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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 44—UNITED STATES STANDARDS FOR GRADES OF EDIBLE SUGARCANE MOLASSES [1]

On September 26, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 6474) regarding United States Standards for Edible Sugarcane Molasses, and on May 17, 1951, a notice of revised proposed rule making was published in the FEDERAL REGISTER (16 F. R. 4620) regarding these standards. After consideration of all relevant matters presented, including the proposals and revised proposals set forth in the aforesaid notices, the following U. S. Standards for Grades of Edible Sugarcane Molasses are hereby promulgated to become effective thirty (30) days after date of publication in the FEDERAL REGISTER, under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The standards are as follows:

GENERAL

Sec.
44.1 Definition.

GRADES

44.2 Grades of edible sugarcane molasses.
44.3 Grade specifications.

DETERMINATION OF FACTORS

44.4 Quantitative determination of factors.
44.5 Preparation of basic solutions and ESM color standards.[2]
44.6 Use of ESM color standards in determining color factor.

AUTHORITY: §§ 44.1 to 44.6 issued under 60 Stat. 1087; 7 U. S. C. 1621.

[1] Compliance with the requirements of these standards will not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] "ESM" is an abbreviation for edible sugarcane molasses.

GENERAL

§ 44.1 *Definition.* "Edible sugarcane molasses" means the liquid product obtained when any part of the commercially crystallizable sugar is extracted from sugarcane grown in the United States.

GRADES

§ 44.2 *Grades of edible sugarcane molasses.* The grades for edible sugarcane molasses are designated as follows:

(a) U. S. Fancy Edible Sugarcane Molasses.

(b) U. S. Choice Edible Sugarcane Molasses.

(c) U. S. Standard Edible Sugarcane Molasses.

(d) "Substandard" Edible Sugarcane Molasses.

§ 44.3 *Grade Specifications.* Specifications for each grade of edible sugarcane molasses are as follows:

(a) U. S. Fancy Edible Sugarcane Molasses consists of edible sugarcane molasses which possesses a flavor characteristic of edible sugarcane molasses of fancy quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 79 percent when corrected to 20° C. (68° F.); which has a total sugar (sucrose plus reducing sugars) content of not less than 63.5 percent; which has a sulfated ash content of not more than 6.75 percent; which contains not more than 200 parts of total sulfites, calculated as total SO_2, per million parts of sample, and which possesses a color no darker than ESM Color Standard No. 1.

(b) U. S. Choice Edible Sugarcane Molasses consists of edible sugarcane molasses which possesses a flavor characteristic of edible sugarcane molasses of choice quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 79 percent when corrected to 20° C. (68° F.); which has a total sugar (sucrose plus reducing sugars) content of not less than 61.5 percent; which has a sulfated ash content of not more than 7.5 percent; which contains not more than 200 parts of total sulfites, calculated as total SO_2, per

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million parts of sample; and which possesses a color no darker than ESM Color Standard No. 2.

(c) U. S. Standard Edible Sugarcane Molasses consists of edible sugarcane molasses which possesses a flavor characteristic of edible sugarcane molasses of standard quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 79 percent when corrected to 20° C. (68° F.); which has a total sugar (sucrose plus reducing sugars) content of not less than 58 percent; which has a sulfated ash content of not more than 9.0 percent; which contains not more than 200 parts of total sulfites, calculated as total SO_2, per million parts sample; and which possesses a color no darker than ESM Color Standard No. 3.

(d) "Substandard" is that quality of edible sugarcane molasses that fails to meet the requirements of U. S. Standard and is the quality of edible sugarcane molasses that may or may not meet the minimum standard of quality for edible sugarcane molasses issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(e) *Table of specifications for grades.* The specifications for the designated grades of edible sugarcane molasses are set forth in summary form in the table which follows:

TABLE I—TABLE OF SPECIFICATIONS FOR GRADES

Factors	Grades and specifications		
	U. S. Fancy Edible Sugarcane Molasses	U. S. Choice Edible Sugarcane Molasses	U. S. Standard Edible Sugarcane Molasses
Brix solids content (corrected to 20° C. [68° F.]).	Not less than 79 percent		
Total sugar (sucrose plus reducing sugars) content.	Not less than 63.5 percent.	Not less than 61.5 percent.	Not less than 58 percent.
Sulfated ash content	Not more than 6.75 percent.	Not more than 7.5 percent.	Not more than 9 percent.
Total sulfites (calculated as total SO_2) per million parts of sample.	Not more than 200	Not more than 250	Not more than 250.
Color	Not darker than ESM Color Standard No. 1.	Not darker than ESM Color Standard No. 2.	Not darker than ESM Color Standard No. 3.

(f) *Tolerances for certification of officially drawn samples.* When certifying samples that have been officially drawn and which represent a specific lot of edible sugarcane molasses, the grade for such lot will be determined by averaging the factors of all the samples representing the lot: *Provided,* That not more than ⅛ of such samples shall fail to meet all the requirements of the grade specifications set forth in Table I: *And further provided,* That each of the samples which represent a specific lot of edible sugarcane molasses shall meet the limiting specifications set forth in Table II.

TABLE II—TABLE OF LIMITING SPECIFICATIONS

Factors	Grades and specifications		
	U. S. Fancy Edible Sugarcane Molasses	U. S. Choice Edible Sugarcane Molasses	U. S. Standard Edible Sugarcane Molasses
Brix solids content (corrected to 20° C. [68° F.]).	Not less than 78.5 percent		
Total sugar (sucrose plus reducing sugars) content.	Not less than 63 percent.	Not less than 61 percent.	Not less than 57 percent.
Sulfated ash	Not more than 7 percent.	Not more than 8 percent.	Not more than 10 percent.
Color	Not darker than ESM Color Standard No. 2.	Not darker than ESM Color Standard No. 3.	Darker than ESM Color Standard No. 3.

DETERMINATION OF FACTORS

§ 44.4 *Quantitative determination of factors.* Quantitative determination of the respective factors (other than color) of the grades may be on the basis of any method of analysis adopted by the Association of Official Agricultural Chemists. The results so obtained, however, are to be interpreted in terms of the results obtained when the determination of such factors is made by the methods (also adopted by the Association of Official Agricultural Chemists) set forth in this section for the respective factors:

(a) *Brix solids.* By Brix hydrometer, using the double-dilution method, corrected to 20° C. (68° F.).

(b) *Total sugars*—(1) *Sucrose.* By the Clerget, or double polarization method, using invertase as the inverting agent.

(2) *Reducing sugars.* By the Lane-Eynon volumetric method.

(c) *Sulfated ash.* By the sulfation method, with no deduction.

(d) *Total sulfites.* By the Monier-Williams method, calculated as total SO_2.

§ 44.5 *Preparation of basic solutions and ESM color standards.* Chemicals of reagent grade, at room temperature, are used in the preparation of the solutions described in this section.

(a) *Preparation of basic solution*—(1) *Solution A.* Dissolve 10 grams of

$CuCl_2 \cdot 2H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 100 milliliters.[1]

(2) *Solution B.* Dissolve 50 grams of $CuCl_2 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(3) *Solution C.* Dissolve 50 grams of $FeCl_3 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(4) *ESM stock solution.* Mix 50 milliliters of Solution A and 485 milliliters of Solution B with 465 milliliters of Solution C.

(b) *Preparation of ESM color standards*—(1) *ESM Color Standard No. 1.* Dilute 40 milliliters of the ESM stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(2) *ESM Color Standard No. 2.* Dilute 75 milliliters of the ESM stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(3) *ESM Color Standard No. 3.* ESM stock solution undiluted.

§ 44.6 *Use of ESM color standards in determining color factor*—(a) *Containers required.* The containers needed to perform the visual color comparison test set forth in paragraph (d) of this section are:

(1) A container for a sample of edible sugarcane molasses for which the color factor is to be determined (such container hereinafter called "sample container"); and

(2) Containers for the respective ESM color standards.

(b) *Description of containers.* The sample container is made of colorless and transparent glass or plastic material and is of such shape and construction as to provide a flat ⅛-inch thickness of the sample to be viewed. The container for each ESM color standard is a colorless and transparent 2-ounce French square water sample bottle having outside base dimensions of 1½ by 1½ inches.

(c) *Comparator; viewing box.* The comparator or viewing box is divided into five compartments approximately 1½ inches square, with each compartment provided with openings approximately 1⅜ inches square in the two parallel sides. Compartments 1, 3, and 5 are adapted to receive the French square water sample bottles containing the ESM color standards and compartments 2 and 4 are adapted to receive the sample containers.

(d) *Visual comparison test.* A sample of edible sugarcane molasses is compared in the following manner with the ESM color standards to determine whether the sample is darker than one or more of such color standards:

(1) Place each of the ESM Color Standards Nos. 1, 2, and 3 in separate 2-ounce French square water sample bottles and place the bottles in compartments 1, 3, and 5 of the comparator;

(2) Place a sample container filled with a sample of edible sugarcane molasses successively in compartments 2 and 4 of the comparator; and

(3) Visually compare the color of the sample with each of the color standards by looking through them at a light colored background in diffuse light. The sample is viewed through its ⅛-inch thickness; and each ESM color standard is viewed at right angles to one of the sides of its container.

