiles fuzed or unfuzed and containing expelling charges but without bursting charges, hand or rifle grenades with ignition elements but not containing bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each (see § 73.60 for shipments made as low explosives), and flash cartridges, consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation.

* * * * *

4. Amend § 73.100 paragraph (e) (15 F. R. 8295, Dec. 2, 1950) (49 CFR 73.100, 1950 Rev.) to read as follows:

§ 73.100 *Definition of class C explosives.* * * *

(e) Percussion fuzes, combination fuzes, and time fuzes are devices designed to ignite powder charges of ammunition or to initiate an intermediate charge (booster) in projectiles, bombs, etc. When such fuzes are assembled with booster charges they are properly described as "detonating fuzes" (see § 73.53 (g) (2)).

* * * * *

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Add paragraph (b) to § 73.115 (15 F. R. 8297, Dec. 2, 1950) (49 CFR 73.115, 1950 Rev.) to read as follows:

§ 73.115 *Flammable liquids; definition.* * * *

(b) A pressurized flammable liquid for the purpose of Parts 71–78 of this chapter is any mixture other than a compressed gas in which the gas is used as an expellant, if any one of the following occurs:

(1) Using the Bureau of Explosives' Flame Projection Apparatus (see Note 1), the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(2) Using the Bureau of Explosives' Open Drum Apparatus (see Note 1), there is any significant propagation of flame away from the ignition source.

(3) Using the Bureau of Explosives' Closed Drum Apparatus (see Note 1), there is any explosion of the vapor-air mixture in the drum.

NOTE 1. A description of the Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives, 30 Vesey Street, New York 7, New York.

2. Add paragraph (c) (22) 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) * * *

(22) Pressurized flammable liquids.

3. Amend § 73.119 paragraph (a) (12) (16 F. R. 5323, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.119) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* (a) * * *

(12) Spec. 103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 104A–AL–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II,[1] ARA–III,[1] ARA–IV,[1] or ARA–IV–A[1] (§§ 78.265, 78.280, 78.291, 78.269,

78.284, 78.270, 78.285, 78.294, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274 or 78.289 of this chapter). Tank cars: For cars equipped with expansion domes, manhole closures must be so designed that pressure will be released automatically by starting the operation of removing the manhole cover. (See § 73.432 for shipping instructions.)

* * * * *

4. Add paragraph (a) (3) to § 73.127 (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.127, 1950 Rev.) to read as follows:

§ 73.127 *Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet; colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, wet.* (a) * * *

(3) Spec. 42F (§ 78.110 of this chapter). Aluminum barrels or drums. Authorized only for nitrocellulose or collodion cotton, fibrous, wet, or colloided nitrocellulose, granular or flake, wet.

* * * * *

5. Add § 73.142 (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.142, 1950 Rev.) to read as follows:

§ 73.142 *Pressurized flammable liquids.* (a) Pressurized flammable liquids must be packed in specification containers as follows:

(1) Cylinders as prescribed for any compressed gas except acetylene.

(2) 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 metal containers not over 30 cubic inches (16.6 fluid ounces) capacity each. Inside metal containers charged as for shipment must be capable of having contents heated to 130° F. without leakage or permanent distortion of the container.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside metal containers not over 30 cubic inches (16.6 fluid ounces) capacity each. Inside metal containers charged as for shipment must be capable of having contents heated to 130° F. without leakage or permanent distortion of the container.

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

1. Amend § 73.153 paragraph (c) (8) (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) * * *

(8) Isopropyl percarbonate, unstabilized.

* * * * *

2. Amend § 73.158 paragraph (a) (1) (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) * * *

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with inside fiber containers securely closed by taping or gluing, not over 1 pound capacity each. Each inside container surrounded by asbestos or fire-resisting cushioning material which will protect contents with equal efficiency; net weight in outside container must not exceed 50 pounds, except that for lauroyl peroxide, dry, net weight not over 100 pounds is authorized.

* * * * *

3. Amend § 73.162 paragraph (a) (1) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.162, 1950 Rev.) to read as follows:

§ 73.162 *Charcoal.* (a) * * *

(1) Charcoal, activated or carbon, activated.

* * * * *

4. Add paragraph (a) (6) to § 73.184 (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.184, 1950 Rev.) to read as follows:

§ 73.184 *Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.* (a) * * *

(6) Spec. 42F (§ 78.110 of this chapter). Aluminum barrels or drums. Authorized only for introcellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet.

* * * * *

5. Amend § 73.193 paragraph (a) (1) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.193, 1950 Rev.) to read as follows:

§ 73.193 *Picric acid or urea nitrate, wet.* (a) * * *

(1) Spec. 15A (§ 78.168 of this chapter). Wooden box with inside containers of tightly closed glass or earthenware, cushioned, in outside container. The net weight in an outside package must not exceed 25 pounds dry weight. (See § 73.65 (e) for shipment of wet picric acid and wet urea nitrate in excess of 25 pounds, and § 73.192 for exemption up to 16 ounces.)

6. Amend entire § 73.218 (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.218, 1950 Rev.) to read as follows:

§ 73.218 *Isopropyl percarbonate, unstabilized.* (a) Isopropyl percarbonate, unstabilized, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers of not over 2 gallons capacity each which must be maintained at a temperature below 0° F. Shipments are authorized for transportation by carrier by motor vehicle only.

7. Amend entire § 73.220 (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.220, 1950 Rev.) to read as follows:

§ 73.220 *Magnesium scrap (borings, chunks, clippings, shavings, sheets, or turnings).* (a) Magnesium scrap consisting of borings, shavings, or turnings, when shipped in carloads or truckloads, must be packed in tightly and securely closed metal barrels, wooden barrels, metal pails, or four-ply paper bags. In less-than-carload or less-than-truckload quantities it must be packed in tightly and securely closed metal drums, metal pails, or wooden barrels.

(b) Magnesium scrap consisting of chunks, clippings, or sheets may be shipped in bulk in carload or truckload quantities. Cars must be tight boxcars or tightly closed steel or wood covered gondola cars and trucks or trailers must have closed or completely covered bodies.

(c) Magnesium scrap consisting of chunks, clippings, or sheets in tightly and securely closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking, or labeling requirements.

8. Amend § 73.229 heading and introductory text of paragraph (a), and paragraph (c) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.229, 1950 Rev.) to read as follows:

§ 73.229 *Chlorate and borate mixtures and chlorate and magnesium chloride mixtures.* (a) Chlorate and borate mixtures and chlorate and magnesium chloride mixtures when containing no other ingredient must be packed as follows:

* * * * *

(c) Chlorate and borate mixtures and chlorate and magnesium chloride mixtures containing no other ingredient and containing less than 50 percent chlorate, packed in strong tight metal or fiber drums or in wooden boxes with tight inside metal containers are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight or highway.

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

1. Amend § 73.244 paragraph (c) (13) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.244, 1950 Rev.) to read as follows:

§ 73.244 *Exemptions for acids and other corrosive liquids.* * * *

(c) * * *

(13) Isopropyl percarbonate, stabilized.

* * * * *

2. Add paragraph (a) (11) to § 73.245 (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.245, 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) * * *

(11) Spec. 43A (§ 78.18 of this chapter). Rubber drums.

3. Amend § 73.262 paragraph (a) (1) (16 F. R. 11778, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.262) to read as follows:

§ 73.262 *Hydrobromic acid.* (a) * * *

(1) Spec. 1A, 1C, 1D, or 1E (§§ 78.1, 78.3, 78.4, or 78.7 of this chapter). Carboys in boxes, kegs or plywood drums.

* * * * *

4. Add paragraph (a) (16) to § 73.264 (15 F. R. 8317, Dec. 2, 1950) (49 CFR 73.264, 1950 Rev.) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) * * *

(16) Spec. 1F (§ 78.10 of this chapter). Polyethylene carboys. Authorized for acid not over 60 percent strength.

* * * * *

5. Amend § 73.265 paragraph (a) (2) (15 F. R. 8318, Dec. 2, 1950) (49 CFR 73.265, 1950 Rev.) to read as follows:

§ 73.265 *Hydrofluosilicic acid.* (a) * * *

(2) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with inside containers of natural rubber or ceresine.

* * * * *

6. Add paragraph (a) (9) to § 73.271 (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.271, 1950 Rev.) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) * * *

(9) Spec. 103A or 103A–W (§§ 78.266 or 78.281 of this chapter). Tank cars. Authorized for phosphorus oxychloride only. Spec. 103A tanks must be of steel at least 10 percent nickel clad and Spec. 103A–W tanks must be of steel at least 20 percent nickel clad.

* * * * *

7. Amend § 73.282 Heading and introductory text of paragraph (a) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.282, 1950 Rev.) to read as follows:

§ 73.282 *Isopropyl percarbonate, stabilized.* (a) Isopropyl percarbonate, stabilized, must be packed in specification containers as follows:

* * * * *

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend § 73.300 entire paragraph (b) (15 F. R. 8324, Dec. 2, 1950) (49 CFR 73.300, 1950 Rev.) to read as follows:

§ 73.300 *Compressed gases; definition.* * * *

(b) Any compressed gas as defined in paragraph (a) of this section shall be classified as a flammable compressed gas if any one of the following occurs:

(1) If either a mixture of 13 percent or less (by volume) with air forms a flammable mixture (Note 2) or the flammability range (Note 2) with air is greater than 12 percent regardless of the lower limit.

(2) Using the Bureau of Explosives' Flame Projection Apparatus (see Note 3), the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(3) Using the Bureau of Explosives' Open Drum Apparatus (see Note 3), there is any significant propagation of flame away from the ignition source.

(4) Using the Bureau of Explosives' Closed Drum Apparatus (see Note 3), there is any explosion of the vapor-air mixture in the drum.

NOTE 1. American Society for Testing Materials Method of Test for Vapor-Pressure of Petroleum Products (D–323).

NOTE 2. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and the test procedure shall be acceptable to the Bureau of Explosives. The flammability range is defined as the difference between the minimum and maximum percentage by volume of the material in mixture with air that forms a flammable mixture.

NOTE 3. A description of the Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives, 30 Vesey Street, New York 7, New York.

2. Amend § 73.301 paragraph (g) (1) (15 F. R. 8324, Dec. 2, 1950) (49 CFR 73.301, 1950 Rev.) to read as follows:

§ 73.301 *General requirements.* * * *

(g) * * *

(1) For cylinders which are not marked to show service pressure, the authorized service pressures are as follows:

I. C. C. specification marking:	*Authorized service pressure (pounds per square inch gauge*
ICC–3	1,800
ICC–3E	1,800
ICC–4	300
ICC–8	250
ICC–25	300
ICC–33	480
ICC–38	250
ICC–9	200
ICC–40	200
ICC–41	200

* * * * *

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

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

(b) * * *

(2) Spec. 41 (§ 78.67 of this chapter). Cylinders in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Each outside shipping container must be plainly marked "Inside containers comply with prescribed specifications".

* * * * *

4. Amend the entry "'Anhydrous ammonia" and the entry "Insecticide, liquefied gas" in paragraph (a) Table, § 73.308 and cancel Note 9 (16 F. R. 9376, Sept. 15, 1951) (15 F. R. 8327, Dec. 2, 1950) (49 CFR 1950 Rev., 1951 Supp., 73.308) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) * * *

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
Anhydrous ammonia	54	ICC–4; ICC–3A480; ICC–3AA480; ICC–3A480X; ICC–4A480; ICC–3.
Insecticide, liquefied gas. (See Note 8.)	§ 73.304 (a) and (b)	ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4B300; ICC–4BA300; ICC–9; ICC–40; ICC–41.

* * * * * * *

5. Amend § 73.315 paragraph (a) (1) Table and add Note 7 (15 F. R. 8330, Dec. 2, 1950) (49 CFR 73.315, 1950 Rev.) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) * * *

(1) * * *

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (psig)
Anhydrous ammonia	56	82 see Note 5	ICC–51, MC–330	265.
Anhydrous dimethylamine	59	See Note 7	ICC–51, MC–330	150.
Anhydrous monomethylamine	60	See Note 7	ICC–51, MC–330	150.
Anhydrous trimethylamine	57	See Note 7	ICC–51, MC–330	150.
Carbon dioxide	See par. (c) of this section.	95	ICC–51, MC–330	200; see Note 3.
Liquefied petroleum gas	See par. (b) of this section.	See par. (b) of this section.	ICC–51, MC–330	See subpar. (b) (1) of this section.
Nitrous oxide	See par. (c) of this section.	95	ICC–51, MC–330	200; see Note 3.
Sulfur dioxide (tanks not over 1,200 gallons water capacity).	125	87.5	ICC–51, MC–330	150; see Note 4.
Sulfur dioxide (tanks over 1,200 gallons water capacity).	125	87.5	ICC–51, MC–330	125; see Note 4.
Sulfur dioxide (optional portable tank 1,000–2,000 pounds water capacity, fusible plug).	125	See Note 6	ICC–51	225.

* * * * * * *

NOTE 7: Tanks must be filled by weight.

* * * * *

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Amend § 73.353 paragraphs (a) (3), (a) (5) and (b) (17 F. R. 1562, Feb. 20, 1952) (16 F. R. 9378, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.353) to read as follows:

§ 73.353 *Methyl bromide.* (a) * * *

(3) Spec. 3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, or 4BA225 (§§ 78.36, 78.37, 78.38, 78.42, 78.49, 78.50, or 78.51 of this chapter). Metal cylinders of not over 125 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates (see § 73.25).

(No change in Note 1.)

* * * * *

(5) Spec. 104A, 104A–W, 105A300, 105A300–W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, 106A500, 106A500X, or 106A800 (§§ 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, 78.289, 78.275, or 78.276 of this chapter). Tank cars.

(b) Outage must be sufficient to prevent tank car from becoming entirely filled with liquid at the following temperature: Spec. 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, or 105A600W (§§ 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, or 78.289 of this chapter) at 105° F., spec. 106A500, 106A500X, or 106A800 (§§ 78.275 or 78.276 of this chapter) at 130° F.

* * * * *

2. Add § 73.360 (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.360, 1950 Rev.) to read as follows:

§ 73.360 *Perchloro-methyl-mercaptan.* (a) Perchloro-methyl-mercaptan in any quantity must not be packed with any other article. When offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers as follows:

(1) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs, with inside containers which must be glass bottles not over 2 quarts capacity each, individually enclosed in tightly closed metal cans and cushioned therein with incombustible material. Net weight not over 100 pounds in one outside container.

(2) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes, with inside containers which must be glass bottles not over 2 quarts capacity each, individually enclosed in tightly closed metal cans and cushioned therein with incombustible material. Net weight not over 100 pounds in one outside container.

(3) Spec. 5H (§ 78.87 of this chapter). Lead-lined metal barrels or drums not over 33 gallons each.

3. Add § 73.361 (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.361, 1950 Rev.) to read as follows:

§ 73.361 *Aldrin mixtures, liquid.* (a) Aldrin mixtures, liquid, must be shipped in specification containers as follows:

(1) As prescribed in § 73.346.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums. Authorized only for viscous mixtures or those which may become partially solid.

(3) Spec. 17C or 17H (§§ 78.115 or 78.118 of this chapter). Metal drums (single-trip). Drums with opening exceeding 2.3 inches in diameter authorized only for viscous mixtures or those which may become partially solid.

4. Amend entire § 73.376 (15 F. R. 8338, Dec. 2, 1950) (49 CFR 73.376, 1950 Rev.) to read as follows:

§ 73.376 *Aldrin and aldrin mixtures, dry.* (a) Aldrin and aldrin mixtures, dry, must be packed in specification containers as follows:

(1) As prescribed in § 73.365.

(b) Dry mixtures containing not more than 20 percent aldrin and no other material classed as dangerous under these regulations must be packed in specification containers as follows:

(1) As prescribed in paragraph (a) (1) of this section.

(2) Spec. 36A or 36B (§§ 78.230 or 78.233 of this chapter). Triplex bags.

(3) Spec. 44B, 44C, or 44D (§§ 78.236, 78.237, or 78.238 of this chapter). Multiwall paper bags.

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. Amend § 73.414 note to label in paragraph (a) (15 F. R. 8343, Dec. 2, 1950) (49 CFR 73.414, 1950 Rev.) to read as follows:

§ 73.414 *Radioactive materials labels.* (a) * * *

NOTE: This label must be duly executed by the shipper and the number of radiation units must be shown. For purposes of these regulations 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm or hard gamma rays of radium filtered by ½ inch of lead.

* * * * *

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART D—UNLOADING FROM CARS

Amend wording of the 15th line on "Dangerous—Empty" placard in paragraph (c) § 74.563 (15 F. R. 8353, Dec. 2, 1950) (49 CFR 74.563, 1950 Rev.) to read as follows:

§ 74.563 *"Dangerous—Empty" placard.* * * *

(c) * * *

having a handle at least 36 inches long.

* * * * *

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. Amend § 77.803 paragraph (b) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.803, 1950 Rev.) to read as follows:

§ 77.803 *Import shipments by domestic carriers by motor vehicle.* * * *

(b) Import shipments transferred in port areas by motor vehicle: Except for the requirements of §§ 77.817 and 77.823, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle as may be necessary to effect transfer of import shipments from place of discharge to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such import shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

2. Amend § 77.804 paragraph (b) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.804, 1950 Rev.) to read as follows:

§ 77.804 *Export shipments by domestic carriers by motor vehicle.* * * *

(b) Export shipments transferred in port areas by motor vehicle: Except for the requirements of §§ 77.817 and 77.823, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle as may be necessary to effect transfer of export shipments from place of shipment to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such export shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

SUBPART B—LOADING AND UNLOADING

1. Amend § 77.835 paragraph (f) (15 F. R. 8365, Dec. 2, 1950) (49 CFR 77.835, 1950 Rev.) to read as follows:

§ 77.835 *Explosives.* * * *

(f) *Explosives vehicles, floors tight and lined.* Motor vehicles transporting class A or class B explosives shall have tight floors and shall either have that portion of the interior in contact with the load lined with smooth non-sparking material or with smooth non-ferrous material.

* * * * *

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART A—SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

1. Add §§ 78.10 to 78.10–6 (15 F. R. 8379, Dec. 2, 1950) (49 CFR 78.10–78.10–6, 1950 Rev.) to read as follows:

§ 78.10 *Specification 1F; polyethylene carboys in plywood drums.*

§ 78.10–1 *Compliance.* (a) Required in all details.

§ 78.10–2 *Capacity and marking of carboy.* (a) Containers 5 to 13 gallons capacity are classed as carboys. Actual capacity must be the marked capacity plus 5 percent minimum. Must be permanently marked to indicate capacity, maker, month and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

§ 78.10–3 *Polyethylene carboys.* (a) Carboys shall be made of polyethylene with no plasticisers or additives and have a maximum melt index value of 2.5 grams per 10 minutes as determined in accordance with method acceptable to the Bureau of Explosives. Carboys must have a minimum weight and wall thickness in accordance with the following table:

Marked capacity	Minimum wall thickness	Minimum weight of bottles
Gallons	*Inch*	*Pounds*
6½	1/16	4
13	1/16	8

(b) Closing device shall be of material resistant to the lading and adequate to prevent leakage.

(c) Polyethylene carboys, as manufactured and filled to marked capacity with a material which remains in a liquid form, shall be capable of withstanding a 4-foot drop without leakage, after prior conditioning for 24 hours to at least −10° Fahr. or lower, onto solid concrete so as to strike diagonally on the bottom corner.

§ 78.10–4 *Outside containers.* (a) Plywood drums completely enclosing body of carboy or completely enclosing body and neck of carboy and constructed as follows:

(1) Lumber must be well seasoned, commercially dry, and free from decay, loose knots that interfere with nailing, and other defects that would materially lessen the strength. Plywood sections used in construction of this container shall be firmly glued together with waterproof glue. A section of plywood from any part when immersed in water at room temperature for 48 hours shall show no delamination or separation of plies to qualify glue as waterproof.

(2) Body shell must be of two 2-ply sections of good commercial box or sheathing grade hardwood veneer, each having a minimum thickness of 1/12 inch up to 6½ gallons and 1/11 inch up to 13 gallons, made up by telescoping one 2-ply shell with the outer shell. The body shall be butt-jointed and shall be fastened on the outside with a 28-gauge metal strip not less than 1½ inches in width and with staples of 17-gauge metal driven on each side of the outer joint and spaced not more than 1½ inches apart and clinched on inside of the outer body. The grain of outside ply should be parallel and grain of inner ply vertical to plane of the heads.

(3) Heads must be of at least three plies of good commercial box or sheathing grade hardwood veneer having a total minimum thickness of 3/8 inch up to 6½ gallons and 7/16 inch up to 13 gallons. The grain of alternate plies shall be at right angles. Each head shall be circled to fit snugly within the body shell.