Issued this 3d day of July 1952.

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

[F. R. Doc. 52-7571; Filed, July 9, 1952; 8:59 a. m.]

[1] 10 percent hydrochloric acid is made by diluting 242.6 milliliters of reagent grade hydrochloric acid to one liter.

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

[1023 (Fire, Air, and Sun-53)-3]

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1953–54 MARKETING YEAR

GENERAL

AUTHORITY: §§ 726.411 to 726.429 issued under sec. 375, 52 Stat. 66; 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

§ 726.411 *Basis and purpose.* The regulations contained in §§ 726.411 to 726.429 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 fire-cured, dark air-cured, and Virginia sun-cured tobacco. The purpose of the regulations in §§ 726.411 to 726.429 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1953–54 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 726.411 to 726.429, 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 §§ 726.411 to 726.429 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 726.412 *Definitions.* As used in §§ 726.411 to 726.429, 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 of 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.* "Tobacco" means each one of the kinds of tobacco listed below comprising the types specified, as classified in Service and Regulatory Announcements No. 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture:

Fire-cured tobacco, comprising types 21, 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either fire-cured, dark air-cured or Virginia sun-cured tobacco shall be considered respectively, either fire-cured, dark air-cured, or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 726.413 *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.

§ 726.414 *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.

§ 726.415 *Applicability of §§ 726.411 to 726.429.* Sections 726.411 to 726.429 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. The applicability of §§ 726.411 to 726.429 to Virginia sun-cured tobacco is contingent upon the proclamation of national marketing quota for such kind of tobacco by the Secretary and the approval thereof by growers voting in referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 726.416 *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 alloted 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 acres, 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 subparagraph (c) or (d) of this paragraph shall not exceed the smaller of (1) the acreage indicated by cropland, or (2) the acreage capacity of curing barns located on the farm and suitable for curing tobacco: *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.

§ 726.417 *1953 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 726.416 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 726.418 shall not exceed the State acreage allotment.

§ 726.418 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 726.416, 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 in the case of fire-cured and dark air-cured tobacco, and two percent of the total acreage allotted to all tobacco farms in the State for the 1952–53 marketing year in the case of Virginia sun-cured tobacco.

§ 726.419 *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 estab-

lishes 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.

§ 726.420 *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 required: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

(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.

§ 726.421 *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.

(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.

§ 726.422 *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

§ 726.423 *Determination of acreage allotments for new farms.* (a) The acreage allotment other than an allotment made under §726.420, 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 75 percent of the allotments for old 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 have 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 hereof 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 liveli-

hood 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 fire-cured, dark air-cured or Virginia sun-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 quota into State acreage allotments.

§ 726.424 *Time for filing application.* An application for 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.

§ 726.425 *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

§ 726.426 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 726.411 to 726.425, 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.

§ 726.427 *Approval of determinations made under §§ 726.411 to 726.426.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 726.411 to 726.426. 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.

§ 726.428 *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.

§ 726.429 *Transfer of farm acreage allotments.* Notwithstanding the foregoing provisions of §§ 726.411 to 726.428 except § 726.427, the owner and operator of a farm for which both a fire-cured tobacco and a dark air-cured tobacco acreage allotment, or both a fire-cured tobacco and a Virginia sun-cured tobacco acreage allotment, are established under §§ 726.411 to 726.428 may voluntarily and permanently surrender in writing to the county committee not later than March 31, 1953, either of such farm acreage allotments. The acreage surrendered for each kind of tobacco shall, upon request in writing to the county committee not later than March 31, 1953, and in the order requested, be used by the county committee for equivalent increases in the acreage allotments for other farms producing such kind of tobacco which surrendered acreage to the county committee under this section. Such increase in the acreage allotment for any farm shall not exceed the acreage surrendered from such farm to the county committee. Acreage surrendered under this section shall, to the extent that it is not transferred hereunder, be returned to the farms from which it was surrendered.

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

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

[F. R. Doc. 52-7527; Filed, July 9, 1952; 8:50 a. m.]

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

PART 956—MILK IN THE SIOUX FALLS-MITCHELL, SOUTH DAKOTA, MARKETING AREA

ORDER REGULATING HANDLING OF MILK

Sec.

EFFECTIVE TIME SUSPENSION OR TERMINATION

MISCELLANEOUS PROVISIONS

AUTHORITY: §§ 956.0 to 956.91 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 956.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, supps., 900.1 et seq.), a public hearing was held at Sioux Falls, South Dakota, on August 27–30, 1951, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area. Such hearing was reopened on March 24, 1952 upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices for 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 such milk and the minimum prices specified in 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;

(3) The said order regulates the handling of milk in the same manner as and is 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;

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment monthly as his pro rata share of such expense, four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe, by each handler who operates an approved plant with respect to all milk received by him during the month from producers (including such handler's own production) and with respect to other source milk received by him during such delivery period which is classified as Class I, and by each handler who operates an unapproved plant with respect to all milk disposed of by him as Class I milk within the marketing area.

(b) *Additional findings.* In view of the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers should be put into effect prior to the effective date of the provisions relating to prices and payments to producers, in order that handlers may have opportunity to make necessary adjustments in their accounting and other operational procedures to conform with all provisions of the order. It is hereby found and determined, in view of the aforesaid facts and circumstances that good cause exists for making §§ 956.1 through 956.14, 956.20 through 956.22 (h), 956.30 through 956.34, 956.40 through 956.46, 956.72, 956.73, 956.80 through 956.83, 956.90 and 956.91 effective on August 1, 1952 and §§ 956.22 (i), 956.50, 956.51, 956.60 through 956.62 and 956.65 through 956.71 effective on September 1, 1952; and that it would be contrary to the public interest to delay such effective dates to dates later than those specified.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order, which is marketed within the Sioux Falls-Mitchell, South Dakota, marketing area) refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practicable means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Sioux Falls-Mitchell, South Dakota, marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers, who during the determined representative period (March 1952) were engaged in the production of milk for sale in the Sioux Falls-Mitchell, South Dakota, marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

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

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

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

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

§ 956.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

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

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 956.6 *Sioux Falls-Mitchell, South Dakota, marketing area.* "Sioux Falls-Mitchell, South Dakota, marketing area," hereinafter called the "marketing area," means all the territory within the corporate limits of the cities of Sioux Falls, South Sioux Falls, and Mitchell, all in the State of South Dakota.

§ 956.7 *Approved plant.* "Approved plant" means a milk plant or other facilities which operate under a permit issued by the health authorities of Mitchell, or Sioux Falls, South Dakota, and which are under regular inspection by these local health authorities, and which are used in the preparation or processing of producer milk any part of which is sold or disposed of in the marketing area as Class I milk.

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

§ 956.9 *Handler.* "Handler" means:

(a) Any person, other than a producer handler, in his capacity as the operator of an approved plant(s).

(b) Any other person in his capacity as the operator of an unapproved plant where milk is processed and packaged and from which milk is disposed of on wholesale or retail routes within the marketing area unless such milk is received at and disposed of from an approved plant, or

(c) Any cooperative association with respect to milk of producers diverted by it from an approved plant to an unapproved plant for the account of such cooperative association.

§ 956.10 *Producer.* "Producer" means any person who produces Grade A milk under a farm permit or rating issued by local health authorities, which milk is (a) received at an approved plant, or (b) diverted from an approved plant to an unapproved plant for the account of a handler. Milk so diverted shall be deemed to have been received by the handler who caused it to be so diverted.

§ 956.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer, other

than a producer-handler, which is received by a handler either directly from producers or from other handlers.

§ 956.12 *Other source milk.* "Other source milk" means all skim milk and butterfat which is received by a handler other than that contained in producer milk.

§ 956.13 *Producer-handler.* "Producer-handler" means any person who produces milk which he distributes on wholesale or retail routes within the marketing area and who receives no milk from other producers: *Provided,* That the market administrator has determined that the maintenance, care and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging and distribution of the milk are the personal enterprise and personal risk of such person.

§ 956.14 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this subpart is in effect.

MARKET ADMINISTRATOR

§ 956.20 *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.

§ 956.21 *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.

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

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

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

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

(d) Pay out of the funds provided by § 956.72 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses 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 person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to § 956.30, or (2) payments pursuant to §§ 956.65, 956.69, and 956.71;

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

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) 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 delivery period as follows:

(1) On or before the 3d day of each delivery period, the minimum prices for skim milk and butterfat (i) in Class I milk computed pursuant to § 956.50 (a) for the current delivery period, and (ii) in Class II milk computed pursuant to § 956.50 (b) for the preceding delivery period; and

(2) On or before the 8th day of each delivery period, the uniform price computed pursuant to § 956.61 and the butterfat differential computed pursuant to § 956.66, both for the preceding delivery period.