(4) Hoops must be of three plies of good commercial box or sheathing grade hardwood veneer having a minimum of 5/24 inch thickness by 2½ inches width up to 6½ gallons and 5/10 inch thickness by 3 inches width up to 13 gallons. The grain of alternate plies shall be at right angles. Hoops shall butt or slightly gap and shall be fastened to the body sections with staples of 17-gauge metal spaced on not less than 3-inch centers and clinched on inner surface.

(5) Head liners must be of hardwood veneer having a minimum of 1/5 inch thickness and 5/8 inch width up to 6½ gallons and ¼ inch thickness by ¾ inch width up to 13 gallons. The top head liners shall be fastened to body shell with staples of 17-gauge metal on not less than 3-inch centers and clinched on inner surface. The bottom head liners shall be fastened the same as top head liners, or by 14-gauge metal staples driven through the head liner and body into outer hoop on not less than 4-inch centers.

§ 78.10–5 *Marking of outside container.* (a) Each outside container must be plainly marked with letters and figures at least ¾ inch high applied by hot branding iron or dark colored printing ink with high pressure dies as follows:

(1) ICC–1F. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with the specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark spec;ified in paragraph (a) (1) of this section.

§ 78.10–6 *Tests.* (a) Samples, taken at random and with inner container filled to marked capacity with water and closed as for use, shall be capable of withstanding prescribed tests without leakage. Tests shall be made of each size by each company starting production. The type tests are as follows:

(1) Compression test side to side against flat surfaces of at least 5,000 pounds without deflection of over 1 inch.

(2) One 4-foot drop onto solid concrete so as to strike diagonally on either chime.

SUBPART B—SPECIFICATIONS FOR INSIDE CONTAINERS, AND LININGS

Amend § 78.23–1 paragraph (a) Table (15 F. R. 8380, Dec. 2, 1950) (49 CFR 78.23–1, 1950 Rev.) to read as follows:

§ 78.23–1 *Construction.* (a) * * *

Maximum weight of contents (pounds)	Minimum [1] weight (per 500 sheets 24" x 36") and strength			
	One sheet		Other sheet	
	Weight [1] (pounds)	Strength, Mullen test	Weight [1] (pounds)	Strength, Mullen test
2	30	30	30	30
6	50	50	40	40
12	60	60	50	50
25	70	70	60	60

[1] Footnote remains the same.

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. Amend § 78.43 heading and § 78.43–2 paragraph (a) (15 F. R. 8396, 8397, Dec. 2, 1950) (49 CFR 78.43, 78.43–2, 1950 Rev.) to read as follows:

§ 78.43 *Specification 3A480X; seamless steel cylinders.*

* * * * *

§ 78.43–2 *Type, size, and service pressure*—(a) *Type and size.* Seamless, having not more than 278 pounds nominal water capacity.

* * * * *

2. Add §§ 78.67 to 78.67–19 (15 F. R. 8432, Dec. 2, 1950) (49 CFR 78.67 to 78.67–19, 1950 Rev.) to read as follows:

§ 78.67 *Specification 41; inside containers, non-refillable seamless, welded, or brazed steel cylinders.*

§ 78.67–1 *Compliance.* (a) Required in all details.

§ 78.67–2 *Type, size, and service pressure*—(a) *Type and size.* Must be seamless, welded, or brazed (brazing material must have a melting point of not less than 1,000° F.). The maximum water capacity of cylinders in this class shall not exceed 1.44 pounds or 40 cubic inches. Longitudinal seams are prohibited, except that containers constructed from longitudinally welded steel tubing are authorized provided that certification is made by the tubing manufacturer that the tubing has been pressure tested to a fiber stress of 24,000 pounds per square inch as calculated by the formula:

$$P = \frac{24{,}000(D^2 - d^2)}{(1.3D^2 + 0.4d^2)}$$

where

P is the pressure required for pressure testing of tubing by the tubing manufacturer.

(b) *Service pressure.* Service pressure must be 200 pounds per square inch.

§ 78.67–3 *Inspection by whom and where.* (a) By competent inspector of the manufacturer; or a disinterested inspection agency; chemical analysis and tests, as specified, to be made within limits of the United States.

§ 78.67–4 *Duties of inspector.* (a) Inspect all material and reject any not complying with requirements.

(b) Verify compliance with the requirements of § 78.67–5 of this specification by submitting copy of certified chemical analysis obtained from the steel manufacturer for each heat of steel (ladle analysis acceptable); or if such evidence is lacking, then a sample from each coil or sheet must be analyzed and results submitted.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; select samples for all tests and for check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.67–19) to purchaser, cylinder maker, and the Section of Explosives, Interstate Commerce Commission.

§ 78.67–5 *Steel.* (a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.150; phosphorus, 0.045; sulphur, 0.055.

§ 78.67–6 *Identification of material.* (a) Required; any suitable method.

§ 78.67–7 *Defects.* (a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

§ 78.67–8 *Manufacture.* (a) By proper appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Seams must be as follows:

(1) Circumferential seams. Except as provided in subparagraph (2) of this paragraph by welding, or brazing. Heads attached by brazing must have a driving fit with the shell, unless the shell is crimped, swedged, or curled over the skirt or flange of the head, and be thoroughly brazed until complete penetration by the brazing material of the brazed joint is secured. Depth of brazing from end of shell must be at least four times the thickness of shell metal.

(2) A container of two hemispherical heads, each having an integral tangential cylindrical skirt portion assembled so that the two cylindrical skirt portions telescope one within the other is author-

ized but must meet the following additional requirements for the skirt portions; one be a driving fit within the other; they be of equal length and telescoped for their full length; the length of the overlap be not less than 8 nor more than 10 times the thickness of the thinner of the two skirts; the overlapping joint be brazed (not welded) so as to get complete penetration for the full length of the joint.

§ 78.67–9 *Wall thickness.* (a) The wall stress at 600 pounds per square inch shall not exceed 24,000 pounds per square inch, except that for longitudinally welded steel tubing the stress shall not exceed 20,400 pounds per square inch. The minimum wall for any cylinder shall be 0.032 inch. For the container authorized in § 78.67–8 (a) (2) the wall thickness of the cylinder shall be taken as the sum of the thicknesses of the two skirts (without allowance for the brazing material between).

(b) Calculation must be made by the formula:

$$S=\frac{600(1.3D^2+0.4d^2)}{D^2-d^2}$$

where

S = wall stress in pounds per square inch;
D = outside diameter in inches;
d = inside diameter in inches.

(c) Calculation for thickness of hemispherical heads of containers authorized in § 78.67–8 (a) (2) must be made by the formula:

$$S=\frac{600D}{4tC}$$

where

t = thickness in inches;
C = 0.85 (design factor);
S and D have same significance as in paragraph (b) of this section. The minimum thickness of the head or skirt shall be 0.032 inch. The thickness of the skirt shall not be less than the thickness of the head.

§ 78.67–10 *Heat treatment.* (a) Body and heads must be uniformly and properly heat treated prior to tests.

§ 78.67–11 *Openings in cylinders.* (a) Each opening in cylinder, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by brazing, welding, or by threads. If threads are used, they must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(b) Closure must be adequate to prevent leakage.

§ 78.67–12 *Safety devices.* (a) Devices must be as required by the Interstate Commerce Commission's regulations that apply. (See §§ 73.34 (f) and 73.301 (i) of this chapter.)

§ 78.67–13 *Pressure tests.* (a) Each cylinder produced shall be tested at an internal pressure of at least 200 pounds per square inch and not exceeding 600 pounds per square inch, held for at least 30 seconds, and shall show no leak or other defect when inspected by suitable means. WARNING: Where air or gas pressure is used for testing, means designed to protect personnel is recommended.

(b) Or, each completed container filled for shipment must be heated until content reaches a minimum temperature of 130° F.; without evidence of leakage, distortion or other defect.

(c) One out of each 3,000 cylinders or less successively produced per day shall be hydrostatically tested to destruction and must not burst below 1,200 pounds per square inch. Each such 3,000 cylinders or less successively produced per day shall constitute a lot and if the test cylinder shall fail, then the entire lot must be rejected. All cylinders constituting a lot shall be of identical size, design, construction, heat treatment, finish and quality.

§ 78.67–14 *Flattening test.* (a) Between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; test 1 cylinder taken at random out of each lot of 3,000 or less successively produced per day. This flattening test is required and the test cylinder shall not have cracked when the outer surfaces of the walls are apart not more than a distance of six times the thickness of such walls.

§ 78.67–15 *Rejected cylinders.* (a) Reheat treatment authorized for lots failing to meet the requirements of § 78.67–14; such lots of cylinders after this treatment must pass all prescribed tests.

§ 78.67–16 *Repair of brazed, or welded seams.* Repair of seams is authorized only for cylinders that have been tested according to § 78.67–13 (a). Repairs must be made by the original method of manufacture and such cylinders must be retested and pass the test prescribed in § 78.67–13 (a).

§ 78.67–17 *Marking.* (a) Marking on each cylinder by embossing plainly and permanently on valve end of cylinder before heat-treatment, the marks ICC–41 and registered symbol of manufacture.

(1) Other marks as prescribed in subparagraph (2) of this paragraph, must be shown on a permanently attached name plate or by printing or decalcomania, provided that such markings are waterproofed and adherent and not easily impaired when subject to water immersion and weathering under service conditions, or are coated over with a water-insoluble transparent lacquer; except that cylinders having brazed lapped circumferential seam may, after having been tested in accordance with §§ 78.67–13 and 78.67–14 of this specification, have marks permanently stamped into metal of this seam, provided that such marks do not exceed 0.015" in depth.

(2) Inspector's official mark; lot number; date of test (such as 5–50 for May 1950); the words "Illegal to refill and transport".

§ 78.67–18 *Size of embossed marks.* (a) At least ¼ inch high.

§ 78.67–19 *Inspector's reports.* (a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

Steel gas cylinders

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Identification marks embossed on cylinders are: Specification ICC–41.
Identifying symbols (registered) _____
Other marks on cylinder are:
Inspector's official mark _____
Lot number _____
Test date _____
Illegal to refill and transport _____
These cylinders were made by process of _____
_____
_____

The steel used was identified by heat or analysis numbers as shown on the "Record of Chemical Analysis of Steel for cylinders" attached hereto.

The steel used was verified as to chemical analysis and record thereof is attached hereto.

All material was inspected and each cylinder was inspected both before and after closing; all accepted material and cylinders were found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

A test cylinder of each lot was measured and had a minimum wall thickness and volumetric capacity as shown in table below:

Date of test	Lot No.	Number in lot	Minimum wall thickness (inches)	Volumetric capacity (cubic inches or pounds of water)

Such threads as were used were inspected and found to be clean cut, of proper length, and correct as to gauge.

One finished cylinder out of each lot was taken at random and burst by interior hydrostatic pressure with the following results:

Date of test	Lot No.	Pressure at which cylinder ruptures (pounds per square inch)

Each and every cylinder was subjected to an interior pressure of 200 pounds per square inch and showed no leak or other defect.

Hydrostatic tests, pressure tests, flattening tests, and other tests, as prescribed in Specification No. ICC–41 were made in the presence of the inspector and all material and cylinders were found to be in compliance with the requirements of that specification.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission's specification No. 41 except as follows:

Exceptions _____

_____

_____

(Signed) _____

(Inspector)

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Size _____ inches outside diameter by _____ inches long.

Made by _____ Company

For _____ Company

Lot No.	Number in lot	Heat No.	Check analysis No.	Chemical analysis		
				C	P	S

The analyses were made by _____

(Signed) _____

(Inspector)

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

1. Amend § 78.80–2 paragraph (a) (15 F. R. 8432, Dec. 2, 1950) (49 CFR 78.80–2, 1950 Rev.) to read as follows:

§ 78.80–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.80–11 (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 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

2. Amend § 78.81–2 paragraph (a) (15 F. R. 8433, Dec. 2, 1950) (49 CFR 78.81–2, 1950 Rev.) to read as follows:

§ 78.81–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.81–11 (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 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity nor greater than rated capacity plus 2 percent plus 2 quarts.

3. Amend § 78.82–2 paragraph (a) (15 F. R. 8434, Dec. 2, 1950) (49 CFR 78.82–2, 1950 Rev.) to read as follows:

§ 78.82–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.82–11 (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 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

4. Amend § 78.83–2 paragraph (a) and § 78.83–13 paragraph (a) (15 F. R. 8434, 8435 and 8436, Dec. 2, 1950) (49 CFR 78.83–2 and 78.83–13, 1950 Rev.) to read as follows:

§ 78.83–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.83–11 (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 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

§ 78.83–13 *Type tests.* (a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

5. Amend § 78.84–2 paragraph (a), § 78.84–13 paragraph (a) and § 78.84–14 paragraph (a) (15 F. R. 8436, Dec. 2, 1950) (49 CFR 78.84–2, 78.84–13 and 78.84–14, 1950 Rev.) to read as follows:

§ 78.84–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.84–11 (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 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

§ 78.84–13 *Type tests.* (a) Sample containers, before lining is applied, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

§ 78.84–14 *Leakage test.* (a) Each container, with lining material applied, shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples so tested must be retained until further tests are made.

6. Amend § 78.86–2 paragraph (a) and § 78.86–13 paragraph (a) (15 F. R. 8437, 8438, Dec. 2, 1950) (49 CFR 78.86–2 and 78.86–13, 1950 Rev.) to read as follows:

§ 78.86–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.86–11 (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 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

§ 78.86–13 *Type tests.* (a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 4 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 40 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

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

§ 78.87–2 *Rated capacity.* (a) Rated capacity is marked, see § 78.87–11 (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 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

8. Amend § 78.88–2 paragraph (a) and § 78.88–12 paragraph (a) (15 F. R. 8439, Dec. 2, 1950) (49 CFR 78.88–2 and 78.88–12, 1950 Rev.) to read as follows:

§ 78.88–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.88–10 (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 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

§ 78.88–12 *Type tests.* (a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 12 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

9. Amend § 78.90–2 paragraph (a) and § 78.90–12 paragraph (a) (15 F. R. 8440, 8441, Dec. 2, 1950) (49 CFR 78.90–2 and § 78.90–12, 1950 Rev.) to read as follows:

§ 78.90–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.90–10 (a) (3). Actual capacity of 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 2 quarts.

§ 78.90–12 *Type tests.* (a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 12 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

10. Amend § 78.91–2 paragraph (a) (15 F. R. 8441, Dec. 2, 1950) (49 CFR 78.91–2, 1950 Rev.) to read as follows:

§ 78.91–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.91–11 (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 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

11. Amend § 78.97–2 paragraph (a) (15 F. R. 8442, Dec. 2, 1950) (49 CFR 78.97–2, 1950 Rev.) to read as follows:

§ 78.97–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.97–9 (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 2 quarts; actual capacity of bilge-type containers must be not less than rated

capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

12. Amend § 78.98–2 paragraph (a) (15 F. R. 8443, Dec. 2, 1950) (49 CFR 78.98–2, 1950 Rev.) to read as follows:

§ 78.98–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.98–9 (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 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

13. Amend § 78.99–2 paragraph (a) (15 F. R. 8444, Dec. 2, 1950) (49 CFR 78.99–2, 1950 Rev.) to read as follows:

§ 78.99–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.99–9 (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 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

14. Amend § 78.100–2 paragraph (a) (15 F. R. 8444, Dec. 2, 1950) (49 CFR 78.100–2, 1950 Rev.) to read as follows:

§ 78.100–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.100–9 (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 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

15. Amend § 78.101–2 paragraph (a) (15 F. R. 8445, Dec. 2, 1950) (49 CFR 78.101–2, 1950 Rev.) to read as follows:

§ 78.101–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.101–9 (a) (3). Actual capacity of 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 2 quarts.

16. Add §§ 78.110 to 78.110–11 (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.110, 1950 Rev) to read as follows:

§ 78.110 *Specification 42F; aluminum barrels or drums.* Removable heads.

§ 78.110–1 *Compliance.* (a) Required in all details.

§ 78.110–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.110–8 (a) (3). Actual capacity shall be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 1 gallon.

§ 78.110–3 *Composition.* (a) Body and heads of aluminum alloy 61S, or an aluminum base alloy of equivalent corrosion resistance and physical properties.

§ 78.110–4 *Seams.* (a) None. Body shall be seamless.

§ 78.110–5 *Parts and dimensions.* (a) Parts and dimensions as follows:

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Minimum thickness of material (inch)		Rolling hoops
			Body	Head	
50	450	Bilge	0.091	0.102	None

§ 78.110–6 *Closures.* (a) Adequate to prevent leakage; gaskets required.

(b) Closures must be of bolted ring type made of not less than 10 gauge carbon steel with drop forged threaded lugs and ⅝" minimum diameter cap screw.

§ 78.110–7 *Defective containers.* (a) Leaks and other defects shall be repaired by welding, using welding material of same composition as parts being repaired.

§ 78.110–8 *Marking.* (a) Marking on each container by embossing on head with raised marks as follows:

(1) ICC–42F***; stars to be replaced by the authorized gross weight (for example, ICC–42F450, etc.). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal, Brown and Sharpe, in thinnest part; rated capacity, in gallons; and year of manufacture (for example, 11–50–52). 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, 11/10–50–52 for body 11 gauge and head 10 gauge).

§ 78.110–9 *Size of markings.* (a) Size of markings (minimum): ½" high for 33 gallons or less, ¾" for over 33 gallons.

§ 78.110–10 *Type tests.* (a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with dry, finely powdered material to the authorized gross weight, from height of 4 feet onto solid concrete so as to strike diagonally on top chime, or when without chime seam to strike on other circumferential seam; also an additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 30 pounds per square inch sustained for 5 minutes. Leakage through closure shall not constitute failure.

§ 78.110–11 *Leakage test.* (a) Each container shall be tested under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representatives of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Containers not required to be tested with heads in place, except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples so tested must be retained until further tests are made.

17. *Amend* § 78.115–2 paragraph (a) (17 F. R. 4297, May 10, 1952) (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 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 2 quarts.

18. *Amend* § 78.116–2 paragraph (a) (17 F. R. 4297, May 10, 1952) (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 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 2 quarts.

19. *Amend* § 78.117–2 paragraph (a) (17 F. R. 4297, May 10, 1952) (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 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 2 quarts.

20. Amend § 78.118–2 paragraph (a) (17 F. R. 4297, May 10, 1952) (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 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 2 quarts.

21. Amend § 78.119–2 paragraph (a) (15 F. R. 8450, Dec. 2, 1950) (49 CFR 78.119–2, 1950 Rev.) to read as follows:

§ 78.119–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.119–10 (a) (3). Actual capacity of 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 2 quarts.

22. Amend § 78.125–5 paragraph (a) Table (17 F. R. 4297, May 10, 1952) (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, United States standard)	
				Body sheet	Head sheet
55	60	Straight side	No	26	26
	80	do	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

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

Amend § 78.218–4 paragraph (a) (15 F. R. 8480, Dec. 2, 1950) (49 CFR 78.218–4, 1950 Rev.) to read as follows:

§ 78.218–4 *Stitching staples.* (a) If used, shall be of steel wire, copper-coated or equivalent in nonsparking quality, at least $\frac{3}{32}$'' by 0.019'' or equivalent cross section formed into staples approximately $\frac{7}{16}$'' wide.

SUBPART H—SPECIFICATIONS FOR PORTABLE TANKS

Add paragraph (c) to § 78.245–1 (15 F. R. 8483, Dec. 2, 1950) (49 CFR 78.245–1, 1950 Rev.) to read as follows:

§ 78.245–1 *Requirements for design and construction.* * * *

(c) On and after August 31, 1953, every uninsulated portable tank shall, unless it is constructed of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Amend § 78.270 entire paragraph ICC–12 (15 F. R. 8495, Dec. 2, 1950) (49 CFR 78.270, 1950 Rev.) to read as follows:

§ 78.270 *Specification for tank cars having lagged riveted steel tanks, Class ICC–104A.* * * *

ICC–12. *Venting, loading and discharging, gauging and sampling devices.* (a) Venting, and loading and discharging valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. The valves must be directly bolted to seatings on manhole cover. Pipe connections of the valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement. Interior pipes of the liquid and gas discharge valves must be equipped with check valves.

ICC–12. (b) 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 the lading, and must withstand a pressure of 100 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.

2. Amend § 78.280 AAR–6 (j–1) Note 1 paragraph (b) (16 F. R. 11783, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.280) to read as follows:

§ 78.280 *Specification for tank cars having fusion-welded steel tanks Class ICC–103–W.* * * *

AAR–6. *Nondestructive tests.* (j–1) * * *

NOTE 1: * * *

(b) Should the length of slag inclusions or cavities, if any, described in paragraph AAR–6 (j–12) be not greater than $\frac{3}{16}$ T, where T is the thickness of the weld, and the number of such imperfections is not in excess of one (1) for any fifteen (15) foot increment of radiographed longitudinal and circumferential fusion welded joint of all three tanks, then only the intersections of all longitudinal and circumferential fusion welded joints of all remaining tanks in the first group of twenty (20) covered by the same purchase order shall be radiographed.

* * * * *

3. Amend § 78.285 entire paragraph ICC–11 (15 F. R. 8514, Dec. 2, 1950) (49 CFR 78.285, 1950 Rev.) to read as follows:

§ 78.285 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–104A–W.* * * *

ICC–11. *Venting, loading and discharging, gauging and sampling devices.* (a) Venting, and loading and discharging valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. The valves must be directly bolted to seatings on manhole cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement. Interior pipes of the liquid and gas discharge valves must be equipped with check valves.

ICC–11. (b) 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 the lading, and must withstand a pressure of 100 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.

4. Add § 78.294 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.294, 1950 Rev.) to read as follows:

§ 78.294 *Specification for tank cars having fusion-welded aluminum tanks, Class ICC–104A–AL–W.* This specification covers Class ICC–104A–AL–W tank cars having lagged fusion-welded aluminum tanks to which have been added A. A. R. details which are not inconsistent therewith. Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e) Procedure.

(a) *General requirements.* Tanks built under this specification must comply with all provisions of Specification ICC–103–AL–W, except as modified in the following paragraphs (paragraph numbers refer to like numbers in § 78.291 Specification ICC–103–AL–W):

ICC–1. *Type.* (a) Tanks built under this specification must be cylindrical, with heads dished convex outward. The tank must be provided with a manhole nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and provide for the proper mounting of venting, loading, unloading, sampling, and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank prohibited, except those required for testing anchor rivets and their protective coverings.

ICC–1. (b) The tank shell and manhole nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahr. differential in temperature per hour. The entire insulation must be covered with a metal jacket, efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank, the lagging over each pipe may be reduced in thickness equivalent to one-half that required for shell.

AAR–1. (a) See paragraph ICC–1 (b).

ICC–2. *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint must be at least 495 pounds per square inch.

AAR–2. (b) The opening in the tank for manhole nozzle must be reinforced so as to provide the required cross-sectional area as determined by formula shown on Figure 14–A.

ICC–4. *Thickness and width of plates.* (a) The minimum thickness of plates for heads, shell, and bottom must be $11/16$''.

AAR–5. (a–1) The tank heads must be ellipsoidal for pressure on the concave side.

AAR–5. (a–2) This paragraph does not apply.

AAR–5. (b–1) This paragraph does not apply.

ICC–6. (b) Manhole nozzle must be of approved design and attached to tank by fusion-welding. Fusion-welding for securing attachments in place must be of the double-welded butt joint type or double full-fillet lap joint type.

ICC–9. *Expansion dome.* (a) Expansion dome prohibited.

ICC–9. (b) This paragraph does not apply.

ICC–9. (c) This paragraph does not apply.

AAR–9. (a) This paragraph does not apply.

AAR–9. (b) This paragraph does not apply.

AAR–9. (c) This paragraph does not apply.

AAR–9. (d) This paragraph does not apply. See paragraph AAR–2 (b).

ICC–10. *Manhole nozzle, cover and protective housing.* (a) Manhole nozzle must be of cast, forged, pressed, or fabricated aluminum alloy or other material not subject to rapid deterioration by the lading, at least 18" inside diameter having approved wall thicknesses and dimensions.

ICC–10. (b) Manhole cover must be of forged or rolled aluminum alloy at least 2½ inches thick, or other approved material at least 2¼ inches thick, machined to approved dimensions. Manhole cover must be attached to manhole nozzle by through bolts not entering tank.

ICC–10. (c) The shearing value of the bolts attaching protective housing to manhole cover must not exceed 70 percent of shearing value of bolts attaching manhole cover to manhole nozzle.

ICC–10. (d) All joints between manhole cover and manhole nozzle, and between manhole cover and valve or other appurtenances mounted thereon, must be made tight against vapor pressure.

ICC–10. (e) Protective housing of cast, pressed, or fabricated steel or other approved materials must be bolted to manhole cover. Housing must be equipped with a cover that can be securely closed. Housing cover on tanks used for the transportation of flammable compressed gases must be provided with an opening equipped with an approved weatherproof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

AAR–10. *Manhole cover.* (a) For dimensions and tolerances of manhole covers see Figure 8 and 8–A.

ICC–11. *Venting, loading and discharging, gauging and sampling devices.* (a) These devices must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. The venting and loading and discharging valves must be directly bolted to seatings on manhole cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement. Thermometer well and sampling valve, if applied, must be closed with screw plugs or valves.

ICC–11. (b) The interior pipes of the liquid and gas discharge valves, except as prescribed in paragraph ICC–11 (c) may be equipped with check valves of an approved design.

ICC–11. (c) Tanks for the use in transportation of liquefied compressed flammable gases must have the interior pipes of the liquid and gas discharge valves equipped with check valves of an approved design.

ICC–11. (d) Gauging device, sampling valve, check valves, and thermometer well are not specification requirements on tanks used for the transportation of commodities other than those classed as liquefied compressed flammable gases.

ICC–12. (a) This paragraph does not apply.

AAR–12. (a) This paragraph does not apply.

ICC–13. (a) Bottom discharge outlet prohibited.

ICC–13. (b) This paragraph does not apply.

ICC–13. (c) This paragraph does not apply.

AAR–13. (a) This paragraph does not apply.

AAR–13. (b) This paragraph does not apply.

AAR–13. (c) This paragraph does not apply.

AAR–13. (d) This paragraph does not apply.

AAR–13. (e) This paragraph does not apply.

AAR–13. (f) This paragraph does not apply.

AAR–13. (g) This paragraph does not apply.

ICC–14. *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved type, made of metal not subject to rapid deterioration by lading and mounted on manhole cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 75 pounds per square inch.

ICC–14. (b) This paragraph does not apply.

ICC–14. (c) The safety valves must be set to open at a pressure of not exceeding 75 pounds per square inch. (For tolerance see paragraph ICC–18).

ICC–14. (d) This paragraph does not apply.

AAR–14. (a) Safety valve must be of approved design. See Appendix "A" for formula for calculating discharge capacity of valve and method of testing sample valve of a particular design to determine its actual discharge capacity which must at least equal the capacity calculated as necessary to prevent building up pressure in the tank in excess of 75 pounds per square inch.

AAP–14. (b) This paragraph does not apply.

ICC–15. *Fixtures, reinforcements, and attachments, not otherwise specified.* (a) Attachments, other than the anchorage and those mounted on manhole nozzle and cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved method.

AAR–15. (b) This paragraph does not apply.

ICC–16. *Plugs for openings.* (a) Plugs must be of approved type with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

ICC–17. *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before the tank lagging is applied, by completely filling tank and manhole nozzle with water or other liquid of similar viscosity having a temperature which must not exceed 100° F. during test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures, except safety valves, must be in place while test is made.

ICC–17. (c) Tests of exterior heater systems not a specification requirement.

AAR–17. (b) See paragraph ICC–17 (a).

ICC–18. *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

AAR–18. (a) This paragraph does not apply.

ICC–19. *Retests of tanks and safety valves.* (a) Tanks must be retested at intervals of 5 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; and safety valves must be retested to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

AAR–19. (a) See paragraph ICC–19 (a).

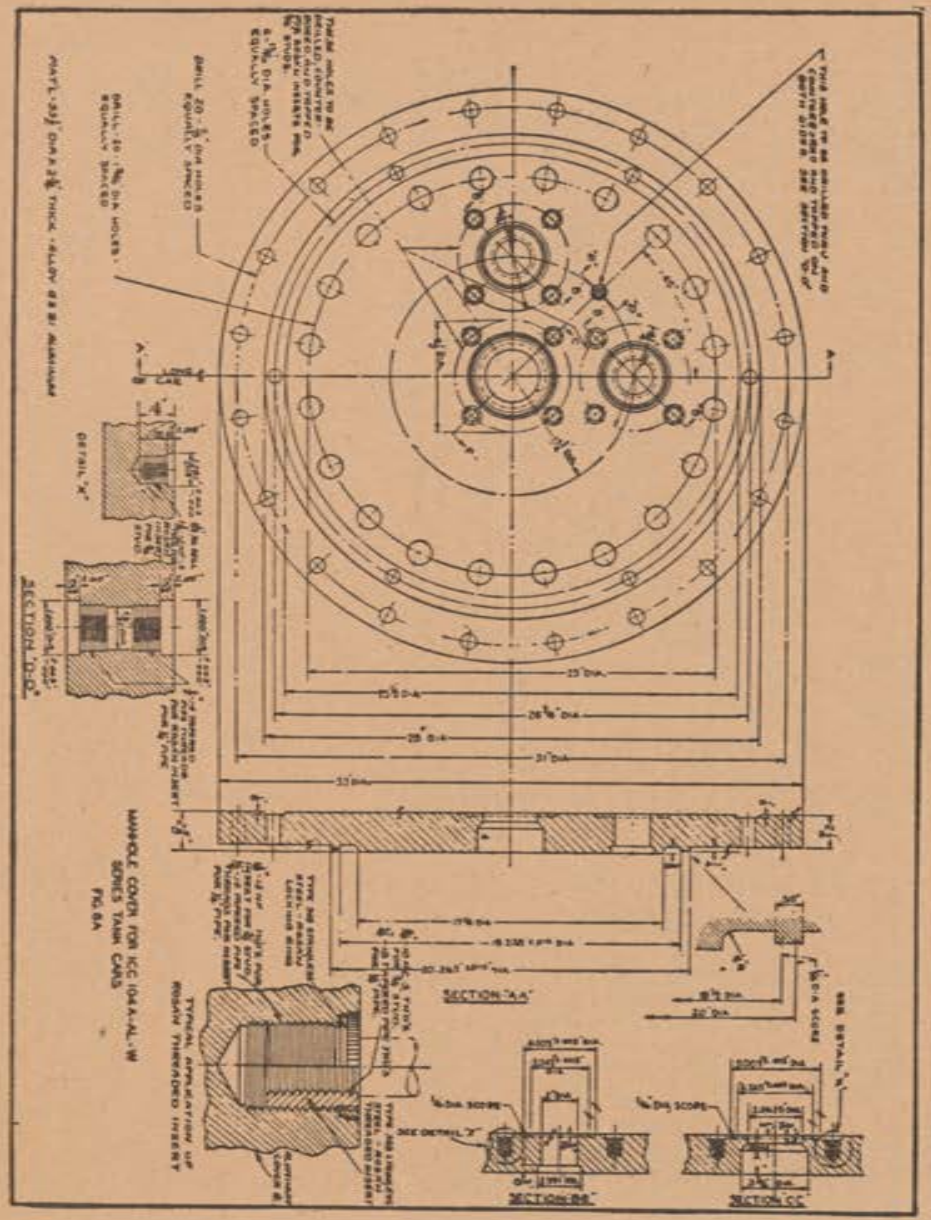
ICC–20. (b) ICC–104A–AL–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

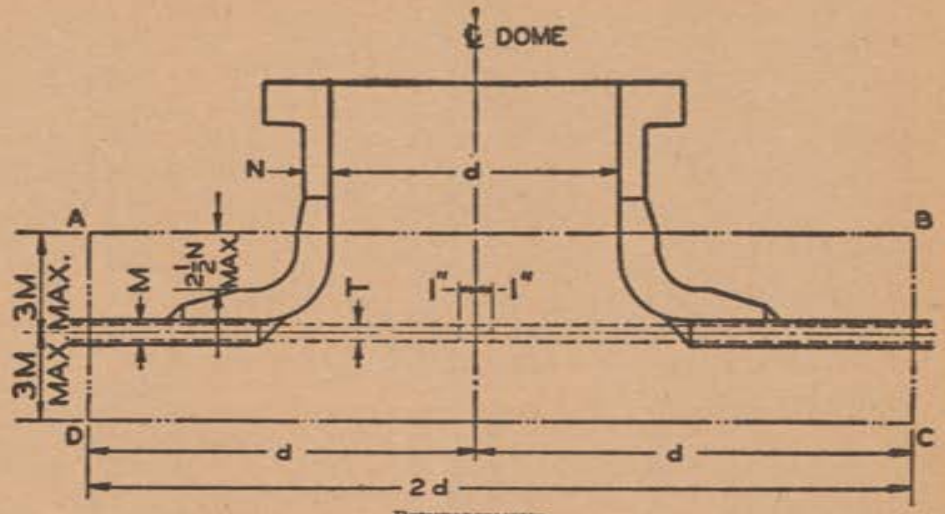
ICC–20. (g) This paragraph does not apply.

ICC–20. (h) This paragraph does not apply.

ICC–20. (j) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in paragraphs ICC–20 (c) and ICC–20 (d). This mark must also be stenciled on the jacket immediately below the dome platform and either behind or within three feet of the right or left side of ladder, or ladders, if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows: Water Capacity 000000 Pounds.

5. Add Figures 8A and 14A to Appendix C, Part 78, Subpart I (15 F. R. 8534, 8536, Dec. 2, 1950) (49 CFR Appendix C, Part 78, Subpart I, 1950 Rev.) as follows:





REINFORCEMENT

d = inside diameter of nozzle.
T = shell thickness required by specifications.
M = actual shell thickness.
N = nozzle thickness.

Cross-section area available equals actual area in rectangle *ABCD*. (Use $3M$ or $2\frac{1}{2}N$ whichever is less.) =
Area required equals $2T(d-1)$ =

Excess area over requirements =

FIGURE 14A—Nozzle reinforcement (ICC 104A–AL–W).

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

Add paragraph (c) to § 78.336–1 (15 F. R. 8556, Dec. 2, 1950) (49 CFR 78.336–1, 1950 Rev.) to read as follows:

§ 78.336–1 *Requirements for design and construction.* * * *

(c) On and after August 31, 1953, every uninsulated cargo tank permanently attached to a tank motor vehicle shall, unless it be constructed of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

APPENDIX

	Section and reason for amendment
71.12 (b)	To require the placarding of motor vehicles transferring shipments of explosives and other dangerous articles in port areas and to require shipping papers to accompany such movements.
72.5 Commodity List	To provide for the transportation of cyclotrimethylenetrinitramine, desensitized; illuminating projectiles; smoke projectiles; aldrin; carbon, activated; pressurized flammable liquids; chlorate and magnesium chloride mixtures; and isopropyl percarbonate, stabilized and unstabilized.

Section and reason for amendment	
73.9 (a)	To require the placarding of motor vehicles transferring shipments of explosives and other dangerous articles in port areas and to require shipping papers to accompany such movements.
73.29 (c) and (d)	To provide for adequate closure of "empty" carboys and acid bottles offered for transportation.
73.33 (o) and (o) (3)	To permit use of an improved type of automatic excess flow valve or quick closing internal valve on cargo tanks used for the transportation of liquefied compressed gases.
73.34 (k) (10)	To correct a section reference.
73.65 (b) and (e)	To provide specific requirements for the packing and packaging of cyclotrimethylenetrinitramine, and to correct an inconsistency in the regulations.
73.69 (c)	To clarify the marking requirements for containers of detonating fuzes and boosters (explosive).
73.88 (d)	To clarify as special fireworks illuminating projectiles, incendiary projectiles and smoke projectiles, fuzed or unfuzed, containing expelling charges but without bursting charges; hand or rifle grenades with ignition elements but not containing bursting charges.
73.100 (e)	To provide for the shipment of new military devices and to clarify the regulations.
73.115 (b)	To provide for the transportation of a newly developed type of flammable liquid.
73.118 (c) (22)	To exclude pressurized flammable liquids from exemptions for flammable liquids.
73.119 (a) (12)	To provide for the use of a new tank car for the transportation of flammable liquids.
73.127 (a) (3)	To provide a new aluminum drum for the transportation of nitrocellulose or collodion cotton or nitrostarch, wet.
73.142 entire section	To provide packing requirements for the transportation of pressurized flammable liquids.
73.153 (c) (8)	To exclude isopropyl percarbonate, unstabilized, from exemptions for flammable solids.
73.158 (a) (1)	To correct an inconsistency in the regulations.
73.162 (a) (1)	To provide for the transportation of activated carbon.
73.184 (a) (6)	To provide for the use of a new aluminum drum for the transportation of nitrocellulose, nitrostarch, or nitroguanidine, wet.
73.193 (a) (1)	To correct an inconsistency in the regulations.
73.218 entire section	To provide for the transportation of isopropyl percarbonate, unstabilized.
73.220 entire section	To provide packing requirements for the transportation of various types of magnesium scrap.
73.229 (a) and (c)	To provide packing requirements for chlorate and borate mixtures; and chlorate and magnesium chloride mixtures.
73.244 (c) (13)	To exclude isopropyl percarbonate, stabilized, from exemptions for corrosive liquids to provide for the transportation of acids or other corrosive liquids in rubber drums.
73.245 (a) (11)	To provide for the use of rubber drums for the transportation of acids or other corrosive liquids.
73.262 (a) (1)	To correct error in regulations.
73.264 (a) (16)	To provide for the use of a polyethylene carboy for the transportation of hydrofluoric acid.
73.265 (a) (2)	To provide a definite type of rubber to be used in the construction of inside containers for the transportation of hydrofluosilicic acid.
73.271 (a) (9)	To provide additional tank cars for the transportation of phosphorus oxychloride.
73.282 (a)	To provide packing requirements for the transportation of isopropyl percarbonate, stabilized.
73.300 (b)	To provide for the transportation of a newly developed type of flammable compressed gas.
73.301 (g) (1)	To designate authorized service pressure for ICC 41 cylinders.
73.306 (b) (2)	To provide for the use of a new cylinder for the transportation of insecticides.

Section and reason for amendment	
73.308 (a) table cancel Note 9.	To provide for the permanent use of ICC 3A480X cylinders and to provide a new container for the transportation of insecticide, liquefied gas.
73.315 (a) (1) table	To provide for the transportation of anhydrous methylamines in cargo tanks and portable tanks.
73.353 (a) (3), (a) (5) and (b).	To correct a typographical error in the regulations and to provide for the transportation of methyl bromide.
73.360 entire section	To provide packing requirements for the transportation of perchloro-methyl-mercaptan.
73.361 entire section	To provide packing requirements for the transportation of aldrin mixtures, liquid.
73.376 entire section	To provide for the transportation of aldrin and aldrin mixtures, dry.
73.414 (a) note	To define a radiation unit.
74.563 (c)	To correct an inconsistency in the regulations.
77.803 (b)	To require the placarding of motor vehicles transferring shipments of explosives and other dangerous articles in port areas and to require shipping papers to accompany movements.
77.804 (b)	To require the placarding of motor vehicles transferring shipments of explosives and other dangerous articles in port areas and to require shipping papers to accompany movements.
77.835 (f)	To clarify the requirements for floor lining of motor vehicles transporting class A or class B explosives.
78.10 entire section	To provide a new specification for the construction of polyethylene carboys.
78.23-1 (a) table	To adjust minimum weight requirement of paper bags to present day standards.
78.43-2 (a)	To provide for the use of ICC-3A480X cylinders as permanent containers.
78.67 entire section	To provide a new specification for the construction of non-refillable cylinders.
78.80-2 (a)	To provide greater uniformity in the fabrication of ICC Spec. 5 drums.
78.81-2 (a)	To provide greater uniformity in the fabrication of ICC Spec. 5A drums.
78.82-2 (a)	To provide greater uniformity in the fabrication of ICC Spec. 5B drums.
78.83-2 (a) and 13 (a)	To provide greater uniformity in the fabrication of ICC Spec. 5C drums and to provide alternate method of testing.
78.84-2 (a), 13 (a) and 14 (a).	To obtain greater uniformity in the fabrication of ICC 5D drums; and to provide alternate method of testing; and to clarify leakage test requirements.
78.86-2 (a) and 13 (a)	To obtain greater uniformity in the fabrication of ICC 5G drums and to provide alternate method of testing.
78.87-2 (a)	To provide greater uniformity in the fabrication of ICC 5H drums.
78.88-2 (a) and 12 (a)	To obtain greater uniformity in the fabrication of ICC 5K drums and to provide alternate method of testing.
78.90-2 (a) and 12 (a)	To obtain greater uniformity in the fabrication of ICC 5M drums and to provide alternate method of testing.
78.91-2 (a)	To obtain greater uniformity in the fabrication of ICC 5X drums.
78.97-2 (a)	To obtain greater uniformity in the fabrication of ICC 6A drums.
78.98-2 (a)	To obtain greater uniformity in the fabrication of ICC 6B drums.
78.99-2 (a)	To obtain greater uniformity in the fabrication of ICC 6C drums.
78.100-2 (a)	To obtain greater uniformity in the fabrication of ICC 6J drums.
78.101-2 (a)	To obtain greater uniformity in the fabrication of ICC 6K drums.
78.110 entire section	To provide a new specification for the construction of aluminum barrels or drums.
78.115-2 (a)	To obtain greater uniformity in the fabrication of ICC 17C drums.
78.116-2 (a)	To obtain greater uniformity in the fabrication of ICC 17E drums.
78.117-2 (a)	To obtain greater uniformity in the fabrication of ICC 17F drums.
78.118-2 (a)	To obtain greater uniformity in the fabrication of ICC 17H drums.
78.119-2 (a)	To obtain greater uniformity in the fabrication of ICC 17X drums.
78.125-5 (a) table	To provide additional container of lighter gauge metal for shipments of light weight materials.