REPORTS, RECORDS AND FACILITIES

§ 956.30 *Delivery period reports of receipts and utilization.* (a) On or before the 6th day after the end of each delivery period, each handler who operates an approved plant shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, and all other source milk (except nonfluid milk products disposed of in the form in which received without further processing or packaging by the handler) received at his approved plants:

(1) The quantities of skim milk and butterfat contained in such receipts and their sources;

(2) The utilization of such receipts; and

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

(b) On or before the 6th day after the end of each delivery period, each handler who operates an unapproved plant shall report to the market administrator, in the detail and on forms prescribed by the market administrator, his total disposition within the marketing area of Class I milk from such plant.

§ 956.31 *Producer payroll reports.* On or before the 20th day after the end of each delivery period each handler who operates an approved plant shall submit to the market administrator his producer payroll for such delivery period, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amount and date of payment to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments made to producers or cooperative associations.

§ 956.32 *Other reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

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

(a) The receipts and utilization of all 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 butterfat and skim milk contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each delivery period.

§ 956.34 *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 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such 3 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

§ 956.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream, and milk products received during the delivery period by a handler and required to be reported pursuant to § 956.30 (a) shall be classified by the market administrator pursuant to §§ 956.41 to 956.45, inclusive.

§ 956.41 *Classes of utilization.* Subject to the conditions set forth in §§ 956.43 and 956.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) dis-

posed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat except mixes for ice cream and frozen desserts) (2) disposed of as or used to produce any other milk product required by the health authorities in the marketing area to be produced from Grade A milk and (3) all skim milk and butterfat not specifically accounted for as Class II milk.

(b) *Class II milk.* Except as provided in paragraph (c) of this section Class II shall be (1) all skim milk which is dumped or disposed of as livestock feed: *Provided*, That in the case of skim milk which is dumped the handler shall notify the market administrator in advance of his intention to dump such skim milk, and (2) all skim milk and butterfat (i) used to produce any milk product not specified in paragraph (a) of this section, (ii) in actual plant shrinkage supported by adequate plant records up to but not in excess of two percent of the total receipts of skim milk and butterfat in producer milk, other than that received from other handlers, (iii) in actual shrinkage of other source milk, and (iv) in inventory variations.

(c) *Class IIA.* Class IIA shall be all skim milk and butterfat which, during the months of February through July, both inclusive, is used to produce butter, American cheddar cheese, casein, animal feed or nonfat dry milk solids, and skim milk which is dumped: *Provided*, That the handler shall notify the market administrator in advance of his intention to dump such skim milk.

§ 956.42 *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 contained in producer milk and in other source milk.

§ 956.43 *Transfers.* (a) Skim milk and butterfat, when transferred or diverted from an approved plant to another approved plant where milk is received from producers, shall be Class I if transferred or diverted in the form of milk, skim milk or cream: *Provided*, That, if the transferring handler, on or before the 6th day after the end of the delivery period during which the transfer or diversion is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in Class II, or Class IIA such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the receiver after the subtraction of other source milk pursuant to § 956.46: *Provided further*, That, if other source milk has been received at either or both plants, such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(b) Skim milk or butterfat, when transferred or diverted from an approved plant to an unapproved plant located more than 100 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream.

(c) Skim milk and butterfat when transferred or diverted from an approved plant to an unapproved plant located less than 100 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream unless the transferring handler reports that such skim milk or butterfat was used in Class II or Class IIA: *Provided*, That if the buyer refuses to permit the market administrator to audit his books and records, such milk, skim milk or cream shall be reclassified as Class I: *Provided further*, That if upon audit of the buyer's records, it is found that the use of skim milk and butterfat in the buyer's plant in Classes II and IIA is less than the amount stated to have been used, any amount in excess of such Class II use or Class IIA shall be classified as Class I.

(d) Skim milk or butterfat when transferred or diverted from an approved plant to a producer-handler in the form of milk, skim milk, or cream shall be classified as Class I.

§ 956.44 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in § 956.41 the burden rests upon the handler who receives such skim milk or butterfat from producers to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 956.45 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler pursuant to § 956.30 (a) and shall compute the respective amounts of skim milk and butterfat in each class for such handler.

§ 956.46 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to § 956.45, the market administrator shall determine the classification of milk received from producers as follows:

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

(1) Subtract from the total pounds of skim milk in Class II, the pounds of skim milk determined pursuant to § 956.41 (b) (2) (ii);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk contained in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the pounds of skim milk remaining in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I. If any skim milk has been classified as Class II A, skim milk in other source milk shall be allocated to such Class II A use prior to allocation to other Class II use.

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 956.43(a);

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

(5) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk contained in such handler's own production;

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk reported as having been received from producers; an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II: *Provided*, That any amount in excess of the pounds remaining in Class II shall be subtracted from Class I. 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.

MINIMUM PRICES

§ 956.50 *Class prices.* Each handler shall pay at the time and in the manner set forth in § 956.65 not less than the prices set forth in this section for skim milk and butterfat in milk received from producers during the delivery period at such handler's plant.

(a) *Class I milk.* (1) The price per hundredweight for Class I milk containing 3.5 percent butterfat shall be the Class II price computed pursuant to paragraph (b) (1) of this section for the previous delivery period plus $1.25.

(2) The price per hundredweight for butterfat in Class I milk shall be computed by adding $25.00 to the price computed pursuant to paragraph (b) (2) of this section for the preceding delivery period.

(3) The price per hundredweight for skim milk in Class I shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

(b) *Class II milk.* (1) The price per hundredweight for Class II milk containing 3.5 percent butterfat shall be computed by the market administrator as follows: (i) Multiply by 1.25 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period and subtract 5 cents, (ii) multiply by 3.5, (iii) add 21 cents, and (iv) add 3 cents for each full one-half cent that the price of nonfat dry milk solids is above 7 cents per pound. The price of nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for

human consumption delivered at Chicago, as reported by the Department of Agriculture during the delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. manufacturing plants in the Chicago area as published by the Department of Agriculture for the period from the 26th day of the preceding delivery period through the 25th day of the current delivery period, shall be used and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(2) The price per hundredweight for butterfat in Class II shall be computed by adjusting to the nearest full cent the price computed pursuant to subparagraph (1) (i) of this paragraph and multiplying by 100.

(3) The price per hundredweight for skim milk in Class II shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

(c) *Class II A milk.* (1) The price per hundredweight for Class II A milk containing 3.5 percent butterfat shall be the Class II price computed pursuant to paragraph (b) (1) of this section minus 25 cents.

(2) The price per hundredweight for butterfat in Class II A milk shall be computed by: (i) Determining the percentage that the price computed pursuant to § 956.50 (b) (i) is of the price computed pursuant to § 956.50 (b) (1), (ii) multiplying such percentage by 25 cents, (iii) subtracting the resulting figure from the price computed pursuant to § 956.50 (b) (i), and (iv) multiplying by 100.

(3) The price per hundredweight for skim milk in Class II A shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965 and (iv) adjusting to the nearest cent.

§ 956.51 *Emergency price provisions.* Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, and the specified price is not reported or published the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

DETERMINATION OF UNIFORM PRICE

§ 956.60 *Computation of the value of milk.* (a) The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat allocated to each class pursuant to § 956.46 by the applicable class prices, adding together the resulting amounts and adding any amounts owed by the handler pursuant to subparagraphs (1) and (2) of this paragraph.

(1) If a handler has overage of either skim milk or butterfat, the market administrator shall add an amount computed by multiplying the pounds of overage by the applicable class prices.

(2) If any skim milk or butterfat in other source milk has been allocated to Class I pursuant to § 956.46, during the months of February through July, both inclusive, the market administrator shall add an amount equal to the difference between the value of such skim milk or butterfat at the Class I price and the Class II price unless the handler can prove to the satisfaction of the market administrator that such other source skim milk or butterfat was used only to the extent that producer milk was not available.

(b) If any handler who operates an unapproved plant has disposed of Class I milk in the marketing area, the market administrator shall determine a value for such handler by multiplying the pounds of such Class I milk by an amount equal to the difference between the Class I price and the Class II price.

§ 956.61 *Computation of uniform price.* For each delivery period the market administrator shall compute a uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 956.60 for all handlers who filed reports pursuant to § 956.30 and who made the payments required pursuant to §§ 956.65 and 956.69 for the previous delivery period;

(b) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 956.66, and multiplying the resulting amount by the total hundredweight of milk included in these computations;

(c) Subtract during each of the delivery periods of May, June and July an amount equal to 8 percent of the resulting sum;

(d) Add during each of the delivery periods of September, October and November one-third of the total amount subtracted pursuant to paragraph (c) of this section;

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

§ 956.62 *Notification of handlers.* On or before the 9th day after the end of each delivery period the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 956.46 and 956.60 respectively, and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 956.61;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 956.65 and 956.71; and

(e) The amount to be paid by such handler pursuant to § 956.72.

PAYMENTS

§ 956.65 *Time and method of payments.* Each handler shall make payment for milk as follows:

(a) On or before the 15th day after the end of the delivery period during which the milk was received, to each producer for milk received from him and for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed pursuant to § 956.61, subject to the butterfat differential computed pursuant to § 956.66.

(b) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payments for its member producers and wishes to exercise such authority, an amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to paragraph (a) of this section.

§ 956.66 *Butterfat differential.* If, during the delivery period, any handler has received from any producer milk having an average butterfat content other than 3.5 percent, such handler in making the payments prescribed in § 956.65, shall add to the uniform price for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent not less than, or shall deduct from the uniform price for each one-tenth of one percent that such average butterfat content is below 3.5 percent not more than, an amount computed by the market administrator as follows: To the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period in which the milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest cent.

§ 956.67 *Adjustment of errors in payment to producers.* Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 956.65 the handler shall make

up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 956.68 *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 §§ 956.69 and 956.71 and out of which he shall make all payments to handlers pursuant to §§ 956.70 and 956.71: *Provided,* That the market administrator shall offset any payment due any handler against payments due from such handler.

§ 956.69 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period (a) each handler who operates an approved plant shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to § 956.60 (a) for such delivery period is greater than the sum required to be paid by such handler pursuant to § 956.65, and (b) each handler who operates an unapproved plant shall make payment to the market administrator of an amount equal to the value computed for him pursuant to § 956.60 (b).

§ 956.70 *Payments out of the producer-settlement fund.* On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 956.65 is greater than the total value computed for him pursuant to § 956.60.

§ 956.71 *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund made pursuant to §§ 956.69 and 956.70, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 956.70 the market administrator shall, within 5 days, make such payment to such handler.

§ 956.72 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler who operates an approved plant shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 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 delivery period of (a) milk from producers including such handler's own production, and (b) other source milk which is classified as Class I milk, and each handler who operates an unapproved plant shall make such payment only with respect to Class I milk disposed of within the marketing area.

§ 956.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part 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 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 of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative 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 part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(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 (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 956.80 *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 § 956.81.

§ 956.81 *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.

§ 956.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart 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.

§ 956.83 *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

§ 956.90 *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.

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

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

Sections 956.1 through 956.14, 956.20 through 956.22 (h), 956.30 through 956.34, 956.40 through 956.46, 956.72, 956.73, 956.80 through 956.83, 956.90 and 956.91 shall be effective on and after the 1st day of August 1952, and §§ 956.22 (i), 956.50, 956.51, 956.60 through 956.62, and 956.65 through 956.71 shall be effective on and after September 1, 1952.

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

[F. R. Doc. 52-7528; Filed, July 9, 1952; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

PLANT QUARANTINE INSPECTOR

Paragraph (a) of § 24.89 is amended to read as follows:

§ 24.89 *Plant Quarantine Inspector, GS-436-5*—(a) *Educational requirement.* Applicants must have successfully completed (1) or (2) of the following:

(1) A full 4-year course in an accredited college or university, leading to a bachelor's degree in biological science, with 20 semester hours in one or in any combination of entomology, botany, or plant pathology, including mycology. (Biological courses which are useful in forming the educational foundation for a career as a Plant Quarantine Inspector, such as plant nematology, plant bacteriology, plant virology, horticulture, and acarology, regardless of the course title, may be accepted toward the required study in biological sciences, as well as courses under the names listed above.)

(2) Courses in biological science, in an accredited college or university, consisting of lectures, recitations, and laboratory work totaling at least 20 semester hours in any one or a combination of the subjects shown under subparagraph (1) of this paragraph; plus additional appropriate experience which, when combined with the above 20 semester hours, will total 4 years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860. Interprets or applies sec. 5, 58 Stat. 388; 5 U. S. C. 854)

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

[F. R. Doc. 52-7552; Filed, July 9, 1952; 8:54 a. m.]

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.155]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

JUNE 25, 1952.

Section 325.11, *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following July 5, 1952, paragraph (a) is amended by the deletion of the following post:

Paramaribo, Surinam.

2. Effective as of the beginning of the first pay period following July 5, 1952, paragraph (d) is amended by the deletion of the following posts:

Naval Station, Trinidad, B. W. I.
Port-of-Spain, Trinidad, B. W. I.
Reykjavik, Iceland.

3. Effective as of the beginning of the first pay period following July 5, 1952, paragraph (b) is amended by the addition of the following posts:

Bogor, Indonesia.
Djogjakarta, Indonesia.
Paramaribo, Surinam.

4. Effective as of the beginning of the first pay period following July 5, 1952, paragraph (d) is amended by the addition of the following post:

Maddalena, Libya.

For the Secretary of State.

W. K. SCOTT,
Deputy Assistant Secretary.

[F. R. Doc. 52-7551; Filed, July 9, 1952; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

PART 664—TOBACCO

SUBPART—1952 TOBACCO LOAN PROGRAM

1952 CROP; FLUE-CURED TOBACCO, TYPES 11-14, ADVANCE SCHEDULE

Set forth below is schedule of advance rates, by grades, for the 1952 crop of types 11-14, flue-cured tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published May 22, 1952 (17 F. R. 4643).

§ 664.412 *1952 crop; flue-cured tobacco, Types 11-14, advance schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
A1L	74.12	H2F	66.12
A2L	71.12	H3F	63.12
A1F	72.12	H4F	58.12
A2F	68.12	H5F	53.12
A1R	65.12	H6F	41.12
A2R	60.12	H3R	50.12
B1L	67.12	H4R	45.12
B2L	66.12	H5R	38.12
B3L	61.12	H6R	30.12
B4L	57.12	C1L	72.12
B5L	52.12	C2L	71.12
B6L	41.12	C3L	70.12
B1F	65.12	C4L	69.12
B2F	62.12	C5L	65.12
B3F	58.12	C1F	71.12
B4F	53.12	C2F	70.12
B5F	43.12	C3F	69.12
B6F	33.12	C4F	68.12
B1R	57.12	C5F	63.12
B2R	54.12	C4LV	62.12
B3R	48.12	C5LV	58.12
B4R	39.12	C4K	56.12
B5R	32.12	C5K	50.12
B6R	26.12	C5KR	50.12
B3S	40.12	C4M	54.12
B4S	31.12	C5M	50.12
B5S	25.12	X1L	69.12
B6S	20.12	X2L	68.12
B4D	26.12	X3L	65.12
B5D	20.12	X4L	57.12
B6D	18.12	X5L	43.12
B3LV	58.12	X1F	68.12
B4LV	52.12	X2F	67.12
B5LV	45.12	X3F	63.12
B3FV	52.12	X4F	53.12
B4FV	45.12	X5F	38.12
B5FV	38.12	X3LV	55.12
B4K	44.12	X4LV	47.12
B5K	38.12	X3FV	52.12
B6K	27.12	X4FV	44.12
B4M	42.12	X4K	42.12
B5M	36.12	X5K	32.12
B6M	25.12	X3M	46.12
B4KR	43.12	X4M	38.12
B5KR	36.12	X5M	30.12
B4GL	47.12	X3G	40.12
B5GL	39.12	X4G	33.12
B6GL	34.12	X5G	24.12
B4GF	41.12	P3L	56.12
B5GF	35.12	P4L	47.12
B6GF	27.12	P5L	32.12
B4GR	27.12	P3F	53.12
B5GR	21.12	P4F	40.12
B6GR	18.12	P5F	28.12
H1L	69.12	P4G	26.12
H2L	67.12	P5G	20.12
H3L	66.12	N1L	17.12
H4L	63.12	N1R	17.12
H5L	57.12	N1GL	17.12
H6L	48.12	N1GR	17.12
H1F	67.12		

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 2, 59 Stat. 506, sec. 101, 63 Stat. 1051; 7 U. S. C. 1312n, 7 U. S. C. Sup. 1441)

Issued this 3d 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. 52-7570; Filed, July 9, 1952; 8:59 a. m.]

[1] The advance rates quoted above are applicable to tied flue-cured tobacco. Rates for untied flue-cured tobacco are five dollars ($5.00) per hundred pounds less for each grade. The Cooperative Association through which the loans are made is authorized to deduct 12 cents per hundred pounds to apply against the overhead costs to the Association of the loan operation. Tobacco can be placed under loan only by the original producer and only if produced on a cooperating farm. Tobacco graded "W" (unsafe order), "U" (unsound), N2L, N2R, N2GL, N2GR, "Decayed", "Botched", "Nested", or "Off-type" will not be accepted under the regular loan program.

Special loans. Tobacco graded second quality nondescript will have a loan value of $15.00 per hundred pounds; all other nondescript grades and grades qualified by unrestricted special factors will have a loan value of $36.00 per hundred pounds.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 3944]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HAMILTON MANUFACTURING CO.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards, or other lottery devices, designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Modified cease and desist order, Hamilton Manufacturing Company, Minneapolis, Minn., Docket 3944, April 9, 1952]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondent's substitute answer thereto, in which answer said respondent admitted, with certain exceptions, all of the allegations of fact set forth in the complaint, and briefs and oral argument of counsel, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act, on September 7, 1950, issued its order to cease and desist; and

Respondent Hamilton Manufacturing Company, having filed in the United States Court of Appeals for the District of Columbia Circuit its petition to review and set aside the order to cease and desist issued herein, and that Court having heard the matter on briefs and oral argument, having fully considered the matter, and having, thereafter on February 27, 1952, entered its final decree modifying, and affirming and enforcing, as modified, the aforesaid order to cease and desist pursuant to its opinion announced on January 24, 1952; and

Thereafter, the Commission having reconsidered the matter, and being of the opinion that its order should be modified so as to accord with the aforesaid opinion and final decree of the United States Court of Appeals for the District of Columbia Circuit;

It is hereby ordered, That the respondent, Hamilton Manufacturing Company, and said respondent's officers, agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punch boards or other lottery devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That within the period of time allowed by the aforesaid final decree of the United States Court of Appeals for the District of Columbia Circuit, the respondent shall file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: April 9, 1952.