Section and reason for amendment	
78.218-4 (a)	To correct an error in the regulations.
78.245-1 (c)	To require uninsulated portable tanks of ICC Spec. 51 to be painted white, aluminum or similar reflecting color.
78.270 entire ICC-12	To eliminate the need for gauging device, sampling valve, and thermometer well on tank cars which are loaded by weight.
78.280 AAR-6 (J-1) Note 1 (b).	To correct a typographical error.
78.285 entire ICC-11	To eliminate the need for gauging device, sampling valve, and thermometer well on tank cars which are loaded by weight.
78.294 entire section	To provide for the construction of fusion-welded aluminum tank car.
Part 78, Appendix C, fig. 8A.	To provide manhole cover drawing for ICC-104A-AL-W tank cars.
Part 78, Appendix C, fig. 14A.	To provide nozzle reinforcement drawing for ICC-104A-AL-W tank cars.
78.336-1 (c)	To require every uninsulated cargo tank of ICC Spec. MC-330 to be painted all over a white, aluminum, or similar reflecting color.

[F. R. Doc. 52-7217; Filed, July 7, 1952; 8:45 a. m.]

[49 CFR Part 324]

UNIFORM SYSTEM OF ACCOUNTS FOR CARRIERS BY INLAND AND COASTAL WATERWAYS

ACCOUNT 151: ACQUISITION ADJUSTMENT; MODIFICATION

JUNE 25, 1952.

Having under consideration the matter of recording the cost of intangible assets, such as operating rights and agreements, the Commission by Division 1 has approved modification of the text of account 151, Acquisition Adjustment, to provide for the inclusion of such costs and the creation of a new amortization reserve account which will be credited as the costs are amortized by charges to income.

Any interested person may on or before July 31, 1952, file with the Commission written views or arguments to be considered in this connection, and may request oral argument thereon. Unless otherwise decided after consideration of representations so received, an order will be entered making the modification effective January 1, 1953.

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

[F. R. Doc. 52-7402; Filed, July 7, 1952; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 982]

[Docket No. AO-238]

HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Central West Texas, 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 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and order was formulated, was conducted at Abilene, Texas, February 11 through 15, 1952, pursuant to notice thereof which was issued on January 16, 1952 (17 F. R. 661).

The material issues of record related to:

1. Whether the handling of milk produced for the marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;
2. Whether marketing conditions justify the issuance of a milk marketing agreement or order;
3. The extent of the marketing area;
4. Scope of regulation;
5. The classification and allocation of milk;
6. The determination and level of class prices;
7. Payments to producers; and
8. Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Character of commerce.* The handling of milk in the Central West Texas marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in the handling of milk and its products.

Substantial quantities of milk produced in states other than Texas are imported regularly to supply the needs of handlers in the Central West Texas area. Since the production area within the state does not furnish a sufficient supply, the importation of milk for fluid use is a normal part of the operations of several handlers in this area. One handler whose plant is located in Midland, Texas, is currently importing 3,000 gallons per day of milk produced in Missouri, which represents approximately 60 percent of his receipts. Another handler whose plant is located in San Angelo, Texas, imports from Missouri from 12 to 20 percent of his total receipts, or approximately 5,600 gallons per week. Other handlers also import milk from Wisconsin and Missouri.

Substantial volumes of milk are sold in Central West Texas by Dallas handlers subject to the North Texas milk marketing order. These handlers also receive milk from producers in states other than Texas. Such milk is sold in competition with that of handlers with plants located in cities of the Central West Texas area. There is also competition for sales between handlers of the Central West Texas area and handlers who receive milk from producers whose farms are located in New Mexico. The plant of one such handler is located in New Mexico.

2. *Need for regulation.* Marketing conditions in the Central West Texas marketing area justify the issuance of a marketing agreement and order.

The Central West Texas area is an extensive area in which the population of the principal cities has increased rapidly in recent years. At the same time the production of milk has declined, particularly under severe drought conditions of the past two years. As a consequence major handlers of the area have imported substantial quantities of milk throughout all months of the year. Local producers have nevertheless at times been paid surplus prices for their milk at the same time that handlers have been importing outside milk.

Producers delivering milk to the same plant are frequently paid different prices. The prices paid by handlers with plants located in the same city also differ from each other. One of the larger handlers operates five bottling plants located in five different cities of the area, and a receiving station at a sixth location. At his largest plant in Abilene, nearby producers who deliver their own milk are paid one price, while more distant producers, whose milk is picked up in cans at a collection point, are quoted a lower price at the collection point and also pay the hauling charge from the collection point to the Abilene plant. Thus, the milk picked up at the collection point actually costs the handler less than the direct delivered milk. As a result, some producers whose milk moves in their own cans to the Abilene plant receive 40 to 50 cents less per hundredweight for their milk, as delivered at Abilene, than do other producers delivering to the same plant. Inequitable costs to handlers for milk for fluid use also has resulted from this arrangement, since other handlers receiving milk at Abilene have paid prices equal to those paid by this handler for milk delivered direct to his plant. The same handler quotes prices for milk delivered to his Brownwood and Comanche plants which are less than his prices for milk delivered to his Midland, Abilene and San Angelo plants, and makes further deductions from payments to producers delivering milk to Brown-

wood and Comanche for movement of milk to such other plants. A San Angelo handler also is paying different prices for milk received at his plant to producers from different areas.

Handlers have refused to bargain with a cooperative association representing a substantial majority of the milk producers of the area with respect to the prices and conditions under which producers market their milk. With some few exceptions, handlers have not permitted the association to render to its members check testing and weighing services. For some time after the association was first organized in 1949, handlers by coercion and intimidation attempted to keep producers from joining the association. Handlers will not allow the association access to records to verify the use made of producer milk, and producers are not permitted to participate in the price-making functions of the market. They often learn of changes in price only at the time of payment for milk. This situation has prevented the development of an orderly system of establishing prices for milk produced for fluid consumption in this area. Such a system is needed to assure producers of fair and equitable prices, and equal costs of milk to handlers.

There is need for market-wide information concerning production and sales in order that producers may plan their production and marketing programs intelligently. The adoption of a classified price plan based on the audited utilization of handlers, and market-wide pooling of returns among producers, will provide, respectively, equal costs to handlers for milk used for like purposes, and a fair division among all producers of the returns from fluid sales in the market.

3. *Extent of the marketing area.* The Central West Texas marketing area should be defined to include the cities of Abilene, Ballinger, Big Spring, Breckenridge, Brownwood, Cisco, Coleman, Colorado City, Comanche, Eastland, Lamesa, Midland, Odessa, Ranger, San Angelo, Snyder, Stamford, Sweetwater, and Winters, all in the State of Texas.

It was proposed that the marketing area be defined to include all the area within 27 counties in Texas. The 19 cities herein decided as the marketing area comprise the principal centers of urban population of this area. These cities have a total population of approximately 220,000, ranging in size from 2,500 to 52,000 population. Defining the marketing area by city boundaries rather than by county boundaries will simplify administration of the order and provide equally effective regulation for the area. Population in the rural areas is widely scattered, and the smaller towns not included in the area are completely served by handlers of the named cities. Because of the relatively small volume of sales which may be expected in such smaller towns, and the distances separating them, unregulated handlers would find it impractical to establish business in the counties proposed without sales within the defined marketing area.

All milk sold for fluid consumption in the Central West Texas area is sold as Grade A milk. To be labeled "Grade A", milk must be produced and handled under the supervision of local health officers in accordance with the standards of the United States Public Health Service Milk Ordinance. These standards have been adopted by the Texas State Department of Health and are contained in the ordinances of the cities. Sanitarians of city-county health units enforce these standards with respect to milk received from producers by plants located in the area. These sanitarians accept the certification of each other and of other health authorities enforcing similar standards with respect to the quality of milk.

Milk moves freely within the defined area. Milk received and bottled at Abilene is sold in Breckenridge, Cisco, Eastland, Ranger, Snyder, Stamford and Winters. Milk received at Brownwood is sold in Comanche and Coleman in bottled form and is moved to Abilene, San Angelo and Midland for bottling. Milk received at Sweetwater is sold in Snyder. Milk received at a receiving station at Comanche is moved to Midland, where it is commingled with milk received at Midland and Big Spring and is sold in Midland and Odessa in competition with milk received from producers at another Midland plant. Such milk is also sold in Lamesa. Milk received at Big Spring is sold in Colorado City in competition with milk received at Midland and Sweetwater. Milk received at San Angelo is sold at Ballinger, Coleman, Big Spring, and at other points outside the marketing area in competition with milk received at plants in other cities of the area herein decided.

Milk is sold in these 19 cities from plants of handlers located in the cities of Abilene, Big Spring, Breckenridge, Brownwood, Lamesa, Midland, San Angelo, Stamford and Sweetwater, and by handlers whose plants are located in Dallas, Lubbock and Wichita Falls. The Dallas handlers are regulated under the North Texas marketing order. The Lubbock handler sells only a small portion of his total Class I sales in the cities of Lamesa and Snyder, and sells less milk in these cities than do handlers with plants in the marketing area. The sales by a Wichita Falls handler are in Stamford and are likewise not a large percentage of either his total sales or the total sales in that city. Provision is made in the proposed order to exempt from full regulation such outside handlers with relatively small sales in the area.

The Midland handler who imports 60 percent of his supplies from Missouri proposed that six counties which include Big Spring, Colorado City, Midland and Odessa be excluded from the proposed marketing area. The basis of his contention is that this is a separate deficit area for which both he and his competitor with two local plants in Big Spring and Midland must import a substantial portion of their milk supplies. The imports of this competitor are from his plants in Brownwood and Comanche. In fact all receipts at a Comanche plant are moved to Midland for processing, and this plant in fact serves as a receiving station for a Midland plant, although the producers supplying it hold Brownwood permits. It is doubtful if effective regulation of the milk received at Comanche would be provided unless the western towns are included in the marketing area, and the record shows conclusively that such milk should be subject to regulation. Should it be possible to devise effective regulation of this milk without including the western cities in the marketing area, milk would not be priced uniformly to handlers doing business there. Milk from a San Angelo plant is distributed there and the volume of milk sold there which is priced under the North Texas order is quite substantial. If these cities were excluded, and the Comanche milk priced under the order, then somewhat over half of the milk sold there would be priced under either the Central West Texas order or the North Texas order, and the handler proposing exclusion of these cities would be the only handler who would not have a substantial portion of his receipts priced under these two orders. These cities should be included in the marketing area so that effective regulation will be possible and producer receipts of all handlers will be priced uniformly.

4. *Scope of regulation.* The minimum class prices of the order should apply to Grade A milk produced under the regular inspection of the health authorities of the municipalities comprising the marketing area, which is received at milk bottling plants distributing milk in the marketing area, or at receiving stations supplying such bottling plants. The class prices should also apply to Grade A milk produced under the inspection of other health authorities whose certification is accepted by the appropriate health authorities of the marketing area, if such milk is received at a bottling plant from which a significant portion of the total Class I sales is on routes in the marketing area.

Milk sold in the marketing area is exclusively Grade A milk. The health authorities of the cities of the marketing area in which processing plants are located inspect the farms of and issue permits to those eligible producers whose milk is received at such plants. Health authorities of the marketing area also inspect farms and issue permits to producers whose milk is received at two receiving and cooling plants from which milk is regularly moved to bottling plants in the area. In addition, the farm and plant inspections of other authorities enforcing Grade A standards and requirements are recognized for both regular distribution and supplementary supplies.

In order to distinguish clearly what milk is to be subject to the order, which processors and distributors are to be subject to regulation, and which dairy farmers will participate in the market pool, it is necessary to include in the order definitions of "approved plant", "handler", "producer" and "other source milk."

"Approved plant" should be defined to include those Grade A milk plants under the routine inspection of health authorities of the marketing area from

which Class I milk (fluid milk items specifically named elsewhere in the order) is disposed of on routes in the marketing area, or which serve as receiving stations for plants with route disposition in the marketing area. "Approved plant" should also include those Grade A milk plants under the routine inspection of other health authorities from which at least 15 percent of the total disposition of Class I business is on routes in the marketing area. The definition thus will not include outside plants which furnish supplementary supplies to plants regularly supplying the area, nor will it include plants whose route disposition in the area is a minor portion of their total Class I business. To include such plants would involve pricing milk that is not primarily associated with the Central West Texas market. The record indicates that route disposition of less than 15 percent of total Class I disposition is now made in the marketing area by plants in Lubbock and Wichita Falls. The order does not regulate the prices to be paid dairy farmers by operators of plants having a major proportion of their Class I sales outside the Central West Texas marketing area and they remain free to compete for milk supplies without regard to the order. However with respect to the volume of Class I milk sold by such operators within the marketing area, there must be assurance that no competitive advantage accrues to the handler who purchases such milk from dairy farmers as compared to the handlers whose minimum price for milk is established by this regulation. The order provides for payments on such sales at a rate equal to the difference between the Class I and Class II prices of the order. This provides a wholly objective, uniform rate which will assure that the costs of milk for in-area sales from plants not qualifying as approved plants are at least equal to the order prices. Administrative assessments on the volume of Class I milk sold in the marketing area are also required to be paid by the operators of such plants.

"Handler" to whom the regulatory provisions of the order apply, should be defined as the operator of an approved plant in his capacity as such, the operator of an unapproved plant from which route disposition of Class I milk is made in the marketing area, or a cooperative association with respect to milk or producers diverted from an approved plant to an unapproved plant for the account of such cooperative association.

The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and for paying producers minimum prices. The operator of the unapproved plant from which route disposition of Class I milk is made in the marketing area should be defined as a handler in order that the status of his plant may be established and that the obligations described above may be imposed upon him. A cooperative association may need for short periods to divert producer milk from approved plants to unapproved plants. If the association is permitted to act as a handler for such milk, even though it may have no plant, the producers whose milk is so diverted will receive the uniform price of the order and their milk will be available for Class I use when needed.

"Producer" should be defined as any person, other than a producer-handler, who produces "approved milk" which is received at an approved plant or is diverted from an approved plant to an unapproved plant for the account of a handler. The definition should specify "approved milk" as that produced under a Grade A permit or rating issued by a health authority having jurisdiction in the marketing area, if such milk is received at (or diverted from) an approved plant under the regular inspection of such health authority, or that produced under a health authority whose certification is accepted by the local health authority if such milk is received at an outside bottling plant with route disposition in the marketing area equal to or in excess of 15 percent of total Class I sales. Provision should be made that any person whose milk is received by a handler subject to another Federal order will not be defined as a producer, since this would result in such person's milk being included in two pools.

The order does not propose to pool the Class I sales of a producer-handler, who is a person operating an approved plant who produces milk but receives no milk from producers. Any milk they sell to handlers is normally surplus to their own operations; to pool such milk without also pooling the Class I sales producer-handlers make directly would result in a preferential market to producer-handlers as compared with regular producers. Producer-handlers should therefore be excluded from the definition of producers, and the milk they deliver to buying handlers be treated as other source milk.

"Other source milk" should be defined to include all skim milk and butterfat other than that contained in producer milk. When received at an approved plant, such milk would be from dairy farmers not approved by health authorities in the marketing area for producing Grade A milk, or from a plant which has not qualified as an approved plant. Other source milk would not be priced under the order, but would be allocated to the lowest valued use in the handler's plant, to prevent its displacing from Class I producer milk, which constitutes the regular supply of the market.

5. *Classification of milk.* Milk should be classified in two classes. Class I milk should include all skim milk and butterfat disposed of as Grade A milk or milk products, and unaccounted for milk except for an allowance for plant loss or shrinkage. Class II milk should include all skim milk and butterfat used to produce products not required to be from Grade A milk, disposed of for livestock feed, allowable shrinkage, and inventory variations (plus or minus) of Class I products. The provisions adopted specify as Class I milk those products which the record shows are currently required to be from Grade A milk. A proposal to include products which may hereafter be required to be from Grade A milk should not be adopted, as the diversity of health authorities with jurisdiction in the marketing area makes it improbable that such requirements will be adopted simultaneously in all parts of the area.

Unaccounted for producer milk in excess of a reasonable allowance for plant loss should be Class I milk in order to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for this purpose. No limit need be placed on shrinkage of other source milk as Class II milk since such milk is deducted from the lowest use class under the allocation provisions. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts.

To prevent other source milk, which is unpriced, from displacing from Class I the producer milk regularly supplying the market, other source milk should be allocated to the lowest use in a handler's plant. In establishing the classification of milk, responsibility should be placed upon the handler who first receives milk from producers to account for all milk and milk products received, and to prove to the market administrator his claim that such receipts should be classified other than as Class I. The handler who first receives milk from producers is the person who is in position to satisfy this primary need of a class price plan. Such a handler must be held responsible for reporting the proper utilization of such milk and making full payment for it. He must, therefore, maintain records to establish unquestionable proof of the utilization of all milk he receives.

Provision should be made to cover the classification of milk, skim milk and cream transferred to other milk plants. Transfers to approved plants of other handlers may be at classification agreed upon between the handlers, provided the transferee plant has use in the agreed class and the prior claim of producer milk over other source milk on Class I utilization is maintained. Transfers to a producer-handler should be Class I milk, since producer-handlers normally purchase from handlers only for fluid use. Transfers from approved plants to fluid milk plants within 300 miles should be Class I milk, unless it can be shown that the receiving plant did not have Class I use in excess of its receipts from the dairy farmers constituting its regular source of supply. Transfers to milk manufacturing plants within 300 miles should be Class II milk. Transfers to plants beyond 300 miles should be Class I if the milk so transferred is in the form of milk or skim milk. Transfers of cream to such plants should be Class I if under Grade A certification, and Class II if without such certification. Milk and skim milk cannot economically be transferred long distances for manufacturing use. The limit of 300 miles is established as an area within which there are manufacturing facilities sufficient to dispose of any prospective excess of producer milk. Cream often moves long distances for use in ice cream. Grade A certification is considered a reasonably accurate criterion for distinguishing that cream moved for fluid uses from that moved for manufacturing purposes.

6. The determination and level of class prices. The Class I milk price should be based on the Class I price established under Federal Order No. 43 regulating the handling of milk in the North Texas marketing area, to which should be added 35 cents per hundredweight. The Class I price should be further adjusted for the location of approved plants, both within and without the marketing area, at which milk is received from producers.

A substantial volume of milk priced under the North Texas milk order is distributed on routes operated in almost every city of the Central West Texas marketing area. Between 15 and 25 percent of the total fluid milk sales in the area are from the plants of North Texas handlers in Dallas who distribute through vendors in this area. Cities of the Central West Texas marketing area are at distances from Dallas varying from 131 miles to either Breckenridge or Comanche up to 350 miles to Odessa. Distribution at such distances in competition with plants receiving milk within the area is feasible because production conditions in the Central West Texas area are difficult and farmers in this area cannot produce milk except at relatively high prices. The increase in population and decline in milk production in the area have created a demand for milk which could not be supplied from local production. As a consequence one North Texas handler in particular has established sales which are a significant factor in the milk trade of the area. There are also areas in which there is competition for producers between the Central West Texas area and the North Texas area, since the milksheds of the two areas overlap to some extent. North Texas handlers buy milk from producers in Erath, Eastland and Hamilton Counties. Central West Texas handlers also have producers in these counties. A handler from Abilene until recently purchased milk from producers in Parker County, which is included in the North Texas marketing area.

Under these circumstances, there is a very close relationship between prices in the North Texas area and those in the Central West Texas area. The level of prices in the Central West Texas area has changed at about the same time as that of the North Texas area, and in approximately the same amounts in the same direction. The competition for sales and production requires integration of changes in price for the two markets.

Proponents of the order proposed to accomplish this result by basing the Class I price upon a basic formula identical with that of the North Texas order plus differentials to bring about the proper difference in the Class I price. The North Texas order, however, provides for adjustment of the Class I price by the ratio of producer supplies to Class I sales. The evidence received at the hearing indicates the necessity for maintaining a constant difference between the prices of the orders. This may be accomplished by specific reference in the Central West Texas order to the Class I price of the North Texas order. Official notice is taken of the fact that since the hearing amendments have been made to the Class I pricing provisions of the North Texas order.