By the Commission.

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

[F. R. Doc. 52-7569; Filed, July 9, 1952; 8:58 a. m.]

[Docket 4827]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN TOBACCO CO.

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.25 *Competitors and their products;* § 3.30 *Composition of goods;* § 3.170 *Qualities or properties of product or service;* § 3.195 *Safety;* § 3.205 *Scientific or other relevant facts;* § 3.250 *Success, use or standing.* Subpart—*Disparaging competitors and their products—Competitor's products:* § 3.965 *Composition;* § 3.1010 *Qualities or properties;* § 3.1025 *Safety;* § 3.1033 *Success, use or standing.* In connection with the offering for sale, sale, and distribution in commerce, of respondent's Lucky Strike brand of cigarettes, representing, by any means, directly or by implication, (1) that among independent tobacco experts, Lucky Strike cigarettes have twice as many smokers as all other brands of cigarettes combined; or that any greater proportion or number of independent tobacco experts or of any other group or class of people smoke Lucky Strike cigarettes than is the fact; (2) that independent tobacco experts who smoke Lucky Strike cigarettes do so because of their knowledge of the grades or quality of the tobacco purchased by the respondent for use in the manufacture of Lucky Strike cigarettes; (3) that Lucky Strike cigarettes or the smoke therefrom contains less acid than do the cigarettes or the smoke therefrom of any of the other leading brands of cigarettes; (4) that Lucky Strike cigarettes or the smoke therefrom is less irritating to the throat than the cigarettes or the smoke therefrom of any of the other leading brands of cigarettes; (5) that Lucky Strike cigarettes or the smoke therefrom is easy on one's throat or will provide any protection against throat irritation or coughing; or, (6) that Lucky Strike cigarettes or the smoke therefrom contains less nicotine than do the cigarettes or the smoke therefrom of any of the four other leading brands of cigarettes; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Modified cease and desist order, American Tobacco Company, New York, N. Y., Docket 4827, April 9, 1952]

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the respondent's answer thereto, testimony and other evidence in support of and in opposition to the allegations of said amended complaint, the Trial Examiner's recommended decision and exceptions thereto, and briefs and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act, and having issued an order to cease and desist; and

The American Tobacco Company, a corporation, the respondent, having filed in the United States Court of Appeals for the Seventh Circuit its petition to review and set aside the order to cease and desist issued herein; and thereafter counsel for respondent and the Commission having entered into a stipulation filed in said Court on March 10, 1952, providing that said petition to review shall be dismissed without hearing on the merits; that upon said dismissal the Commission shall modify said order to cease and desist by eliminating therefrom the words "and its officers, representatives, agents and employees" after the words "*It is ordered*, That the respondent, The American Tobacco Company, a corporation"; and that said voluntary dismissal of said petition to review shall be without prejudice to any subsequent application by respondent to the Commission for any modification of any other provisions of said order to cease and desist and shall not be construed by the Commission to limit its power to make any such modification pursuant to section 5 of the Federal Trade Commission Act and Rule XXVII of the Commission's rules of practice; and the Court having on March 11, 1952, entered an order dismissing the petition to review, without hearing upon the merits, in accordance with the terms of the stipulation of counsel; and

Thereafter, the Commission having reconsidered the matter, and being of the opinion that its order should be modified so as to accord with the aforesaid stipulation of counsel and order of the United States Court of Appeals for the Seventh Circuit;

It is ordered, That the respondent, The American Tobacco Company, a corporation, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of its Lucky Strike brand of cigarettes, do forthwith cease and desist from representing, by any means, directly or by implications:

(1) That among independent tobacco experts, Lucky Strike cigarettes have twice as many smokers as all other brands of cigarettes combined; or that any greater proportion or number of independent tobacco experts or of any other group or class of people smoke Lucky Strike cigarettes than is the fact.

(2) That independent tobacco experts who smoke Lucky Strike cigarettes do so because of their knowledge of the grades or quality of the tobacco purchased by the respondent for use in the manufacture of Lucky Strike Cigarettes.

(3) That Lucky Strike cigarettes or the smoke therefrom contains less acid than do the cigarettes or the smoke

therefrom of any of the other leading brands of cigarettes.

(4) That Lucky Strike cigarettes or the smoke therefrom is less irritating to the throat than the cigarettes or the smoke therefrom of any of the other leading brands of cigarettes.

(5) That Lucky Strike cigarettes or the smoke therefrom is easy on one's throat or will provide any protection against throat irritation or coughing.

(6) That Lucky Strike cigarettes or the smoke therefrom contains less nicotine than do the cigarettes or the smoke therefrom of any of the four other leading brands of cigarettes.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this modified order, file with the Commission a report, in writing, showing in detail the manner and form in which it has complied with this order.

Issued: April 9, 1952.

By the Commission.

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

[F. R. Doc. 52-7568; Filed, July 9, 1952; 8:58 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Mutual Security Agency

[MSA Reg. 4]

PART 204—GUARANTIES UNDER THE ECONOMIC COOPERATION ACT OF 1948, AS AMENDED

Preamble. In furtherance of the purposes of the Mutual Security Act of 1951, as amended, in order to facilitate and maximize the use of private channels of trade, and pursuant to authority contained in sections 104 (f) and 111 (a) and (b) of the Economic Cooperation Act of 1948, as amended, supplemented and continued (hereinafter called the "act"), the following rules and regulations are prescribed for the making of guaranties of investments pursuant to section 111 (b) (3) of the act, other than guaranties of investments in enterprises producing or distributing informational media (hereinafter called "MSA guaranties").

Sec.
204.1 Scope of this part.
204.2 Application for guaranties and place of filing.
204.3 Designation of Export-Import Bank of Washington as agent.
204.4 Effect of making investment prior to issuance of guaranty.
204.5 Saving clause.

AUTHORITY: §§ 204.1 to 204.5 issued under sec. 104, 62 Stat. 138, as amended, Pub. Law 165, 82d Cong.; 22 U. S. C. Sup. 1503. Interpret or apply sec. 111, 62 Stat. 143, as amended; Pub. Law 165, 82d Cong.; 22 U. S. C. Sup. 1509.

§ 204.1 *Scope of this part.* This part shall cover MSA guaranties.

§ 204.2 *Applications for guaranties and place of filing.* Applications for MSA guaranties should be made in writing to the Industrial Guaranties Branch, Mutual Security Agency, Washington 25, D. C. There is no prescribed form of application, but published information on current policies of the guaranty program, including the contents of applications, may be obtained on request from the Mutual Security Agency. Each applicant will be notified in writing when his application has been found to be complete and is accepted for processing.

§ 204.3 *Designation of Export-Import Bank of Washington as agent.* Export-Import Bank of Washington is hereby designated by the Director as his agent, upon such terms as may be specified by the Director, to issue in its name, and to administer, MSA guaranties.

§ 204.4 *Effect of making investment prior to issuance of guaranty.* The purpose of the guaranty provisions of the act is to stimulate private investment from the United States which contributes to the objectives of the Mutual Security Program. Ordinarily this purpose is not served by issuing a guaranty on an investment which has already been made. Accordingly, the making of an investment by an applicant prior to the issuance of a guaranty covering such investment shall be grounds on which the application may be denied. However, after an application has been filed and accepted as complete, the investor may obtain a statement in writing from the Mutual Security Agency which will permit him to proceed with the investment without prejudice to the application on the above grounds.

§ 204.5 *Saving clause.* The Director for Mutual Security may waive, withdraw, or amend at any time or from time to time any or all of the provisions of this part.

W. JOHN KENNEY,
Deputy Director for Mutual Security.

[F. R. Doc. 52-7522; Filed, July 9, 1952; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

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

Subchapter A—Income and Excess Profits Taxes

[T. D. 5918; Regs. 111]

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

ELECTION AS TO RECOGNITION OF GAIN IN CERTAIN CORPORATE LIQUIDATIONS

In order to conform Regulations 111 (26 CFR Part 29) to the provisions of section 316 of the Revenue Act of 1951, approved October 20, 1951, relating to election as to recognition of gain in certain corporate liquidations, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.112 (b) (7)-1 the following:

SEC. 316. ELECTION AS TO RECOGNITION OF GAIN IN CERTAIN CORPORATE LIQUIDATIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 112* (b) (7). Section 112 (b) (7) (relating to recognition of gain in certain corporate liquidations) is hereby amended by striking out in subparagraph (A) (ii) "1951" and by inserting in lieu thereof "1951 or 1952".

* * * * *

(c) *Effective date.* The amendments made by this section shall be applicable only to taxable years ending after December 31, 1951.

PAR. 2. Section 29.112 (b) (7)-1, as amended by Treasury Decision 5856, approved September 14, 1951, is further amended as follows:

(A) By striking from the heading and from the section "in 1944 or 1951", wherever "in 1944 or 1951" appears therein, and by inserting in lieu thereof the following: "in 1944, 1951, or 1952".

(B) By inserting in the first and third sentences of paragraph (b) immediately after "in 1951", wherever "in 1951" appears therein, the following: "or 1952".

PAR. 3. Section 29.112 (b) (7)-2, as amended by Treasury Decision 5856, is further amended by inserting in the second parenthetical clause in the first sentence immediately after "in 1951", the following: "or 1952".

PAR. 4. Section 29.112 (b) (7)-4, as amended by Treasury Decision 5856, is further amended as follows:

(A) By inserting in the second parenthetical clause in the first sentence of paragraph (b) (2) immediately after "in 1951" the following: "or 1952".

(B) By striking from the second sentence of paragraph (b) (2) the date "August 15, 1951" and by inserting in lieu thereof the following: "August 15, 1950".

PAR. 5. Section 29.112 (b) (7)-5, as amended by Treasury Decision 5856, is further amended by inserting immediately after "in 1951", where it appears in paragraph (b) of such section, the following: "or 1952".

PAR. 6. There is inserted immediately preceding § 29.113 (a) (18)-1, the following:

SEC. 316. ELECTION AS TO RECOGNITION OF GAIN IN CERTAIN CORPORATE LIQUIDATIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Basis of property.* Section 113 (a) (18) (relating to basis of property received in certain corporate liquidations) is amended by striking out "the Revenue Act of 1950" and by inserting in lieu thereof "any revenue act".

(c) *Effective date.* The amendments made by this section shall be applicable only to taxable years ending after December 31, 1951.

PAR. 7. Section 29.113 (a) (18)-1, as amended by Treasury Decision 5856, is further amended by inserting in paragraph (a) (2) (iii) immediately after "calendar year 1951", the following: "or 1952".

PAR. 8. Section 29.148-2, as amended by Treasury Decision 5856, is further amended as follows:

(A) By striking in the heading of paragraph (b) (2) and in the first sentence of such paragraph "1944 or 1951", wherever "1944 or 1951" appears therein, and by inserting in lieu thereof the following: "1944, 1951, or 1952".

(B) By inserting in the second parenthetical clause in paragraph (b) (2) (iii) immediately after "in 1951", the following: "or 1952".

PAR. 9. Section 29.148-3, as amended by Treasury Decision 5859, approved September 20, 1951, is further amended by striking from the second sentence of

paragraph (b) "1944 or 1951" and by inserting in lieu thereof the following: "1944, 1951, or 1952".

Inasmuch as this Treasury decision merely provides for the extension of the applicability of section 112 (b) (7) of the Internal Revenue Code to liquidations occurring in 1952 and makes a technical correction, it is found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of the said act.

(53 Stat. 32, 457; 26 U. S. C. 62, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: July 7, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7567; Filed, July 9, 1952; 8:58 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 21]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

FREE DELIVERY OF SMALL PARCELS

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 21 to Ceiling Price Regulation 7 (16 F. R. 1897) is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 7 prohibits any act which directly or indirectly increases above the ceiling price the consideration paid for any article. Since the reduction or elimination of a service incidental to the sale of a commodity amounts to an indirect increase in price, diminutions in service are prohibited unless there is a commensurate reduction in the selling price of the commodity. This amendment relaxes that prohibition to the limited extent of permitting the retailer to make changes in his practice of delivering certain small parcels without extra charge. To compel retailers to reduce their prices commensurately with the reduction in such delivery services would be administratively impracticable since the amount of the price reduction would necessarily be minute. Moreover, the impact of this change upon the cost of living would be insignificant compared with the advantages afforded to retailers in enhancing their flexibility of management. Accordingly, by this action, retailers will be permitted to discontinue the practice of making free delivery of parcels provided that this change extends only to parcels which are sufficiently small or light in weight to be carried in hand from the store by purchasers.

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.

AMENDATORY PROVISION

Section 55 of Ceiling Price Regulation 7 is amended to add an additional paragraph (g) thereto to read as follows:

(g) *Changing delivery practices.* It shall not be deemed a violation of this section for a retailer to discontinue a practice of delivering parcels which are sufficiently small and light in weight to be carried in hand from the store by the purchaser.

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

This amendment to Ceiling Price Regulation 7 shall become effective July 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 9, 1952.

[F. R. Doc. 52-7640; Filed, July 9, 1952; 12:02 p. m.]

[Ceiling Price Regulation 7, Amdt. 22]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

MISCELLANEOUS AMENDMENTS

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 22 to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 7 makes several minor modifications in the provisions of the regulation relating to new sellers, provides an alternative method of chart preparation for sellers whose sales to their most numerous class of purchaser are accommodation sales and corrects certain clerical errors now appearing in the regulation.

Revisions in the new seller provisions have been made in footnote 13a to section 39, and in sections 39a, 39c, and 39d.

Footnote 13a affords sellers whose applications under section 39 made prior to December 31, 1951 had been denied "in whole or in part" the right to reapply under the new seller provisions set forth in Amendment 12 to CPR 7, effective December 31, 1951. This footnote has been amended to make it clear that these provisions may be invoked not only by sellers whose applications have been denied in whole or in part but by all sellers who filed reports or applications under the original section 39.

Sections 39a and 39c have been amended to insure greater speed in the processing of applications made under these sections. Sellers will henceforth be permitted to establish their ceiling prices under these sections upon receipt of OPS acknowledgment of their filed notifications. Heretofore, sellers were required to secure orders before proceeding.

Section 39d has been amended in two respects. The first extends eligibility to apply for markups on the basis of the past experience of managers of individually owned establishments and managers of businesses owned by partnerships. Heretofore, the past experience of managers had been limited to corporate managing officers. The second amendment to this section removes the present limitation on past experience which denies markups in excess of Appendix E if an applicant has operated at or below the prices permitted by Appendix E since the list date.

In view of the corrective and clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is amended as follows:

1. Footnote 8 to section 17 of Ceiling Price Regulation 7 is amended to read as follows:

> *This will be the class containing the greatest number of purchasers. However, if your most numerous class of purchaser is one to whom accommodation sales are made, you may prepare your chart based on your offering prices to the most numerous class other than accommodation purchasers, but you must state in a footnote any differentials you have for your accommodation sales. If you have more than one class of purchaser, use a footnote to show the class of purchaser used in preparing your chart. Section 30 provides that other classes of purchasers must get their customary differentials.

2. The example to section 38b (b) (2) is amended by deleting the figure "$733.00" and substituting therefor the figure "$733.50."

3. Footnote 13a to section 39 which reads as follows:

> 13a. Any seller to whom an order was issued under section 39 prior to December 31, 1951 denying his application in whole of in part, shall be afforded an opportunity to reapply in accordance with sections 39a through 39d, is redesignated footnote "13b" and is amended to read as follows:
>
> 13b. Any seller who prior to December 31, 1951 filed a report or application pursuant to section 39 may apply or report in accordance with sections 39a through 39d inclusive and must add to any report or application otherwise required by these sections a notation that it intends its prior application, report or order to be superseded under whichever one of these sections it applies or reports.

4. Section 39a is amended by substituting for the word "approval" in the first paragraph the word "acknowledgment."

5. Section 39a (b) is amended by substituting for the word "approve" in the first sentence the word "acknowledge" and by substituting for the word "approval" in the second sentence the word "acknowledgment."

6. Section 39c is amended by substituting for the word "approval" in the first paragraph the word "acknowledgment."

7. Section 39c (b) is amended by substituting for the word "approval" the word "acknowledgment."

8. Section 39d (a) (3) is amended to read as follows:

(3) You (if you are an individually owned establishment) or any of the principal stockholders or partners actually engaged in the business or the manager of the business had previous merchandising experience as owner, officer, principal, or employee in an executive or managerial capacity in a business handling articles covered by CPR 7 at prices higher than those yielded by Appendix E markups (or if handling related articles not covered by CPR 7, at prices which for such articles are higher than average). For the purpose of this sub-paragraph, experience for more than a year as a route salesman or door-to-door salesman shall be considered the equivalent of managerial experience in processing applications to establish markups for that type of seller.

9. In section 39e (b) following the word "applicable" in the first sentence add the words "with your OPS office."

10. Footnote 16 to section 53 (a) (2) (i) is amended by substituting for the word "local" the word "district."

11. Footnote 17 to section 53 (b) (2) (i) is amended by substituting for the word "local" the word "district."

12. In section 59 the definition of "Director of Price Stabilization" is amended by substituting for the word "local" the word "district."