It is further necessary that the Class I price vary for locations in the marketing area. Production conditions, influenced largely by rainfall, vary considerably throughout the milkshed. The cities of the marketing area are separated by considerable distances, and the population is not distributed in proportion to the milk production. The most favorable production conditions are in counties nearer to Brownwood and Comanche than to other cities in which there are plants that receive milk from producers. Approximately 25 percent of the receipts of producer milk are at plants in Brownwood and Comanche, but less than 10 percent of the sales in the area are from these plants. Plants in Abilene and San Angelo receive milk from producers who could deliver their milk to Brownwood and Comanche at less cost. Abilene and San Angelo plants have customarily paid prices higher than those at Brownwood and Comanche in order to secure supplies. A majority of both producer receipts and sales from plants in the area are from plants in Abilene, San Angelo and Sweetwater, at which locations producer prices have usually been approximately the same. At Big Spring and Midland plants, however, producer receipts are less than 15 percent of the total for the area while sales are in excess of 30 percent of the total sales of the area. Milk received at Brownwood and Comanche in excess of the needs for fluid sales in that area is regularly moved to a Midland plant by tank truck. Another Midland plant requires outside supplementary supplies for approximately 60 percent of its sales. Milk received at a receiving station operated by a cooperative association at Windthorst, 125 or more miles from Abilene, is produced under permits of Abilene health authorities and moved regularly to the plants of Abilene handlers. Prices established for producer milk received at plants in different parts of the marketing area and without the area must be adjusted so as to permit milk to move to the plants at which it is needed for Class I sales.

The general trend of movement of milk is westward. Proponents of the order proposed that the Class I price for milk be established at 23 cents over the North Texas order price for milk received in certain counties in the eastern portion of the proposed 27-county area, that this be increased to 46 cents for milk received in a large group of counties in the central portion of the area, and to 69 cents for milk received in the far western counties proposed. The handler operating plants in each of these proposed districts proposed that these amounts should be 10, 33 or 35, and 63 or 65 cents respectively. An analysis of the past relationships between Dallas-Fort Worth prices and those for Abilene, San Angelo and Sweetwater indicates that the prices paid for milk received at these Central West Texas cities have generally ranged from 30 to 45 cents above the Dallas-Fort Worth prices. Prices at Midland are currently at about the same level but there is general agreement that they should be higher than the Abilene price.

It is concluded that the appropriate relationships to the North Texas order price should be 15 cents, 35 cents and 55 cents, respectively, more than such price, and that provision should be made that the Class I price applicable for milk received at Windthorst, and plants in the North Texas marketing area should be the North Texas order price. This is accomplished by establishing the Class I price as that applicable in the Abilene-San Angelo-Sweetwater area, and providing location adjustments of (1) an additional 20 cents for milk received within 70 miles of Midland, and (2) a reduction of 20 cents for milk received at points that are both more than 180 miles from Midland and also more than 70 miles from Abilene, with a further reduction of 15 cents for milk received at such points more than 110 miles from Abilene. This system of location adjustments will provide the same relative system of zoning for all plants within the areas as was proposed, with the exception of one small plant at Breckenridge at which the Abilene rather than the Brownwood price will apply. The record shows that there is little milk production in this area, and that milk received at Abilene is regularly sold there, while no milk received at Brownwood is sold in Breckenridge.

The Class II price should be based on 92-score butter prices in Chicago, and the average of the prices for spray and roller process nonfat dry milk solids f. o. b. Chicago area plants. Ice cream and cottage cheese are the primary uses made of Class II milk solids by Central West Texas milk dealers. Health authorities in the area permit use of ungraded milk in the manufacture of these products, for which most ingredients must be imported. A butter-powder formula price appears to provide the best available estimate of cost to handlers of obtaining suitable alternative butterfat and nonfat solids for use in ice cream and cottage cheese. Three cents should be subtracted from the butter quotation and 5.5 cents from the nonfat solids quotation as a reflection of the manufacturing and marketing margin. Yields of 1.2 and 8.16 should be applied respectively. An overrun of at least 20 percent is commonly experienced in churning butter. Also a yield of 8.5 pounds or more of powder can be expected from 100 pounds of skim milk in a reasonably efficient plant. Since 100 pounds of whole milk testing 4.0 percent contain 96 pounds of skim, a yield of 8.16 per 100 pounds of whole milk is provided. These yield factors are in line with general market experience, and are closely comparable with those used in many other federally regulated markets.

The recommended Class II pricing formula is the same as that used as an alternative price for Class II milk in the North Texas order. This record does not provide a basis for an alternative Class II price determined from the paying prices of Texas manufacturing plants for ungraded milk such as is used in the North Texas order.

The minimum prices which handlers would be required to pay are for milk testing 4.0 percent butterfat. These should be adjusted upward or downward

in accordance with variations from 4 percent in the butterfat content of the milk. The rate of adjustment for each class should be aligned with the respective class prices in order to properly apportion the value of butterfat and nonfat solids in these classes. This adjustment does not affect the class prices for milk of standard test.

It is concluded that extra butterfat above 4.0 percent in Class II milk should be priced at 1.15 times the Chicago 92-score butter price, and that such butterfat in Class I milk should be priced at 1.25 times such butter price. These figures should be converted and payment made on the basis of tenths of a pound. Deductions should be made at the same rate for milk testing less than 4.0 percent butterfat. These butterfat differentials are identical with those of the North Texas order and their use will preserve the comparability of prices in the two orders that is established by the class prices for milk of 4.0 percent butterfat content.

The parity price of all milk sold at wholesale in the United States, which is the applicable parity price under present legislation, was $4.84 per hundredweight as of March 15, 1952. Such price does not reflect what the record shows to be the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area; nor would it insure a sufficient quantity of pure and wholesome milk for the marketing area, or be in the public interest.

7. *Payments to producers.* The "market-wide" type of pool with base-rating plan should be established in this order for the purpose of distributing among producers returns from the sale of their milk. Under this plan all producers receive the same uniform price for their milk (or when bases are applicable, a uniform price for base milk and a uniform price for milk in excess of base) irrespective of the utilization made of such milk by individual handlers.

The alternative to the market-wide pool is the individual-handler pool. Under this latter system producers delivering to each handler receive a uniform price based on each handler's utilization of milk. Because different handlers utilize different proportions of their milk as Class I and Class II, the uniform prices of individual handlers would vary one from the other. This might facilitate the distribution of the available supply of milk in accordance with handlers' needs in a marketing area of this size. On the other hand, the record shows that a cooperative association will be a handler for milk it receives from producer members at a receiving station and regularly moves to the plants of proprietary handlers. Another cooperative association representing the majority of all producers has proposed that the order be so written as to enable it to become a handler when necessary to market any milk of its members in excess of the needs for Class I milk. Under these circumstances an individual handler pool would result in an unequal sharing of the market among producers and would not be conducive to orderly marketing. The use of a market-wide pool will also facilitate the distribution among producers of any payments that may be required from handlers relieved from full regulation of the order because of minor distribution in the area or because they are subject to other milk orders.

A Midland handler advocated an individual handler pool on the basis that deliveries of producer milk at Midland plants are less than Class I sales from such plants, and producers delivering to these plants have not historically borne any of the burden of carrying reserve milk for the market. The class prices and location adjustments provided in the order should result in equitable returns to producers variously situated, when all such producers share proportionably in the total Class I sales of the market. The other handler receiving milk at Midland operates plants in other cities, and under an individual handler pool his payments to producers would be computed on the basis of receipts and utilization of milk at all such plants. The necessity for premium payments by this handler under a handler pool appears more probable than does the necessity for his competitor to make such payments under a market-wide pool.

In the computation of the value of producer milk, provision should be made for the inclusion of the value of milk classified in excess of reported receipts from producers, other handlers, and other sources. This provision is found in other milk orders and is necessary to account for differences between the reported and actual weights and tests of milk received from producers.

The butterfat differential to be used in making payments to producers should be fixed at one-tenth of the price of Grade A (92-score) butter on the Chicago market multiplied by 1.2. This differential is the same as that established under the North Texas order. The producer butterfat differential merely affects the proration of returns among producers, and it in no way affects handlers' costs for milk.

The distribution among producers of the returns from the sales of milk in the months of April, May and June should be made through the medium of a base-rating plan. The proposal for a base rating plan is supported by both the producers association and handlers in the market. Producers have become accustomed to the use of bases under the marketing plans in effect in the area.

The purpose of a base-rating plan is to encourage producers to level out seasonal variations in their milk deliveries and thus avoid seasonal shortages and surpluses. This is accomplished by assigning each producer a base equal to his average delivery during the months of short production (October through January) and making prior assignment of Class I sales of the market during the months of greatest production (April through June) to the deliveries that producers make within such bases. A uniform price for base milk is thus computed which is enhanced above the average for the market and a uniform price for excess milk (deliveries in excess of base milk) which is below the average for the market. The lower price applicable to excess milk tends to limit deliveries of such milk during the months of surplus production. Conversely, the value of a large base gives impetus to the delivery of milk in the season of short production. The influence of these two forces tends to cause a more even seasonal pattern of milk deliveries than if payments are made during all months of the year on a straight uniform price basis.

The record does not show clearly the seasonal pattern of milk deliveries for the entire area, nor have there been seasonal surpluses within the past year. If there is a deficit supply of milk in the months of April through June the uniform price for excess milk will be practically equal to that of base milk. The data available are, however, those for a period of severe drought and consequently cannot be considered representative of normal conditions. Seasonal surpluses are to be avoided in this area in view of the lack of adequate manufacturing facilities. The order for the North Texas market, with which the Central West Texas market is closely related, incorporates a base-rating plan. It is concluded that a base-rating plan similar to that of the North Texas order should be included even though the record indicates that there have been supply conditions under which such a plan is not normally effective.

Uniform prices to producers should vary with the locations of the approved plants at which their milk is received. With respect to the uniform prices for all milk and for base milk, the rate of adjustment should be identical with the rate of adjustment made with respect to the price for Class I milk to handlers. The uniform price for excess milk should be adjusted at such rates in proportion to the total volume of excess milk classified as Class I milk.

Although uniform prices are computed once a month, provision should be made to pay producers on a semi-monthly basis. The majority of producers on the market have customarily been paid twice a month and it concluded that this practice should be continued. The advance payment to be made on or before the 25th day of the month and covering receipts of producer milk during the first 15 days of the month should be at not less than the Class II price for the preceding month. Payment at this rate will largely eliminate the possibility of handlers making overpayments to producers who may leave the market before the end of the month. Final payment for milk received during each month should be made on or before the 15th day after the end of the month.

In the case of a qualified cooperative association, which so requests, the handler should make the advance and final payments sufficiently in advance of the date for payment to other producers to enable the cooperative association to pay its members at that date. The dates which have been provided for these various payments are so spaced that ample time is provided the handlers and the market administrator for the filing of reports, the computation of the vari-

ous prices and the writing and mailing of checks.

8. *Administrative provisions.* Certain other provisions should be adopted to enable proper and efficient administration of the order.

(a) *Administrative assessment.* Each handler should be required to pay to the market administrator, as his pro rata share of the cost of administration of the order, 4 cents per hundredweight, or such lesser sum as the Secretary may from time to time prescribe, on all receipts at his approved plants within the delivery period of (1) milk from producers (including such handler's own production) and (2) other source milk which is classified as Class I.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order and the act provides that the administration of the order be financed through assessment against handlers. In view of the anticipated volume of milk on which the rate would apply it is concluded that a maximum rate of 4 cents per hundredweight is necessary at this time to guarantee sufficient administrative funds. In the event at a later date a lesser amount proves to be sufficient for proper administration, provision is made to enable the Secretary to reduce the assessment accordingly.

(b) *Deductions for marketing services.* Provision should be made for the dissemination of market information to producers and for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. This provision, including the assessing of producers in payment thereof, is specifically authorized by the act. Five cents per hundredweight or such lesser rate as the Secretary may determine should be deducted by handlers from the payment to producers and turned over to the market administrator to finance such services. This rate was proposed by producer groups who have had experience with check sampling, weighing, and testing programs in the marketing area. In the event any qualified cooperative association is determined to be performing such services for any producer, handlers should pay to the cooperative association such deductions as are authorized by such producer in lieu of the payment to the market administrator.

(c) *Other administrative provisions.* The remaining provisions of the order are of a general administrative nature, are incidental to the other provisions of the order, and are necessary for the proper and efficient administration of the order. They provide for the selection of the market administrator, define his powers and duties, prescribe the information to be reported by handlers each month and the length of time that records must be retained. A plan for liquidation of the order in the event of its suspension or termination should be provided.

Producer-handlers should be exempt from the regulatory provisions of the order except that they should be required to file reports as requested by the market administrator. Since a producer-handler may change his status from time to time, it is necessary that the market administrator have authority to require such reports as will enable him to verify the current status of a producer-handler and to supplement other market information.

A handler who operates an approved plant which is subject to the regulatory provisions of another milk marketing agreement or order issued pursuant to the act, and from which the Secretary determines that a greater volume of Class I milk is disposed of in such other marketing area than in this marketing area should be partially exempt from the provisions of this order. It would be impractical to attempt to regulate a handler under two separate orders with respect to the same milk. It appears reasonable that the effective regulation should be that of the area in which such a handler makes the greater portion of his sales. In order to insure equity between handlers, such a handler should not be permitted to purchase milk for sale as Class I in either area at less than the price paid by regulated handlers of the area. Therefore, it should be provided that if the price such handler is required to pay for Class I milk under the other order to which he is subject is less than the price provided in the proposed order, he should pay to the producer-settlement fund an amount equal to the difference between the two prices on all Class I milk disposed of within the area. The Class I price of this order applicable to plants receiving milk in the North Texas marketing area is the same as that of the North Texas order, so that no payments will be required on the milk marketed in the Central West Texas marketing area. Such handler should also be required to report to the market administrator regularly so that he may ascertain the amount of milk disposed of by such persons within the area.

The order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

General findings. (a) The proposed marketing agreement and the order 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 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 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 on behalf of the Central West Texas Producers Association and the majority of the handlers who would be regulated. The briefs contained proposed findings of facts, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinafter set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which 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.

DEFINITIONS

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

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

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

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

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

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

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 982.6 *Central West Texas marketing area.* "Central West Texas Market-

ing Area" hereinafter called the marketing area means all territory within the corporate limits of the following cities, all in the State of Texas:

Abilene.	Lamesa.
Ballinger.	Midland.
Big Spring.	Odessa.
Breckenridge.	Ranger.
Brownwood.	San Angelo.
Cisco.	Snyder.
Coleman.	Stamford.
Colorado City.	Sweetwater.
Comanche.	Winters.
Eastland.	

§ 982.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by and under the routine inspection of any health authority having jurisdiction in the marketing area:

(1) From which Class I milk labeled Grade A in consumer packages is disposed of for fluid consumption in the marketing area on wholesale or retail routes (including routes operated by a vendor and disposition from plant stores); or

(2) Which receives milk from producers as defined in § 982.10 (a) which serves as a receiving station by receiving, weighing and commingling producer milk, and from which such milk (i) is moved to a plant specified in subparagraph (1) of this paragraph during the month, or (ii) was moved to plant(s) specified in subparagraph (1) of this paragraph in an amount equal to 60 percent or more of total receipts of producer milk during the months of October through January immediately preceding any month of April, May or June during which no milk was moved to such a plant; or

(b) A milk plant approved by and under the routine inspection of a health authority other than one having jurisdiction in the marketing area from which Class I milk labeled Grade A in consumer packages is disposed of for fluid consumption in the marketing area on wholesale or retail routes (including routes operated by vendors and disposition from plant stores) in an amount equal to 15 percent or more of the total disposition of Class I milk from such plant during the month.

§ 982.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 982.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) Any person in his capacity as the operator of an unapproved plant from which Class I milk is disposed of during the month on wholesale or retail routes in the marketing area (including routes operated by vendors and disposition from plant stores); or

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

§ 982.10 *Producer.* "Producer" means any person other than a producer-handler:

(a) Who produces milk under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by any health authority having jurisdiction in the marketing area, which milk is received at an approved plant described in § 982.7 (a); or

(b) Who produces milk under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by a health authority whose certification is accepted by the appropriate health authority having jurisdiction in the marketing area, which milk is received at an approved plant described in § 982.7 (b).

"Producer" shall include any such person whose milk is regularly received at an approved plant, but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include any person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 982.61.

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

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

§ 982.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 982.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 982.80 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 982.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from such producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 982.80.

MARKET ADMINISTRATOR

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

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

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

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

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

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

(d) Pay out of funds provided by § 982.98 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 982.97) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

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

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

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to § 982.30 to § 982.32, inclusive; or

(2) Made payments pursuant to § 982.90 to § 982.99, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 982.50 and the Class I butterfat differential pursuant to § 982.52 (a), both for the current month, and the minimum price for Class II milk pursuant to § 982.51 and the Class II butterfat differential pursuant to § 982.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 982.72 and § 982.73 and the butterfat differential computed pursuant to § 982.92, both applicable to milk delivered during the preceding month;

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

(l) Furnish to a cooperative association the data furnished to the market administrator pursuant to § 982.31 (a), with respect to milk of its members.

REPORTS, RECORDS AND FACILITIES

§ 982.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows for each approved plant operated by him, or, in the case of a cooperative association, for producer milk diverted by it:

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

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

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

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

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

§ 982.31 *Payroll records.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association and, for the months of April through June, such producer's deliveries of base milk and excess milk;

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

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

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

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

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

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

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

(c) Payments to producers and cooperative associations; and

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

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

CLASSIFICATION

§ 982.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 982.30 shall be classified by the market administrator pursuant to the provisions of §§ 982.41 to 982.46, inclusive.

§ 982.41 *Classes of utilization.* Subject to the conditions set forth in §§ 982.43 and 982.44, the classes of utilization shall be as follows:

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

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

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

(2) Disposed of for livestock feed;

(3) In shrinkage up to 2 percent of receipts from producers;

(4) In shrinkage of other source milk; and

(5) In inventory variations of milk, skim milk, cream or any product specified in paragraph (a) of this section.

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

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

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

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

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if later disposed of (whether in original or other form) as Class I milk.

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

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler) except as:

(1) Utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred;

(2) The receiving handler has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(3) Classification as Class II milk does not decrease the total volume of producer milk assigned pursuant to § 982.46 to Class I in the two plants.

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

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant more than 300 miles distance by the shortest highway distance, as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 300 miles distant and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 300 miles distant and from

which fluid milk is disposed of on wholesale or retail routes, unless the conditions in subparagraphs (1) and (2) are met:

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

(2) Such unapproved plant receives milk from dairy farmers who the market administrator determines constitutes its regular source of supply for Class I milk.

(3) If these conditions are met, the market administrator shall classify such milk as reported by the handler, subject to verification as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant; and

(ii) Allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the unapproved plant direct from dairy farmers.

(f) As Class II milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 300 miles distant from which fluid milk is not disposed of on wholesale or retail routes.

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

§ 982.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 982.45, the market administrator shall determine the classification of milk received by each handler from producers as follows:

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

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 982.41 (b) (3);

(2) Subtract from the remaining pounds of milk in each class the pounds of skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 982.41;

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

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 982.44 (a);

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

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

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

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

MINIMUM PRICES

§ 982.50 *Class I milk.* Subject to the provisions of §§ 982.52 and 982.53 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class I milk shall be the price for Class I milk established under Federal Order No. 43 regulating the handling of milk in the North Texas marketing area, plus 35 cents.

§ 982.51 *Class II milk.* Subject to the provisions of §§ 982.52 and 982.53 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II milk shall be computed by adding together the plus values pursuant to paragraphs (a) and (b) of this section:

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

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

§ 982.52 *Butterfat differential to handlers* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 982.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to §§ 982.50 and 982.51, for each one-tenth of one percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the appropriate month, by the applicable factor listed below and dividing the result by 10:

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

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

§ 982.53 *Location adjustment to handlers.* For milk classified as Class I milk the price set forth in § 982.50 shall be subject to the following adjustments:

(a) For milk received from producers at an approved plant located within 70 highway miles of the United States Post Office in Midland, Texas, such price shall be increased 20 cents;

(b) For milk received from producers at an approved plant located more than 180 highway miles from the United States Post Office in Midland, Texas, and also at the following highway distances from the United States Post Office in Abilene, Texas, such price shall be reduced as follows:

	Cents
More than 70 miles but less than 110 miles	20
110 miles or more	35

(c) If a handler operates two or more approved plants at which different Class I prices apply, the total milk received by such handler from producers and classified as Class I milk shall be assigned to the milk received from producers at each such plant in the following sequence:

(1) The Class I milk disposed of from each such plant shall be assigned to receipts from producers at such plant to the extent of such receipts;

(2) Class I milk disposed of from any such plant in excess of receipts from producers at such plant shall be assigned to milk received from producers at other approved plants of such handler pro rata to the volumes of producer milk moved to such plant from each such other plant to the extent that milk was so moved; and

(3) Any remaining milk received from producers and classified as Class I milk shall be assigned pro rata to receipts from producers to which Class I milk is not otherwise assigned.