13. In Appendix B, Category 803—"Soft Surface Smaller Rugs," delete the words "or larger."

14. Appendix C is amended as follows:

a. In the column headed "Category you are pricing," insert "210'" between the figures "209" and "211."

b. In the column headed "Category you are pricing," between the figures "607" and "701," insert in vertical succession the following: "610'", "615'" and "620'."

c. Opposite "713" in the column headed "Category you are pricing," delete "707" from the column headed "Second" and substitute therefor "715." Delete "715" from the column headed "Third" and substitute therefor "709" and delete "709" from the column headed "Fourth."

d. Opposite "720" in the column headed "Category you are pricing," delete "707" from the column headed "Second" and substitute therefor "704" and delete "704" from the column headed "Third."

e. In the column headed "Category you are pricing," delete "1003" and all comparable categories appearing opposite that figure.

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

Effective date. This amendment is effective July 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 9, 1952.

[F. R. Doc. 52-7641; Filed, July 9, 1952; 12:02 p. m.]

[Ceiling Price Regulation 11, Amdt. 7]

CPR 11—RESTAURANTS

CURRENT FOOD COST PER DOLLAR OF SALES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended by Public Law 96 (82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 7 to Ceiling Price Regulation 11 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment relaxes the requirement of CPR 11 that the current food cost per dollar of sales must coincide exactly with that for the base period. The amount by which the current food cost ratio will now be allowed to fall below the base period ratio is five percent.

Under the provisions of Section 3 of CPR 11, prior to this amendment, operators were required to use as their ceiling prices those prices which reflected a current food cost per dollar of sales no lower than their base period food cost per dollar of sales. Each operator was required to be in compliance with this standard at the end of each four month period.

Although maintenance of the food cost per dollar of sales does not impose unreasonable burdens on the majority of eating and drinking establishments subject to CPR 11, it has been found that even the most efficient operator may at times be faced with unforeseen developments, particularly near the end of his compliance period, which will cause his current food cost ratio to be lower than permitted by the regulation. Frequently, the extent of non-compliance may be rather slight. In recognition of this possibility and of the serious consequences which may ensue from it for operators having no intent to violate, this amendment establishes a margin of flexibility by providing that the operator will not be in violation even if his current ratio is reduced as long as the reduction does not go beyond the prescribed limit.

Specifically, section 3 (a) of this regulation is being amended to permit operators subject to this regulation a five percent leeway between their current and their base period food cost per dollar of sales.

In the formulation of this amendment, there has been consultation to the extent practicable with industry representatives, including trade association representatives 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 purpose of Title IV of the Defense Production Act of 1950, as amended, and comply with all of the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 11 is amended in the following respects:

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

(a) *Determination of ceiling prices.* Your ceiling prices for meals, food items and beverages are those prices which reflect a current food cost per dollar of sales no lower than your base period food cost per dollar of sales reduced by five percent (5 percent). (Food cost per dollar of sales is defined in section 14.) You must fix your prices so as to maintain during each four month period (or during each sixteen week period if it was your established practice during your base period to keep your records on the basis of a thirteen period year rather than a twelve month year) beginning April 1, 1951, a food cost per dollar of sales no lower than your base period food cost per dollar of sales reduced by five percent (5 percent).

EXAMPLE: If your base period food cost per dollar of sales was 40 percent, you must now make sure that your food cost per dollar of sales for each four months period is no lower than 38 percent ($0.40 \times 0.05 = 0.02$; $40 - 2 = 38$ percent).

In computing your current food cost per dollar of sales you must use the same methods as those used in your base period. In computing your current food cost per dollar of sales you must treat taxes in the same way as in the base period. You may not add any item of expense in your food cost that you did not include in your base period. However, if it was your custom in the base period to include in your food cost some nominal non-food items such as ice, straws, and napkins you may continue to do so. If you kept separate records showing the cost and gross sales of alcoholic beverages in your base period your ceiling prices for alcoholic beverages must be fixed in accordance with paragraph (b) of this section.

2. Section 14 is amended by adding a new paragraph (e) to read as follows:

(e) "Food cost per dollar of sales" means the ratio between the total cost of food and the total sales. Food includes beverages, both alcoholic and non-alcoholic, unless you kept separate records showing the cost and gross sales of alcoholic beverages in your base period.

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

Effective date. This Amendment 7 to Ceiling Price Regulation 11 is effective July 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 9, 1952.

[F. R. Doc. 52-7643; Filed, July 9, 1952; 12:03 p. m.]

[Ceiling Price Regulation 7, Amdt. 12 to Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICE FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES, MAIL ORDER ESTABLISHMENTS AND DEPARTMENTALIZED ESTABLISHMENTS, CONSIGNORS AND CONSIGNEE OUTLETS

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 12 to Supplementary Regulation 1 to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

Footnote 1 to section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7 states that any department in a departmentalized establishment to which an order was issued under Ceiling Price Regulation 7 prior to 1952, denying its application "in whole or in part" may apply the pricing rules set forth in section 8. This footnote has been amended to make it clear that the provisions of section 8 may be invoked not only by departments whose applications have been denied in whole or in part but by all departments who may elect to discontinue pricing pursuant to the rules of section 39 of CPR 7.

In view of the clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISION

Supplementary Regulation 1 to Ceiling Price Regulation 7 is amended as follows:

1. Substitute the following footnote in lieu of footnote 1 to section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7 now appearing:

[1] Any departmentalized establishment which determined ceiling prices for any category in a department pursuant to section 39 of Ceiling Price Regulation 7 prior to December 31, 1951, or under sections 39a through 39d inclusive of Ceiling Price Regulation 7 prior to February 12, 1952 may continue to do so or, if it so elects, may apply the rules set forth in this section and must add to any report otherwise required by this section a notation that the method being used pursuant to this section is being used in lieu of its prior order or report and must identify the order or report being superseded.

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

This amendment to Supplementary Regulation 1 to Ceiling Price Regulation 7 shall become effective July 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 9, 1952.

[F. R. Doc. 52-7642; Filed, July 9, 1952; 12:03 p. m.]

[Ceiling Price Regulation 67, Amdt. 9]

CPR 67—RESELLERS' CEILING PRICES FOR MACHINERY AND RELATED MANUFACTURED GOODS

REFRACTORY PRODUCTS

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 67 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment places refractory products under the coverage of the regulation. On February 7, 1952 the Office of Price Stabilization issued Ceiling Price Regulation 125—(Manufacturers of Refractory Products) and it is considered appropriate to include all such products in CPR 67 because the pricing practices of resellers of refractory products are similar to those of resellers of the products already covered by the regulation. Because of the similarity of these pricing practices, the Statement of Considerations involved in the issuance of the regulation is equally applicable to this amendment.

In formulating this amendment, the Director consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 67 is amended by adding the following item to Appendix A:

Refractory products. (This term includes fire clay brick, Silica brick, insulating firebrick, ladle brick, hot top brick, sleeves, nozzles and runners, high alumina brick, basic brick, special refractory brick made from silicon-carbide, kyanite, alumina, zircon, spinel, olivine ormullite, and specialties such as mortars, plastic refractories and castables. It does not include graphite crucibles and accessory or related products of which natural graphite represents 15 percent or more of the total weight.)

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

Effective date. This amendment to Ceiling Price Regulation 67 shall become effective July 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 9, 1952.

[F. R. Doc. 52-7644; Filed, July 9, 1952; 12:03 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 62 to Schedule A]

[Rent Regulation 2, Amdt. 60 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

GEORGIA AND LOUISIANA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective July 10, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

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

Issued this 7th day of July 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Georgia				
(76) Macon	B	Bibb and Houston	Apr. 1, 1941	July 1, 1942
	C	Houston County	Feb. 1, 1951	July 11, 1952
Louisiana				
(129) Alexandria-Leesville	B	The Parishes of Beauregard and Vernon	Jan. 1, 1941	July 1, 1942
	C	In Beauregard Parish, Wards 2, 3, 4, 5, 7, and 8; and Vernon Parish.	Aug. 1, 1950	Nov. 7, 1951
	C	In Beauregard Parish, Wards 1 and 6	Aug. 1, 1951	July 10, 1952

[F. R. Doc. 52-7553; Filed, July 9, 1952; 8:54 a. m.]

[Rent Regulation 1, Amdt. 63 to Schedule A]

RR 1—HOUSING

SCHEDULE A—DEFENSE-RENTAL AREAS

LOUISIANA

This amendment is issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective July 10, 1952, Rent Regulation 1 is amended so that the item(s) of Schedule A read(s) as set forth below.

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

Issued this 7th day of July 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Louisiana				
(131) Lake Charles	B	Parish of Calcasieu	Mar. 1, 1942	Apr. 15, 1943
	C	Parish of Calcasieu	Aug. 1, 1951	July 10, 1952

[F. R. Doc. 52-7554; Filed, July 9, 1952; 8:55 a. m.]

[Rent Regulation 2, Amdt. 61 to Schedule A]

RR 2—Rooms in Rooming Houses and Other Establishments

Schedule A—Defense-Rental Areas

LOUISIANA

This amendment is issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective July 10, 1952, Rent Regulation 2 is amended so that the item(s) of Schedule A read(s) as set forth below.

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

Issued this 7th day of July 1952.

William G. Barr,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Louisiana				
(131) Lake Charles	A	Parish of Calcasieu	Aug. 1, 1951	July 10, 1952

[F. R. Doc. 52-7555; Filed, July 9, 1952; 8:55 a. m.]