APPLICATION OF PROVISIONS

§ 982.60 *Producer - handlers.* Sections 982.40 through 982.46, 982.50 through 982.53, 982.70 through 982.73, 982.80, 982.81 and 982.90 through 982.99 shall not apply to a producer-handler.

§ 982.61 *Handlers subject to other orders.* In the case of any handler who operates an approved plant which the Secretary determines disposes of a greater quantity of milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act than in this marketing area, the provisions of this subpart shall not apply, except as follows:

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

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the

market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject. Such payment shall be made on or before the 15th day after the end of the month during which such Class I milk was disposed of in the marketing area.

§ 982.62 *Handler operating an unapproved plant from which Class I milk is disposed of in the marketing area.* In the case of any handler described in § 982.9 (b) who is not subject to the provisions of § 982.61, the reporting, pricing and payment provisions of this subpart shall apply only as follows:

(a) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator pursuant to § 982.30 and shall allow verification of such reports pursuant to § 982.33;

(b) On or before the 13th day after the end of the month, the handler shall pay to the market administrator for the producer-settlement fund, with respect to all skim milk and butterfat disposed of as Class I milk on routes in the marketing area an amount equal to the difference between the value of such skim milk and butterfat at the Class I price and their value at the Class II price; and

(c) As his pro rata share of the expense of administration hereof, the handler shall pay to the market administrator, with respect to all Class I milk disposed of on routes in the marketing area, an amount per hundredweight and in the manner specified in § 982.98.

DETERMINATION OF UNIFORM PRICE

§ 982.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That if the handler had overage of either skim milk or butterfat, there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 982.46 by the applicable class prices.

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

(a) Combine into one total the values computed pursuant to § 982.70 for all handlers who made the reports prescribed in § 982.30 and who made payments pursuant to §§ 982.90 and 982.94 for the preceding month;

(b) Subtract the aggregate of the values of all plus location adjustments to producers pursuant to § 982.91, and add the aggregate of the values of all such minus adjustments;

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

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 982.92 and multiplying the resulting figures by the total hundredweight of such milk.

§ 982.72 *Computation of uniform price.* For each of the months of July through March the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received at an approved plant as follows:

(a) Divide the aggregate value computed pursuant to § 982.71 by the total hundredweight of milk included in such computation; and

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

§ 982.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices for hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, received from producers at an approved plant as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by (1) multiplying the hundredweight of such milk by the price for Class II milk of 4.0 percent butterfat content, and (2) adding to the result the amount, if any by which the value computed pursuant to paragraph (c) (1) of this section exceeds the value computed pursuant to paragraph (c) (2) of this section;

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

(c) The total value of base milk included in these computations shall be the lesser of:

(1) The aggregate value computed pursuant to § 982.71 less the value computed pursuant to paragraph (a) (1) of this section, or

(2) The hundredweight of such base milk multiplied by the price for Class I milk of 4.0 percent butterfat content plus 4 cents;

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

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

DETERMINATION OF BASE

§ 982.80 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 982.81:

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

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

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

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

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

PAYMENTS

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

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 982.72 or 982.73, adjusted by the butterfat differential computed pursuant to § 982.92, subject to location adjustments to producers pursuant to § 982.91, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment pursuant to § 982.95, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received during the first 15 days of such month at not less than the Class II price of the preceding month.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the

sum of the individual payments otherwise payable to such producer. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 982.31.

§ 982.91 *Location adjustments to producers.* (a) In making payments to producers pursuant to § 982.90 the following adjustments shall apply to the uniform price for all milk computed pursuant to § 982.72 or to the uniform price for base milk computed pursuant to § 982.73 (e):

(1) For milk received from producers at an approved plant located within 70 highway miles of the United States Post Office in Midland, Texas, each handler shall add 20 cents;

(2) For milk received from producers at an approved plant located more than 180 highway miles from the United States Post Office in Abilene, Texas, each handler may deduct the applicable amounts set forth below:

	Cents
More than 70 miles but less than 110 miles	20
110 miles or more	35

(b) The location adjustment applicable with respect to excess milk shall be computed as follows:

(1) Subtract from the total volume of Class I milk allocated to producer milk pursuant to § 982.46 the total volume of base milk received by all handlers;

(2) Divide the result by the total volume of excess milk received by all handlers; and

(3) Multiply by the rate of location adjustment applicable for base milk received at the same location and round to the nearest cent.

§ 982.92 *Producer-butterfat differential.* In making payments pursuant to § 982.90 (a), there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator of the daily wholesale selling prices per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month when such milk was received, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 982.93 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 982.61 (b), 982.62 (b), 982.94 and 982.96, and out of which he shall make all payments to handlers pursuant to §§ 982.95 and 982.96.

§ 982.94 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 982.70 is greater than the amount required to be paid producers by such handler pursuant to § 982.90.

§ 982.95 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 982.70 is less than the amount required to be paid producers by such handler pursuant to § 982.90: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 982.96 *Adjustments of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due;

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 982.97 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 982.90 (a), shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

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

§ 982.99 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

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

(1) The amount of the obligation;

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

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

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

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during

which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 982.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 982.101.

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

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

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

MISCELLANEOUS PROVISIONS

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

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

Issued as Washington, D. C., this 2d day of July 1952.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 52-7449; Filed, July 7, 1952; 9:01 a. m.]

[7 CFR Part 992]

IRISH POTATOES GROWN IN WASHINGTON

NOTICE OF BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

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

§ 992.204 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to $19,580.00;

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

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

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

Done at Washington, D. C., this 2d day of July 1952.

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

[F. R. Doc. 52-7450; Filed, July 7, 1952; 9:01 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

RULES AND REGULATIONS UNDER SECURITIES EXCHANGE ACT OF 1934

BROKER OR DEALER EFFECTING TRANSACTIONS FOR PARTNER, OFFICER, DIRECTOR OR EMPLOYEE OF ANOTHER BROKER OR DEALER

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt § 240.10b-6 (Rule X-10B-6) under the Securities Exchange Act of 1934. In substance, this rule would make it unlawful for any broker or dealer to effect any securities transaction with or for any partner, officer, director or employee of another broker or dealer, either on or off an exchange, unless he gives actual notice of the transaction to the other broker or dealer in advance and then promptly sends the other broker or dealer a copy of the confirmation. The rule would be adopted pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a).

A number of investigations conducted by the Commission in recent years have involved the misappropriation of securities or funds of customers of a broker-dealer firm by some person associated with the firm. Where securities are misappropriated, the wrongdoer usually tries to avoid detection and to realize the benefits of his wrongdoing by selling the securities through another firm. When the wrongdoer sells the securities, the customers whose securities are involved are usually subjected to the burden of proving their claims, in some cases through expensive and extended legal action. In some instances the ultimate losses to customers have been substantial. In addition, the broker-dealer by whom the wrongdoer is employed, and perhaps the broker-dealer through whom the transaction is effected, may be subject to civil liabilities even though they have no knowledge of wrongdoing. These liabilities, if substantial, might in some cases affect the financial condition of such brokers and dealers, and thus result in losses to their other customers.

The Commission also announced that it has disapproved, pending its further order, a proposed rule of the National Association of Securities Dealers, Inc., which was more limited in scope in that (1) it would have applied only to members of the Association and (2) it would have required notice only under limited conditions.

The text of the Commission's proposed rule follows:

§ 240.10b-6 *Broker or dealer effecting transactions for partner, officer, director or employee of another broker or dealer.* (a) It shall be unlawful for any broker or dealer, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange, to do any act in

connection with the purchase or sale of any security, directly or indirectly, from, to or for any partner, officer, director or employee of another broker or dealer, unless:

(1) Before effecting such transaction he gives actual notice thereof to a general partner or officer of such other broker or dealer, or, if such other broker or dealer is a sole proprietor, to such proprietor; and

(2) Promptly after effecting such transaction he gives or sends a duplicate copy of the confirmation of such transaction to a general partner or officer of such other broker or dealer, or, if such other broker or dealer is a sole proprietor, to such proprietor.

(b) Where the transaction is effected for or with a general partner or officer of such other broker or dealer, the required notice shall be given and the required confirmation shall be given or sent to a general partner or officer other than the one for or with whom such transaction is to be or has been effected.

(c) This section shall not apply if the broker or dealer sustains the burden of proof that he did not know, and in the exercise of reasonable diligence could not have known, that the customer was a partner, officer, director or employee of another broker or dealer.

The text of the proposed rule of the National Association of Securities Dealers, Inc., which has been disapproved by the Commission pending further order, follows:

A member (herein called an "executing member") who knowingly executes a transaction for the purchase or sale of a security for the account of a partner, officer, registered representative or employee of another member (herein called an "employer member") shall use reasonable diligence to determine that the execution of such transaction will not adversely affect the interests of the employer member.

The obligations implicit in the preceding paragraph may be fulfilled by an executing member requesting instruction from an employer member at any time prior to the execution of such a transaction with respect to

(1) The giving of notice, or

(2) The mailing or delivery of duplicate confirmations or statements to such employer member relating to

(a) Such transaction individually, or

(b) To such transactions generally

which instructions shall be followed.

An executing member shall, prior to the execution of any such transaction, advise the person requesting such execution of the executing member's intent to give notice or information relating to such transaction to the employer member.

The text of the Commission's order disapproving the proposed rule of the National Association of Securities Dealers, Inc., and affording interested persons an opportunity to be heard is attached hereto.[1]

All interested persons are invited to submit their views and comments on the Commission's proposed rule in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., on or before July 25, 1952.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

JUNE 30, 1952.

[F. R. Doc. 52-7394; Filed, July 7, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Petroleum Administration for Defense

NOTICE OF TERMINATION OF SECTION 3 AND SECTION 4 OF PAD INSTRUCTION NO. 2

Notice is hereby given that in accordance with section 10 of PAD Instruction No. 2, section 3 thereof entitled "Committee Organization" and section 4 thereof entitled "Committee Duties and Functions" are hereby terminated effective as of 12:01 a. m., e. s. t., July 7, 1952.

This notice of termination is issued this 2d day of July, 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior and Petroleum Administrator.

JULY 7, 1952.

[F. R. Doc. 52-7540; Filed, July 7, 1952; 12:13 p. m.]

Office of the Secretary

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER RESERVING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH ALASKA COMMUNICATION SYSTEM [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952.

[F. R. Doc. 52-7386; Filed, July 7, 1952; 8:46 a. m.]

NEW MEXICO

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF STATE IN CONNECTION WITH RIO GRANDE CANALIZATION PROJECT [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952.

[F. R. Doc. 52-7388; Filed, July 7, 1952; 8:47 a. m.]

UTAH

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FROM MINERAL LOCATION [2]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in dupli-

[1] See F. R. Doc. 52-7385, Title 43, Chapter I, Appendix, PLO 850, *supra*.

[1] See F. R. Doc. 52-7387, Title 43, Chapter I, Appendix, PLO 851, *supra*.

[1] See F. R. Doc. 52-7477, Securities and Exchange Commission, in the notices section, *infra*.

[2] See F. R. Doc. 52-7389, Title 43, Chapter I, Appendix PLO 852, *supra*.

cate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952.

[F. R. Doc. 52-7390; Filed, July 7, 1952; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

MEMORANDUM OF AGREEMENT CONCERNING SCOPE OF TERM FARM EQUIPMENT AS USED IN EXECUTIVE ORDER 10161

1. The purpose of this memorandum is to set forth the understanding of the Production and Marketing Administration, United States Department of Agriculture, and of the National Production Authority, United States Department of Commerce, as to the scope of the term "farm equipment" as used in Executive Order 10161 (15 F. R. 6105) in order that the exact areas within which each agency is responsible for the exercise of priorities and allocation functions may be clearly defined. The National Production Authority exercises jurisdiction over the production of all machinery and equipment, including the allocation of materials for such production. It also exercises jurisdiction over the distribution of machinery and equipment other than "farm equipment." Under the Executive Order the Department of Agriculture has jurisdiction over the domestic distribution of farm equipment.

2. Under section 101 of Executive Order 10161, priorities and allocation functions of the President are delegated to the Secretary of Agriculture "with respect to * * * the domestic distribution of farm equipment." Executive Order 10200 (16 F. R. 61) continued the delegation made to the Secretary of Agriculture by Executive Order 10161. Section 901 (i) of Executive Order 10161 defines farm equipment as "equipment manufactured for use on farms in connection with the production or processing of food." However, there is need for a more precise definition of the term "farm equipment" since many items of equipment are used on farms although they are manufactured for a general market and some items having primarily a farm use are used elsewhere than on farms.

3. It is recognized that only when equipment is designed primarily for use on farms can it be said to have been "manufactured for use on farms" within the meaning of the definition of "farm equipment" contained in section 901 (i). In order to obviate any confusion as to what equipment is included within the term "farm equipment," it is hereby agreed by the Production and Marketing Administration, United States Department of Agriculture, and National Production Authority, United States Department of Commerce, that such term includes only those specific items of equipment set forth in Appendix A hereto attached; and the fact that an item of equipment not listed in Appendix A is used on a farm, or that an item of equipment listed in Appendix A is used other than on a farm, is immaterial in determining whether such equipment is within the meaning of the term "farm equipment" for the purposes of Executive Order 10161.

4. The functions of the Department of Commerce, referred to above, have been delegated to the Administrator of the National Production Authority by NPA Organizational Statement No. 1 (17 F. R. 4305) which sets forth the authority, organization, and functions of the National Production Authority. The functions of the Department of Agriculture, referred to above, have been delegated to the Administrator of the Production and Marketing Administration by Defense Food Delegation No. 1 (15 F. R. 6424; 16 F. R. 2446, 3311, and 3519).

PRODUCTION AND MARKETING ADMINISTRATION,
DEPARTMENT OF AGRICULTURE,
HAROLD K. HILL,
Acting Administrator.

JUNE 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
DEPARTMENT OF COMMERCE,
HENRY H. FOWLER,
Administrator.

JUNE 26, 1952.

APPENDIX A

EQUIPMENT INCLUDED WITHIN THE DEFINITION OF THE TERM FARM EQUIPMENT FOR PURPOSES OF SECTION 101 OF EXECUTIVE ORDER 10161

Tractors, farm:
- Tractors, farm, wheel-type, under 70 h. p.
- Garden tractors.
- Motor tillers.

Plows and listers:
- Bedders.
- Listers.
- Middlebusters and middlebreakers.
- Plows, moldboard.
- Plows, disc.
- Plows, cylinder.
- Plows, subsoil.
- Plows, ditching.
- Plows, harrow.
- Plow stocks.
- Tillers, disc.
- Tillers, basin.
- Plows, cane-row.

Harrows, rollers, pulverizers, and stalk cutters:
- Harrows, disc.
- Harrows, spike-tooth.
- Harrows, spring-tooth.
- Rollers, land, excluding lawn rollers.
- Soil pulverizers and packers.
- Combination harrows and rollers.
- Rollers, seed-bed.
- Ridge busters.
- Field markers.
- Cutters, stalk.
- Cutters, weed, rotary blade, farm-type.
- Cutters, brush, tractor-drawn.
- Shredders, stalk.
- Pulverizers, stalk.
- Stubble shavers, cane.

Planting and seeding equipment:
- Planters, corn, cotton, and peanut.
- Planters, garden or vegetable.
- Planters, potato.
- Planters, cane.
- Planters, legume and grass.
- Transplanters.
- Drills, grain.
- Drills and planters, beet and bean.
- Seeders, broadcast.
- Cutters, potato.

Fertilizing equipment:
- Fertilizer distributors.
- Lime spreaders.
- Limestone pulverizers, farm-size, under 14 inches.
- Manure spreaders.
- Manure loaders.

Cultivators and weeders:
- Cultivators, drawn, mounted, and hand-wheel-type.
- Hillers, drawn or mounted.
- Hoes, rotary.
- Weeders, drawn or mounted.
- Weeders, rod.
- Weeders, cyclone.
- Choppers, cotton.
- Thinners, beet and vegetable.
- Cultivators, flame.

Sprayers and dusters, agricultural:
- Dusters.
- Sprayers, traction and power.
- Sprayers, hand, capacity 1 quart or over.
- Spray pumps.

Harvesting equipment:
- Combines, harvester-thresher.
- Binders, grain and rice.
- Binders, corn.
- Binders, hemp.
- Cutters and pullers, bean.
- Diggers and pickers, potato.
- Diggers, peanut.
- Harvesters, cotton, spindle-type.
- Harvesters, cotton, stripper-type.
- Harvesters, castor bean, stripper-type.
- Harvesters, potato.
- Harvesters, green pea.
- Harvesters, sweet corn.
- Harvesters, spinach.
- Harvesters, soya bean, one-row.
- Harvesters, broom corn.
- Harvesters, cranberry.
- Harvesters or cutters, corn, not binding.
- Harvesters or strippers, grass seed.
- Harvesting equipment, gum naval stores.
- Pickers, corn.
- Pickers, hop.
- Pullers, flax.
- Pullers and pickers, vegetable.
- Swathers.
- Windrowers.

Haying equipment:
- Mowers, excluding lawn mowers.
- Rakes, excluding hand rakes.
- Tedders.
- Loaders, loose hay.
- Loaders, baled hay, field.
- Balers, hay and straw.
- Crushers, hay.
- Forage harvesters, field, including basic unit, and ensilage (row-crop), grass, and field hay chopper attachments.
- Stackers, including combination stacker-loaders.

Machines for preparing crops for market or for use:
- Threshers, stationary.
- Pickers and threshers, peanut.
- Cutters, ensilage, silo fillers.
- Cutters, feed, hand and power.
- Shellers, corn, hand and power.
- Huskers and shredders, corn.
- Bailers, broom corn.
- De-seeders, broom corn.
- Grinders and crushers, feed, farm-type.
- Mixers, feed, farm-size.

Cleaners and graders, grain and seed, farm-type.
Sorters, graders, washers, and sackers, fruit, vegetable and potato, farm-type.
Hullers, graders, and sackers, nut, farm-type.
Toppers, vegetable.
Bunchers and tiers, vegetable.
Driers, grain, hay, and seed, farm-size.
Treaters, seed, farm-size.
Hullers and cleaners, castor bean, field-type.
Curers, tobacco.
Evaporators, cane and maple syrup.
Mills, cane, farm-size.
Cider mills and fruit presses.
Elevators and blowers, farm:
Elevators, grain, portable and stationary.
Blowers, grain and forage.
Transportation equipment, farm (not motor):
Wagons and trucks.
Trailers.
Sleighs, horse-drawn.
Buggies and spring wagons.
Wagons and carts, cane.
Trucks, tobacco.
Gears, wagon, truck, and trailer.
Boxes and racks, wagon, truck, and trailer.
Sulkies, farm.
Water supply equipment, farm except irrigation:
Water systems, domestic.
Pumps, pitcher, hand, and windmill.
Pump jacks.
Pump cylinders.
Windmills.
Irrigation distribution equipment:
Pipe or tubing and extensions (converted for portable irrigation systems).
Sprinklers, irrigation, excluding lawn sprinklers.
Gates, flood, irrigation, manually operated, farm-size.
Fittings, quick-coupling, irrigation.
Risers, irrigation.
Syphons, irrigation.
Earth-moving equipment, farm, not self-powered:
Land levelers.
Blade ditchers and terracers.
One disc terracers.
Corrugators.
Scrapers, farm-type.
Dozers, farm-type, under 5 feet blade length.
Dairy farm machines and equipment:
Milking machines and milker units.
Separators, cream, under 1,500 pounds per hour.
Coolers, milk, farm, all types including can coolers.
Butter-making equipment, farm.
Pails, milk.
Strainers, milk.
Stirrers, milk and cream.
Cans, cream-setter.
Tanks, sterilizing.
Tanks, dairy-washing.
Water heaters, dairy, excluding boiler and pressure-type heaters.
Racks, milk can.
Pasteurizers, milk, farm-home-size.
Barn and barnyard equipment:
Carriers, feed and litter.
Trucks, feed.
Hay-unloading equipment.
Stalls, stanchions and pens, livestock.
Cups and bowls, livestock-drinking.
Tanks and troughs, livestock.
Tanks, livestock-dipping.
Feeders, livestock.
Waterers, hog.
Oilers, hog.
Cookers, feed.
Heaters, tank, livestock.
Rings and ringers, hog.
Dehorning equipment, cattle.
Kickers, anti-cow.
Staffs, bull.
Rings, bull.
Cattle prods.
Cleaners, barn gutter, mechanical.
Tags, identification, livestock.
Chains, halter.
Curry combs.
Applicators, insecticide, livestock.
Branding equipment, livestock.
Brooders, lamb and pig.
Clippers and shearing machines, power, livestock.
Weaners, calf.
Poultry farm equipment:
Incubators, poultry.
Brooders, poultry.
Batteries, growing and laying.
Feeders, poultry.
Waterers, poultry.
Heaters, fountain.
Nests, laying.
Baskets, egg.
Boxes, grit.
Bands, leg and wing.
Graders, egg.
Candlers, egg.
Scales, egg.
Washers, egg, farm-size.
Coolers, egg.
Equalizers, draft.
Caps, chimney.
Saddles, roof, poultry-house.
Saddles, turkey.
Punches, poultry.
Cones, killing.
Catchers, fowl.
Farm machines and equipment not elsewhere classified:
Beekeepers' supplies.
Controllers and accessories, electric-fence.
Shredders, soil, farm, stationary-type.
Bug catchers, tractor-mounted.
Diggers, post-hole, tractor-mounted, farm-type.
Post drivers and pullers, power, farm-type.
Stone pickers.
Stump pullers.
Burners, weed and pear.
Heaters, orchard, including smudge pots.
Wind-frost-protection machines.
Silos.
Unloaders, silo.
Wood-sawing machines, farm, including self-powered cross-cut and drag, 5 h. p. and less, but excluding chain saws.
Shoes, horse, mule, and oxen, wrought-iron.
Detasslers, corn.
Repair parts and attachments for farm equipment:
Repair and replacement parts and attachments, designed and manufactured specifically for use on farm equipment as defined herein.

[F. R. Doc. 52-7493; Filed, July 3, 1952; 4:35 p. m.]

SUGARCANE INDUSTRY; WAGE RATES AND PRICES

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948 (61 Stat. 929; 7 U. S. C., Sup. 1131), notice is hereby given that a public hearing will be held at Thibodaux, Louisiana, in the Grand Theater, on July 31, 1952, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the harvesting of the 1952 crop of sugarcane and in the planting and cultivation of sugarcane during the calendar year 1953 and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1952 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who as producers apply for payments under said act. In order to obtain the best possible information, all interested persons are requested to appear to express their views and present appropriate data in regard to the foregoing matters.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Tom O. Murphy and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 2d day of July 1952.

[SEAL] THOS. H. ALLEN,
Acting Director, Sugar Branch.

[F. R. Doc. 52-7452; Filed, July 7, 1952; 9:02 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

PACIFIC TRANSPORT LINES, INC., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Pacific Transport Lines, Inc., and Pacific Argentine Brazil Line, Inc., and Pope & Talbot, Inc.:

Agreement No. 7846-1, between the above named companies modifies the basic Agreement No. 7846 by including Portland, Seattle and Los Angeles Harbor as additional ports of transhipment. Agreement 7846 covers the transportation of cargo from the Far East to specified ports in Puerto Rico, with transhipment at San Francisco and Oakland.

The Booth Steamship Company, Inc., and Lamport & Holt Line, Ltd., and Moore-McCormack Lines, Inc., et al.:

Agreement No. 7525-2 between the above named companies and the other parties to Agreement No. 7525 modifies said agreement by providing that the agreement shall be known as the "East Coast South America/New York Free Time Agreement" and by removing certain provisions from the agreement which are considered to be tariff provisions. It further provides for the designation of a chairman, holding of meetings, keeping minute records and the disposition of expenses of maintaining and carrying on the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, writ-

ten statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 30, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52-7413; Filed, July 7, 1952; 8:55 a. m.]

National Production Authority

MEMORANDUM OF AGREEMENT CONCERNING SCOPE OF TERM FARM EQUIPMENT AS USED IN EXECUTIVE ORDER 10161

CROSS REFERENCE: For the memorandum of agreement between the Production and Marketing Administration, United States Department of Agriculture, and the National Production Authority, United States Department of Commerce, as to the scope of the term "farm equipment" as used in Executive Order 10161, see F. R. Doc. 52-7493, Department of Agriculture, Production and Marketing Administration, *supra.*

CIVIL AERONAUTICS BOARD

[Docket No. 5067 et al.]

AIR TRANSPORT ASSOCIATES, INC., ET AL., PACIFIC-NORTHWEST-ALASKA TARIFF INVESTIGATION

NOTICE OF HEARING

In the matter of certain fares, rates, charges, routings, rules, and regulations between the vicinities of Portland, Oreg., and Seattle, Wash., on the one hand, and Anchorage and Fairbanks, Alaska, on the other, of Air Transport Associates, Inc., Alaska Airlines, Inc., Northwest Airlines, Inc., Pacific Northern Airlines, Inc., Pan American World Airways, Inc., United Air Lines, Inc., Western Air Lines, Inc., General Airways, Inc., Agent R. C. Lounsbury's (C. A. B. No. 124), All American Airways, Inc., American Air Export and Import Company, Aviation Corporation of Seattle, Argonaut Airways Corporation, Air Cargo Express, Inc., Blatz Airlines, Inc., California Air Charter, Inc., Coastal Cargo Co., Inc., Meteor Air Transport, Inc., Monarch Air Service, Peninsular Air Transport, S. S. W., Inc., Unit Export Company, Inc., World Airways, Inc., Modern Air Transport, Inc., Aero Finance Corporation, Air Services, Inc., Arctic-Pacific, Inc., Arnold Air Service, Inc., Federated Airlines, Inc., Freight Air, Inc., Great Lakes Airlines, Inc., Lavery Airways, Inc., Miami Airline, Inc., New England Air Express, Inc., Overseas National Airways, Pearson Alaska, Inc., Royal Air Service, Sourdough Air Transport, Southern Air Transport, Inc., Standard Air Cargo, Trans-Alaskan Airlines, Inc., Trans-Ocean Air Lines, known as the Pacific-Northwest-Alaska Tariff Investigation.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 403, 404, 411 and 1002 thereof, the above-entitled proceeding is assigned for hearing in two sessions, the first commencing on July 21, 1952, at 10:00 a. m., P. d. s. t., in the Board Room of the Portland Chamber of Commerce, 824 Southwest Fifth Avenue, Portland, Oreg., before Examiner Paul N. Pfeiffer. The second session is assigned for hearing on August 18, 1952, at 10:00 a. m., e. d. s. t., 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 various pleadings filed in this proceeding, particular attention will be directed to the following questions:

1. The lawfulness, from the standpoint of reasonableness of level, of all cargo rates filed by all U. S.-Alaska air carriers affecting transportation of property between the vicinities of Seattle, Wash., and Portland, Oreg., on the one hand, and Anchorage and Fairbanks, Alaska, on the other.

2. The lawfulness, from the standpoint of reasonableness of level of all passenger fares filed by all U. S.-Alaska air carriers affecting transportation of persons between the vicinities of Seattle, Wash., and Portland, Oreg., on the one hand, and Anchorage and Fairbanks, Alaska, on the other.

3. Does the refusal of Alaska Airlines, Inc., to establish joint fares and equitable divisions thereof with Pan American World Airways, Inc., for connecting transportation of passengers by the two airlines between Seattle, Wash., and Anchorage, Alaska, via Fairbanks, Alaska, constitute a violation of sections 404 (a) and 411 of the act?

4. Are the common rates applicable to Seattle, Wash., and Portland, Oreg., and the common rates and fares applicable to Fairbanks and Anchorage, Alaska, filed by parties to this proceeding unduly prejudicial and/or unduly preferential to any locality, passenger, or shipper within the meaning of section 404 (b) of the act?

5. Are the standard passenger fares of Pan American World Airways, Inc., Alaska Airlines, Inc., and Northwest Airlines, Inc., the southbound space available rate on cargo flights of Pan American World Airways, Inc., and Alaska Airlines, Inc., and the fares on tourist flights of Northwest Airlines, Inc., unduly discriminatory within the meaning of section 404 (b) of the act?

6. Is the freighter class fare for the carriage of passengers on freighter type aircraft from Anchorage, Alaska, to Seattle, Wash., filed by Northwest Airline, Inc., unreasonably low?

7. To the extent that any of the foregoing fares, charges, rates, routings, and regulations are found to be unlawful what are the lawful tariff provisions which should be presented?

For further details of the issues involved in this proceeding the parties and interested persons are referred to Orders Serial Nos. E-5590, E-5591, E-5752, E-5801, E-5845, E-6140, E-6152, E-6164, E-6215, E-6263, E-6458, E-6464, E-6489, and E-6548, the Prehearing Conference Report served September 26, 1951, and the Second Prehearing Conference Report served May 22, 1951, as well as other material on file in the Dockets of this proceeding at the Civil Aeronautics Board.

Notice is further given that any persons other than parties of record desiring to be heard in this proceeding shall file with the Board on or before July 21, 1952 a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., July 2, 1952.

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

[F. R. Doc. 52-7446; Filed, July 7, 1952; 9:01 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region VI, Redelegation of Authority No. 35, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CPR 31

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 66, Revision 1 (17 F. R. 5437) this Revision 1 of Redelegation of Authority No. 35 (17 F. R. 4661), is hereby issued.

1. *Authority to act under sections 5 and 6 of CPR 31.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, to receive and examine reports filed under the provisions of sections 5 and 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of Ceiling Price Regulation 31.

This revised redelegation of authority is effective as of June 25, 1952.

A. H. ANDERSON, *Acting Regional Director, Region VI.*

JULY 2, 1952.

[F. R. Doc. 52-7439; Filed, July 2, 1952; 4:52 p. m.]

[Region VII, Redelegation of Authority No. 21, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 52, Revision

1 (17 F. R. 5618), this redelegation of authority is hereby issued.

1. *Authority to act under sections 36 and 53 of CPR 117.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Chicago, Peoria, and Springfield, Illinois; Green Bay and Milwaukee, Wisconsin; and Indianapolis, Indiana, to act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. *Authority to act under section 71 of CPR 117.* Authority is hereby redelegated to the Directors of the District Offices mentioned above to issue orders, pursuant to section 71 of Ceiling Price Regulation 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This redelegation of authority shall take effect on July 3, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

JULY 2, 1952.

[F. R. Doc. 52-7440; Filed, July 2, 1952; 4:52 p. m.]

[Region VIII, Redelegation of Authority No. 26, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 52, Revision 1, dated June 20, 1952 (17 F. R. 5618), this revised redelegation of authority is hereby issued.

1. *Authority to act under sections 36 and 53 of CPR 117.* Authority is hereby redelegated to the District Director's Office of Price Stabilization, Region VIII, to act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. *Authority to act under section 71 of CPR 117.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to issue orders, pursuant to section 71 of Ceiling Price Regulation 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This revised redelegation of authority shall take effect as of June 24, 1952.

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

JULY 2, 1952.

[F. R. Doc. 52-7441; Filed, July 2, 1952; 4:52 p. m.]

[Region VIII, Redelegation of Authority No. 38]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority 69, dated June 23, 1952 (17 F. R. 5679), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of June 28, 1952.

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

JULY 2, 1952.

[F. R. Doc. 52-7442; Filed, July 2, 1952; 4:53 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

REGION V AND REGION XII

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on June 26, 1952.

REGION V

Jacksonville Order G1-11, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:19 p. m.

Jacksonville Order G2-11, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:20 p. m.

Jacksonville Order G3-11, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:20 p. m.

Jacksonville Order G3A-11, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:21 p. m.

Jacksonville Order G4-11, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:21 p. m.

Jacksonville Order G4A-11, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:21 p. m.

REGION XII

Fresno Order G1-10, Amendment 3, changes certain prices for retail sales of certain food items in the Fresno Area, filed 2:18 p. m.

Fresno Order G2-10, Amendment 4, changes certain prices for retail sales of certain food items in the Fresno Area, filed 2:18 p. m.

Fresno Order G4-10, Amendment 3, changes certain prices for retail sales of certain food items in the Fresno Area, filed 2:18 p. m.

Fresno Order G4A-10, Amendment 4, changes certain prices for retail sales of certain food items in the Fresno Area, filed 2:19 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-7443; Filed, July 2, 1952; 4:53 p. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION

Pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, be it resolved that each insured mutual savings bank not a member of the Federal Reserve System, be, and hereby is required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Monday, June 30, 1952, on Form 64 (Savings).[1] Said report of condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)", June 1951.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 52-7417; Filed, July 7, 1952; 8:56 a. m.]

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION

Pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, be it resolved that each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, be, and hereby is required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Monday, June 30, 1952, on Form 64—Call No. 37.[1] Said report of condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64," June 1951.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 52-7418; Filed, July 7, 1952; 8:57 a. m.]

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[1] Filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. G-1301]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF PETITION

JULY 1, 1952.

Take notice that on June 17, 1952, Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal office in Houston, Texas, filed a petition pursuant to section 16 of the Natural Gas Act, to amend an order of the Commission issued June 21, 1950, granting a certificate of public convenience and necessity to Applicant authorizing the construction and operation of a meter station near Morehead, Kentucky, and the sale of natural gas on an interruptible basis to the City of Morehead for resale therein.

Applicant proposes to render service to the city of Morehead on a firm basis and supply 500 Mcf daily in accordance with the terms of a gas sales contract to be executed.

The petition recites service is now being rendered on an interruptible basis.

Protests or petitions to intervene should 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 21st day of July 1952. The petition is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7407; Filed, July 7, 1952; 8:53 a. m.]

[Project No. 659]

CRISP COUNTY, GEORGIA

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

JULY 1, 1952.

Public notice is hereby given that Crisp County, Georgia, of Cordele, Georgia, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of the license for water-power Project No. 659 located on Flint River near Warwick in Crisp, Lee, Sumter, and Worth Counties, Georgia, to show certain changes which have been made in the project works consisting principally of the operation of the reservoir at elevation 531.0, present operating level; the reconstruction and relocation of the switchyard and substation from the powerhouse to the east embankment adjacent to the powerhouse and relocation of two 46 kv. transmission lines emanating from the switchyard; and the installation of a third generating unit with a capacity of 6,800 horsepower and to provide for construction of an emergency spillway channel to be located beyond the end of the west embankment and the minimum release of zero flow instead of 800 second-feet.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before August 5, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7408; Filed, July 7, 1952; 8:55 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL REPRESENTATIVE AND REGIONAL ENGINEER, REGION 6

DELEGATION OF AUTHORITY WITH RESPECT TO DISASTER RELIEF PROGRAM

Pursuant to authority vested in me by the provisions of Executive Order 10221 of March 2, 1951 (16 F. R. 2051), relating to the furnishing of Federal assistance to States and local governments in major disasters under Public Law 875, 81st Congress (64 Stat. 1109, 42 U. S. C. 1855), as amended by Public Law 107, 82d Congress (65 Stat. 173), the Regional Representative for Region 6, Office of Administrator, Housing and Home Finance Agency, and the Regional Engineer for said Region 6, each is hereby authorized to execute proofs of loss and certificates of satisfaction on behalf of the United States with respect to any damages caused to insured trailers or related equipment thereof owned by the United States and provided for use in connection with the disaster relief program in said Region 6: *Provided, however,* That the authority delegated herein shall not include authority to compromise any such damage claims.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283, as amended by 64 Stat. 80, 12 U. S. C. 1701c)

This delegation shall be effective as of the 8th day of July 1952.

RAYMOND M. FOLEY, *Housing and Home Finance Administrator.*

[F. R. Doc. 52-7414; Filed, July 7, 1952; 8:56 a. m.]

Public Housing Administration

CENTRAL OFFICE ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II, *Central Office organization and final delegations of authority to Central Office officials,* is amended as follows:

Subparagraph 14 is added to paragraph j as follows:

14. The Director of the Insurance Branch, Management and Disposition Division, is hereby authorized to execute endorsements on behalf of the PHA on insurance company checks payable to the PHA and a Local Authority as joint payees.

Date approved: June 30, 1952.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 52-7393; Filed, July 7, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27195]

MERCHANDISE IN MIXED CARLOADS FROM EASTERN POINTS TO FLORIDA AND GEORGIA

APPLICATION FOR RELIEF

JULY 2, 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: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-936.

Commodities involved: Merchandise in mixed carloads.

From: Philadelphia, Pa., New York, N. Y., and points taking same rates, to St. Petersburg, Fla., and from Boston, Mass., and points taking same rates, and from Baltimore, Md., to Savannah and Port Wentworth, Ga.

Grounds for relief: Circuitous routes, competition with rail carriers, competition with motor carriers.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-936, supl. 5.

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. 52-7403; Filed, July 7, 1952; 8:52 a. m.]

[4th Sec. Application 27196]

PIG IRON FROM EASTERN POINTS TO NEW ENGLAND TERRITORY

APPLICATION FOR RELIEF

JULY 2, 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: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent C. W. Boin's tariff ICC A-744.

Commodities involved: Pig iron and articles taking same rates, carloads.

From: Baltimore, Md., and Philadelphia, Pa., and stations taking same rates, Camden, N. J., Chester-Marcus

Hook, Pa., Claymont and Wilmington, Del.

To: Points in New England territory.

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

Schedules filed containing proposed rates: B. & O. tariff ICC No. 23611, supl. 31; P. R. R. tariff ICC No. 3156, supl. 11; Reading Co. tariff ICC No. 2342, supl. 7; W. Md. Ry. tariff ICC No. 8637, supl. 72.

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. 52-7404; Filed, July 7, 1952; 8:52 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 51; No. 404]

WILLISTON, NORTH DAKOTA AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

JULY 7, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Williston, North Dakota, Area. (The area consists of Williams County and that part of McKenzie County north of the south line of Township 150, all in North Dakota.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-7526; Filed, July 7, 1952; 10:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1250]

PENNSYLVANNIA EDISON CO. ET AL.

ORDER APPROVING POST-EFFECTIVE AMENDMENT

JULY 1, 1952.

In the matter of Pennsylvania Edison Company, Pennsylvania Electric Company, Associated Electric Company, File No. 70-1250.

On July 2, 1946, Associated Electric Company ("Aelec"), a registered holding company, and two of its public-utility subsidiary companies, Pennsylvania Electric Company ("Penelec") and Pennsylvania Edison Company ("Pened"), consummated a plan, filed under section 11 (e) of the Public Utility Holding Company Act of 1935 pursuant to which, among other things, (1) Pened was merged into Penelec and Pened was dissolved, (2) the holders of Pened's $5 series and $2.80 series preferred stock received the liquidation value of their preferred stocks provided they transmitted their stock certificates to a named paying agent prior to July 2, 1952, and (3) upon such payment, the paying agent overstamped the stock certificates with a legend indicating that payment of the liquidation value had been made and that holders of the overstamped certificates were entitled to receive such additional amounts, if any, as might thereafter be finally determined, provided such overstamped certificates were transmitted to the paying agent for payment within three years after such final determination; and

It having been finally determined on September 15, 1949, that the holders of certificates of Pened's $5 series and $2.80 series preferred stock were entitled to receive certain payments in addition to the liquidation value of their preferred stocks; and

Aelec and Penelec having filed a post-effective amendment to the section 11 (e) plan wherein it is proposed that the time be extended to September 30, 1952, within which holders of the stock certificates and the overprinted stock certificates of Pened's $5 series and $2.80 series preferred stock may surrender such certificates to the paying agent and receive final payment thereon; and

The Commission having considered such post-effective amendment and deeming it appropriate in the public interest and in the interest of investors that such post-effective amendment be approved:

It is ordered, That the said post-effective amendment be, and hereby is, approved.

It is further ordered, That jurisdiction be, and hereby is, reserved to take such further action as the Commission might deem appropriate in connection with the consummation of the plan.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7397; Filed, July 7, 1952; 8:50 a. m.]

[File No. 70-2807]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME TO CONSUMMATE ISSUANCE AND SALE OF NOTES

JULY 1, 1952.

Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company, which in turn is a subsidiary company of Northern New England Company, also a registered holding company, having filed an application, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the proposed issuance and renewal, from time to time up to and including June 30, 1952, of notes having a maturity of three months or less in a maximum amount not to exceed $7,500,000 at any one time outstanding (including notes then outstanding); and

The Commission by its order dated March 20, 1952 having granted said application, subject to the terms and conditions contained in Rule U-24; and

The applicants having notified the Commission that the aforementioned transactions have been partially consummated and that the amount of its outstanding short-term notes aggregates $5,825,000, and having requested that the Commission extend the period within which the transactions may be completely consummated to August 31, 1951; and

The Commission deeming it appropriate to grant such request:

It is ordered, That the period within which the aforesaid transactions may be consummated be, and it hereby is, extended to August 31, 1952.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7396; Filed, July 7, 1952; 8:50 a. m.]

[File No. 70-2853]

GLOUCESTER GAS LIGHT CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER PERMITTING ISSUANCE AND SALE OF CAPITAL STOCK BY SUBSIDIARY TO PARENT

JULY 1, 1952.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary company, Gloucester Gas Light Company ("Gloucester") having filed a joint application-declaration, with an amendment thereto, pursuant to sections 6 (b), 9 (a) and 10 of the act and Rules U-23 and U-42 (b) (2) promulgated thereunder, with respect to the following proposed transactions:

Gloucester proposes to issue and sell, for a total consideration of $400,000 cash, 8,000 shares of additional capital stock, $50 par value, at a price of $50 per share. NEES, the sole stockholder of Gloucester, proposes to acquire such shares and will use available cash for such purpose.

Pursuant to a bank loan agreement with the National City Bank of New York, Gloucester on May 14, 1952 had outstanding $400,000 principal amount of unsecured promissory notes, due April 1, 1953. Gloucester, in addition, has outstanding advances payable to NEES of $55,000 representing borrowings made for construction. The proceeds from the proposed issuance and sale of capital stock will be used by Gloucester to pay its outstanding note indebtedness under its loan agreement. The application-declaration states that Gloucester will effect savings in interest charges of $14,000 per annum as a result of the proposed transactions.

The application-declaration further states that the total expenses to Gloucester and NEES in connection with the proposed transactions, including services rendered by New England Power Service Company, an affiliated service company, at the actual cost thereof, are estimated at $1,140 and $300, respectively.

The Department of Public Utilities of the Commonwealth of Massachusetts has approved the proposed issuance and sale of capital stock and, according to the application-declaration, no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

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

Due notice of said filing having been given, and the Commission not having received a request for a hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

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

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7398; Filed, July 7, 1952; 8:50 a. m.]

[File No. 70-2854]

CENTRAL MASSACHUSETTS GAS CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER PERMITTING ISSUANCE AND SALE OF SHARES OF CAPITAL STOCK BY SUBSIDIARY TO PARENT

JULY 1, 1952.

New England Electric System ("NEES"), a registered holding company, and its public utility subsidiary, Central Massachusetts Gas Company ("Central Mass."), having filed a joint application-declaration, with an amendment thereto, pursuant to sections 6 (b), 9 (a) and 10 of the act and Rules U-23 and U-42 (b) (2) promulgated thereunder, with respect to the following proposed transactions:

Central Mass. proposes to issue and sell, for a total consideration of $200,000 cash, 8,000 shares of additional capital stock, $25 par value, at a price of $25 per share. NEES, the sole stockholder of Central Mass., proposes to acquire such additional shares and will use available cash for such purpose.

Pursuant to a bank loan agreement with The National City Bank of New York, Central Mass. on May 1, 1952 had outstanding $600,000 principal amount of note indebtedness, due April 1, 1953. The application-declaration states that the proceeds from the proposed issuance and sale of capital stock will be used by Central Mass. to pay $200,000 principal amount of its note indebtedness and will effect savings in interest charges of $7,000 per annum as a result of the proposed transactions.

The application-declaration further states that the total expenses to Central Mass. and to NEES in connection with the proposed transactions, including services rendered by New England Power Service Company, an affiliated service company, at the actual cost thereof, are estimated at $820 and $300, respectively.

The application-declaration further states that the Department of Public Utilities of the Commonwealth of Massachusetts has approved the proposed issuance and sale of capital stock and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

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

Due notice of said filing having been given, and the Commission not having received a request for a hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

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

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7395; Filed, July 7, 1952; 8:50 a. m.]

[File No. 70-2887]

GENERAL PUBLIC UTILITIES CORP.

SUPPLEMENTAL ORDER APPROVING SUBSCRIPTION PRICE AND OTHER TERMS RELATING TO SALE OF ADDITIONAL SHARES OF COMMON STOCK

JULY 1, 1952.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed an application-declaration, with amendments thereto, under the Public Utility Holding Company Act of 1935 ("the act") with respect to the issuance and sale of 531,949 additional shares of common stock through subscription warrants to its common stockholders on the basis of one share for each fifteen shares held on July 1, 1952 (the record date), with respect to the sale by GPU of the fractional interest shares (estimated at 25,000 full shares) for distribution of the net proceeds, and with respect to the acquisition of rights and the acquisition and sale of GPU common stock for stabilization purposes, all as more fully set forth in the order entered herein on June 27, 1952; and

The Commission in said order having granted and permitted to become effective said application-declaration as amended, except that the proposed transactions were not to be consummated until certain specified information should be supplied by further amendment and a further order issued thereon, and subject to reservation of jurisdiction also over fees and expenses incurred in consummating the proposed transactions; and

GPU having filed a further amendment to the application-declaration setting forth: (a) the subscription price, which is to be $21 per share; (b) the compensation to be paid by GPU to participating dealers for the successful solicitation of the exercise of subscription warrants, which will be 30 cents per share, with a maximum of $250 with respect to any single stockholder; (c) the compensation to be paid by GPU to participating dealers or others with respect to the shares sold to them in accordance with the terms specified in the Participating Dealer Agreement, which will be 45 cents per share; (d) the fixed amount per share which is to be added to the last quoted asked price for GPU common shares on the New York Stock Exchange in order to determine the upper limit of the range within which GPU may determine the price applicable to sales of common stock by participating dealers or others and to sales of common stock by GPU to participating dealers or others under the Participating Dealer Agreement, which will be 20 cents per share; (e) the minimum price per right to be paid by GPU in effecting purchases of rights, as provided in said application-declaration as amended, which will be 5 cents per right; and

The Commission having examined said amendment and having considered the record herein, and finding no reason for imposing terms and conditions with respect to the detailed provisions aforesaid:

It is ordered, That the application-declaration as further amended be, and the same hereby is, granted and permitted to become effective forthwith.

subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and the same hereby is, continued with respect to: (1) the price at which GPU will sell to the successful bidder the fractional interest shares, and the reoffering price of such shares; (2) all fees and expenses incurred in connection with the proposed transactions, except those proposed to be paid to the participating security dealers and others, as hereinabove set forth.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7399; Filed, July 7, 1952; 8:51 a. m.]

[File No. 812-792]

ATLAS CORP. AND NORTHEAST AIRLINES, INC.

NOTICE OF APPLICATION

JULY 1, 1952.

Notice is hereby given that Atlas Corporation (hereinafter called "Atlas"), a registered investment company, and Northeast Airlines, Inc. (hereinafter called "Northeast"), an affiliated person of Atlas, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act, the proposed purchase by Northeast from Consolidated Vultee Aircraft Corporation (hereinafter called "Consolidated"), also an affiliated person of Atlas, of one Convair Model 340 aircraft at a base price of $535,000 subject to an escalator clause relating to Consolidated's cost of manufacture which clause may increase the price of such aircraft from the aforesaid base price to not more than $575,000. In addition, notice is given that the applicants seek an order under section 17 (b) to the extent applicable in connection with the proposed purchase of radio equipment to be used in the aforesaid aircraft at an estimated cost of $15,000, of which approximately $13,000 will be purchased by Northeast from outside sources and the balance from Consolidated.

Atlas is registered under the Act as a closed-end, non-diversified, management, investment company. Northeast is engaged as a scheduled air carrier of persons, property and mail. Consolidated is engaged in the design, manufacture and sale of military and commercial aircraft.

As of June 2, 1952 Atlas owned 392,663 shares or approximately 47 percent of the 834,515 shares of outstanding common stock and 42,959 shares or approximately 98 percent of the 43,822 shares of outstanding convertible preferred stock of Northeast. Each share of such common stock and preferred stock is entitled to one vote per share so that Atlas owned approximately 49 percent of the outstanding voting stock of Northeast, which by reason of the provisions of section 2 (a) (3) (B) constitutes Northeast an affiliated person of Atlas. Also by reason of such ownership and section 2 (a) (9) of the act Atlas is presumed to control Northeast.

Atlas owns 430,300 shares, or approximately 18 percent of the 2,379,298 shares of outstanding voting stock of Consolidated, as a result of which Consolidated is an affiliated person of Atlas by reason of the provisions of section 2 (a) (3) (B) of the act. Also by virtue of an order of the Commission entered May 4, 1948, Atlas is deemed to control Consolidated.

In view of such control of both Northeast and Consolidated by Atlas, section 17 (a) (1) of the act would prohibit Consolidated from selling the aircraft and radio equipment to Northeast and section 17 (a) (2) of the act would prohibit Northeast from purchasing the aircraft and radio equipment from Consolidated in the absence of an order of the Commission pursuant to section 17 (b) of the act.

The application sets forth the following, among other facts, in support of the request for an order of exemption.

On May 28, 1951, Northeast filed with the Civil Aeronautics Board (hereinafter called "CAB") an application, dated May 24, 1951, for the approval of the purchase by Northeast from Consolidated of five Convair Model 340 aircraft, together with certain parts and equipment for use in connection therewith, at a price of $535,000 per aircraft. By order of the CAB dated June 29, 1951 (Docket No. 4956), the CAB found that the proposed purchase of such aircraft by Northeast does not appear to be contrary to the public interest nor in violation of the spirit of CAB Order No. E-1437 entered April 23, 1948. The order approved the purchase and provided that the purchase of any additional parts or equipment for use in or on said aircraft, or any repairs, alterations or reworking of said aircraft, by Consolidated, shall not require prior approval by the CAB.

After the entry of the order of the CAB, dated June 29, 1951, Northeast and Atlas filed with the Commission an application dated June 19, 1951, pursuant to section 17 (b) of the Investment Company Act of 1940, for an order exempting from the provisions of section 17 (a) of said act the purchase by Northeast from Consolidated of the five Convair Model 340 Aircraft, together with certain parts and equipment for use therein and thereon, at a price of $535,000 per aircraft. Thereafter Northeast determined to purchase only four such aircraft, and by Amendment No. 1 to its said application dated July 19, 1951, the request for exemption was amended to cover the purchase of four Convair Model 340 Aircraft, together with certain parts and equipment for use therein and thereon.

By order of the Commission dated October 22, 1951, the proposed purchase by Northeast from Consolidated of the four Convair Model 340 Aircraft at a price of $535,000 per aircraft and the proposed purchase by Northeast from Consolidated of the spare parts and equipment for said aircraft, described in the application at an estimated price of $724,550, were exempted from the provisions of section 17 (a) of the Investment Company Act of 1940.

Thereafter Northeast entered into a contract with Consolidated, dated December 4, 1951, for said aircraft and related parts and equipment.

An accidental landing in New York in January 1952 resulted in the total loss of one of Northeast's present fleet of Convair Model 240 Aircraft and, subject to the approval of the CAB and the Commission, Northeast determined to purchase a fifth Convair Model 340 Aircraft in replacement thereof.

By letter dated April 9, 1952, from the CAB to Northeast CAB stated its agreement that Northeast might contract for the purchase of a fifth Convair Model 340 Aircraft as authorized by its order of June 29, 1951. It was further stated that the Board understood that the contract would now be subject to an escalator clause relating to Consolidated's cost of manufacture with the maximum cost fixed at $575,000.

The application states that the purchase of the aforesaid fifth aircraft will be effected by an amendment to the contract with Consolidated, dated December 4, 1951, relating to the first four aircraft. It is proposed that the purchase price of the fifth aircraft will be paid on an installment basis comparable to that applicable to the other aircraft. Thus, it is proposed that $30,000 will be paid at the time of the execution of the amendment to the contract; $50,000 six months prior to the date fixed for the delivery of the first of the five aircraft and the balance on delivery of the aircraft which is presently scheduled for October 1953. The total cost of the fifth aircraft will include such additions as may be made to the base price of $535,000 in accordance with the escalator provisions but will not increase the price of that aircraft over $575,000.

The application states that the price to Northeast is the same as the price at which other aircraft of the same model are presently being offered for sale to others, and that Northeast's decision to acquire aircraft from Consolidated rather than from some other manufacturer has been reached independently by Northeast management and has not been influenced in any way by reason of the fact that Atlas is the controlling stockholder of both Northeast and Consolidated.

For a more detailed statement of the proposed transactions and the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after July 23, 1952, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than July 22, 1952, at 5:30 p. m., his views or any additional facts bearing upon the

application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7400; Filed, July 7, 1952; 8:51 a. m.]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

ORDER DISAPPROVING PROPOSED RULE AND GIVING OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of June 1952.

The National Association of Securities Dealers, Inc., a registered securities association, having submitted to its members a proposed amendment to Article III of its Rules of Fair Practice, designated section 28, providing for notice under limited conditions to a member (the "employer member") before another member (the "executing member") knowingly executes transactions for the purchase or sale of a security for the account of a partner, officer, registered representative or employee of the employer member; and

The Association having filed said proposed amendment with the Commission on June 4, 1952; and

Subsection (j) of section 15A of the Securities Exchange Act of 1934 providing that any change in or addition to the rules of a registered securities association shall be disapproved by the Commission unless such change or addition appears to the Commission to be consistent with the requirements of subsection (b) of section 15A of said act; and

The Commission being unable to find that said proposed amendment is consistent with the requirements of subsection (b) of section 15A of the said act; and

The Commission having this day invited public comment on a proposed Rule X-10B-6 of its own on the same subject matter, which proposed rule is quoted in the release to which this order is appended,[1] and the Commission finding that notice and public procedure under section 4 (a) of the Administrative Procedure Act are impracticable and unnecessary prior to entering the present order (1) because of the opportunity for hearing which is here being afforded on the question whether the present order should be modified or vacated and (2) because the Commission deems it in the public interest to consider any comments which may be received on its own proposed rule before taking final action under subsection (j) of section 15A;

It is ordered, That said proposed amendment to Article III of the Rules of Fair Practice filed by the National Association of Securities Dealers, Inc., be, and the same hereby is, disapproved pending further order by the Commission; and

It is further ordered, That the National Association of Securities Dealers, Inc. or any interested person may file a written request with the Secretary of the Commission on or before July 25, 1952, for a hearing to determine whether the Commission's order disapproving the said proposed amendment to Article III of the Rules of Fair Practice of the National Association of Securities Dealers, Inc., should be modified or vacated; that a copy of this order and notice be served upon the National Association of Securities Dealers, Inc., forthwith; and that general notice of this order and of the opportunity for hearing be given.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7477; Filed, July 7, 1952; 8:48 a. m.]

[1] See F. R. Doc. 52-7394, Securities and Exchange Commission, in the Proposed Rule Making section, *supra*.

DEPARTMENT OF JUSTICE

Office of Alien Property

[Supplemental Vesting Order 18926]

AUGUST AHLSWEDE

In re: Estate of August Ahlswede, deceased. D 28-9428; E. T. Sec. 12607.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Martha Anna Emma Queckenstedt, nee Brandmueller; Hermine Johnne Spormann, nee Brandmueller; Minna Emma Anna Becker, nee Kohlenberg, also known as Emma Becker; Guenther Kohlenberg; Hermann Kohlenberg; Herbert Kohlenberg; Karl August Hermann Kohlenberg; Heinrich August Hermann Kohlenberg; Rudolf Gustav Wilhelm Kohlenberg, also known as Gustav Kohlenberg; Karl Rudolf Heinrich Herman Ahlswede, also known as Rudolf Ahlswede; Karl Ahleswede; Martha Rebecka Margareta, also known as Martha Meyer Luehrs and as Martha Meyer; Heinrich Christian Meyer; and Carl August Meyer; whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of August Ahleswede, deceased, which is in the process of administration by Francis J. Mulligan, Public Administrator of New York County, as Administrator, acting under the judicial supervision of the Surrogate's Court, New York, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-7420; Filed, July 7, 1952; 8:58 a. m.]

[Vesting Order 18927]

HUGO FRIEDERICHS

In re: Rights of Hugo Friederichs under Insurance Contract. File No. F-28-31883-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hugo Friederichs, whose last known address is 39 Graffring, Bochum, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9011,768 issued by The Equitable Life Assurance

Society of the United States, New York, New York, to Joachim Friederichs, together with the right to demand, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hugo Friederichs, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7421; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 18928]

AUGUST JUCHEM

In re: Estate of August Juchem, deceased. File No. D-28-13108; E. T. sec. 17226.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Frieda Schmidt and Paula Freymann, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of August Juchem, deceased, presently being administered by Hyman Wank, as administrator, acting under the judicial supervision of the Surrogate's Court, Kings County, New York, is property which is, and prior to January 1, 1947, was payable or deliverable to, or claimed by, the persons named in subparagraph 1 hereof, nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as are persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7422; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 18929]

MEINHARD JUERGEWITZ

In re: Estate of Meinhard Juergewitz, deceased. File No. D-28-13102.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Karl Juergewitz, Anna Ihmels, Franz Juergewitz, Friedrich Juergewitz, Ingeborg Thide, Hermann Juergewitz, Heinrich Juergewitz, Georg Juergewitz, Meinhard Juergewitz, and Paula Willms, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the Estate of Meinhard Juergewitz, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The German Society of the City of New York, as Ancillary Administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7423; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 18930]

HANS KLEIN ET AL.

In re: Rights of Hans Klein and others under insurance contract. File No. F-28-31782-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hans Klein, Emilie Klein and Adam Klein, whose last known address is 3 West Str., Bonn, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Hans Klein, including but not by way of limitation Emilie Klein and Adam Klein, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4 587 331 C issued by the Metropolitan Life Insurance Company, New York, New York, to Hans Klein, together with the right to

demand, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons named in subparagraph 1 hereof and referred to in subparagraph 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country," as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7424; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 18931]

FRED KOERBIT

In re: Estate of Fred Koerbit, also known as Fritz Koerbitz, deceased. File No. D-28-13008 G-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Henny Kuhn, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Estate of Fred Koerbit, also known as Fritz Koerbitz, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Henny Kuhn, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Ed Nattrass, as administrator, acting under the judicial supervision of the Superior Court of the State of Washington for Snohomish County;

and it is hereby determined:

4. That the national interest of the United States requires that the person named in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7425; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 18932]

FERDINAND HEINRICH KARL LUDEWIG

In re: Estate of Ferdinand Heinrich Karl Ludewig, also known as Karl Ludewig, deceased. File D-28-13104.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Elli Born, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and prior to January 1, 1947, was a national of a designated enemy country (Germany).

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Ferdinand Heinrich Karl Ludewig, also known as Karl Ludewig, deceased, which is in the process of administration by the Public Administrator of New York County, as Administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7426; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 18933]

MARTIN E. MALCHOW

In re: Estate of Martin E. Malchow, deceased. File No. D-28-13107; E. T. Sec. 17225.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hugo Willie Malchow, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the heirs-at-law, names unknown, of Louis Karl Paul Malchow, deceased, and of John Ernst Malchow, deceased, who there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Martin E. Malchow, deceased, presently being administered by Hyman Wank, as administrator, acting under the judicial super-

vision of the Surrogate's Court, Kings County, New York, is property which is, and prior to January 1, 1947, was payable or deliverable to, or claimed by, the persons identified in subparagraphs 1 and 2 hereof, nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7427; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 18934]

CARL STROBACH

In re: Estate of Carl or Carl H. Strobach, deceased. File No. D-28-12652.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Marie Roettig Strobach, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1946, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Carl or Carl H. Strobach, deceased, which is in the process of administration by the Public Administrator of Kings County, as Administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7428; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 7831, Amdt.]

AUGUST AHLSWEDE

In re: Estate of August Ahlswede, deceased. D 28-9428; E. T. sec. 12607.

Vesting Order 7831 dated October 14, 1946, is hereby amended as follows and not otherwise:

1. By inserting, immediately preceding the name, Anna Voigt appearing in two places in said Vesting Order No. 7831, the words "Johanne Hermine Anna Voigt, nee Ahlswede, also known as".

2. By inserting, immediately preceding the name, Herman Ahlswede, appearing in two places in said Vesting Order No. 7831, the words "Heinrich Carl Hermann Ahlswede, also known as Hermann Ahlswede, also known as."

3. By inserting, immediately preceding the name, Heinrich Jacke, appearing in two places in said Vesting Order No. 7831, the words "August Wilhelm Heinrich Jacke, also known as".

All other provisions of said Vesting Order No. 7831 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7429; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 14875, Amdt.]

MORRIS BITZ

In re: Estate of Morris Bitz, also known as Morris F. Bitz, and as Morris Ferdenand Bitz, deceased. Files: D-28-12812; E. T. sec. 16982.

Vesting Order 14875, dated July 14, 1950, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2 of said Vesting Order 14875 the phrase "in and to the estate of Morris Bitz, also known as Morris F. Bitz and as Morris Ferdenand Bitz, deceased," and substituting therefor the phrase "in and to the estate of Moritz Bitz, also known as Moritz F. Bitz and as Moritz Ferdenand Bitz, deceased,"

All other provisions of said Vesting Order 14875 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7430; Filed, July 7, 1952; 8:59 a. m.]