[Rent Regulation 3, Amdt. 71 to Schedule A]

[Rent Regulation 4, Amdt. 15 to Schedule A]

RR 3—Hotels

RR 4—Motor Courts

Schedule A—Defense-Rental Areas

GEORGIA AND LOUISIANA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective July 10, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

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

Issued this 7th day of July 1952.

William G. Barr,
Acting Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(76) Macon	Georgia	Houston County	Feb. 1, 1951	July 11, 1952
(129) Alexandria-Leesville	Louisiana	In Beauregard Parish, Wards 2, 3, 4, 5, 7, and 8; and Vernon Parish.	Aug. 1, 1950	Nov. 7, 1951
		In Beauregard Parish, Wards 1 and 6	Aug. 1, 1951	July 10, 1952
(131) Lake Charles	do	Parish of Calcasieu	do	Do.

[F. R. Doc. 52-7556; Filed, July 9, 1952; 8:55 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 18—Industrial, Scientific and Medical Services

EXISTING EQUIPMENT

In the matter of amendment of Part 18 of the Commission's rules and regulations.

The Commission has received various petitions and requests proposing that the effective date of Part 18 of the Commission's rules and regulations as it applies to industrial heating equipment manufactured prior to July 1, 1947, be suspended for a period of one year.

These petitions and requests allege that the necessary materials, equipment and qualified engineers are not immediately available to effect the necessary compliance with the rules within the rules within the period of time presently allocated.

The petitions and requests further state that the work necessary to effect compliance with the rules is being carried forward as rapidly as materials and man-power permit. Under the present conditions the petitions state that it is expected that a maximum period of one year will be required to permit general compliance with the certification requirement of the rules.

Upon consideration of the petitions and requests it appears that an extension of the effective date of Part 18 as applicable to industrial heating equipment manufactured prior to July 1, 1947, is warranted. However, it also appears that the inability to comply with the rules is, in some measure, the result of a lack of diligence over a period of time to take the necessary steps to effect compliance. In view of this fact, the Commission wishes to advise all interested parties that if further requests for extension are sought, it will give consideration to such requests on an individual basis, taking into consideration the efforts made by the user to achieve compliance.

Therefore, the Commission further advises all interested parties to effectuate certification at the earliest practicable date. In the event interference is caused to any authorized radio service, the operator of the equipment concerned shall take the steps necessary to certify the equipment at the time the interference is eliminated as required by § 18.51 of the rules, or within such period thereafter as the Commission may prescribe.

Because of the imminent effective date of Part 18 for industrial heating equipment manufactured prior to July 1, 1947, it is impractical to give notice and invoke the procedure set forth in section 4 of the Administrative Procedure Act.

Accordingly, it is ordered, This 25th day of June 1952, that pursuant to the authority contained in sections 4 (i), 301 and 303 (r) of the Communications Act of 1934, as amended, § 18.51 of the Commission's rules and regulations, as amended by the report and order in Docket No. 10192, is further amended to read as follows:

§ 18.51 *Existing equipment.* The provisions of this part shall not be applicable until June 30, 1953 to diathermy equipment and industrial heating equipment, the manufacture and assembly of which was completed prior to July 1, 1947, nor shall they be applicable until April 30, 1953 to miscellaneous equipment, the manufacture and assembly of which was completed prior to April 30, 1948: *Provided,* That the foregoing provisions of this section shall be applicable only if such steps as may be necessary are promptly taken to eliminate interference to authorized radio services resulting from the operation of equipment manufactured prior to the respective dates set forth in this section. In the case of industrial heating equipment the operator of the equipment concerned

shall take the steps necessary to certify the equipment at the time the interference is eliminated as required by this section, or within such period thereafter as the Commission may prescribe.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Released: June 26, 1952.

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

[F. R. Doc. 52-7470; Filed, July 8, 1952; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

BUSSES, AISLE SEATS PROHIBITED; 5-DAY SUSPENSION

Qualifications and maximum hours of service of employees of motor carriers and safety of operation and equipment (Ex Parte No. MC-40).

Upon consideration of a petition of National Association of Motor Bus Operators for a 5-day suspension of § 193.91 of the order heretofore approved April 14, 1952 (17 F. R. 4445), prohibiting the use of aisle seats in busses unless such seats are so designed and installed as to automatically fold and leave a clear aisle when they are unoccupied;

It appearing, that the materials necessary for the construction of the type of folding aisle seats required by the section have not been available and are not now available, and that as a result the carriers which have been unable to obtain equipment of the prescribed type during the present heavy volume of holiday traffic will be forced to choose between requiring passengers to stand, in many cases for periods of several hours, or refusing their transportation, either of which alternative would result in a disservice to the traveling public;

It is ordered, That § 193.91 be, and it is hereby, suspended for the period July 3, 1952, to July 8, 1952, inclusive.

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

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7546; Filed, July 9, 1952; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

COMPUTATION OF NET INCOME; INVENTORIES UNDER ELECTIVE METHOD

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Section 29.22 (d)-1 of Regulations 111, as amended by Treasury Decision 5756, approved November 2, 1949, is further amended by striking the word "If" at the beginning of paragraph (b) of such section and by inserting in lieu thereof the words "For taxable years beginning before January 1, 1952, if".

[F. R. Doc. 52-7564; Filed, July 9, 1952; 8:57 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

DEDUCTION OF STATE GASOLINE TAXES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any date, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to the provisions of the act of May 12, 1951 (Public Law 29, 82d Congress), allowing the consumer of gasoline to deduct, for income tax purposes, State taxes on gasoline imposed on the wholesaler and passed on to the consumer, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.23 (c)-1 the following:

PUBLIC LAW 29, 82D CONGRESS, APPROVED MAY 12, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 23 (c) (3) of the Internal Revenue Code (relating to deduction of retail sales taxes) is hereby amended to read as follows:

(3) *Gasoline and retail sales taxes.* In the case of a tax imposed by any State, Territory, District, or possession of the United States, or any political subdivision thereof, upon persons engaged in selling tangible personal property at retail, or upon persons selling gasoline or other motor vehicle fuels either at wholesale or retail, which is measured by the gross sales price or the gross receipts from the sale or which is a stated sum per unit of such property sold, or upon persons engaged in furnishing services at retail, which is measured by the gross receipts for furnishing such services, if the amount of such tax is separately stated, then to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the consumer's trade or business) to his vendor such amount shall be allowed as a deduction in computing the net income of such consumer as if such amount constituted a tax imposed upon and paid by such consumer.

SEC. 2. The amendment made by this act shall apply to taxable years beginning after December 31, 1950.

PAR. 2. Section 29.23 (c)-1, as amended by Treasury Decision 5458, approved June 15, 1945, is further amended as follows:

(A) By revising the heading and subparagraph (1) of paragraph (b) thereof to read as follows:

(b) *State and local sales and gasoline taxes.* (1) Amounts representing sales or gasoline taxes paid by a consumer of services or tangible personal property are deductible by such consumer as taxes, provided they are not paid in connection with his trade or business. The fact that, under the law imposing it, the incidence of the sales or gasoline tax does not fall on the consumer is immaterial. The requirement of section 23 (c) (3) that the amount of the tax must be separately stated will be deemed complied with where it clearly appears that, at the time of sale to the consumer, the tax was added to the sales price and collected or charged as a separate item. It is not necessary, for the purposes of this section, that the consumer be furnished with a sales slip, bill, invoice, or other statement on which the tax is separately stated. Where the law imposing the sales or gasoline tax for which the taxpayer seeks a deduction contains a prohibition against the seller absorbing the tax, or a provision requiring a posted notice stating that the tax will be added to the quoted price, or a requirement that the tax be separately shown in advertisements or separately stated on all

bills and invoices, it is presumed that the amount of the sales or gasoline tax was separately stated at the time paid by the consumer; except that such presumption shall have no application to a gasoline tax imposed upon a wholesaler unless such provisions of law apply with respect to both the sale at wholesale and the sale at retail.

(B) By adding at the end of paragraph (b) thereof the following new subparagraphs (3) and (4):

(3) For taxable years beginning after December 31, 1950, the term "gasoline tax" means, for purpose of this section, a tax imposed by such authorities upon persons selling gasoline or other motor vehicle fuels either at wholesale or retail, which is measured by the gross sales price or the gross receipts from the sale, or which is a stated sum per unit of the gasoline or fuel sold; but such term does not exclude from the definition of "sales tax", for taxable years beginning before January 1, 1951, a tax imposed by such authorities upon persons selling such products at retail.

(4) In general, the term "consumer" means the ultimate user, consumer, or purchaser; it does not include a purchaser who acquires the property for resale, such as a retailer.

PAR. 3. The amendments hereby prescribed shall be applicable with respect to taxable years beginning after December 31, 1950.

[F. R. Doc. 52-7565; Filed, July 9, 1952; 8:57 a. m.]

[26 CFR Part 40]

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

EFFECT ON EXCESS PROFITS CREDIT OF LOANS TO FOREIGN SUBSIDIARY CORPORATION

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Regulations 130 (26 CFR Part 40) are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding the last sentence of § 40.435-6 (b) (5) the following: "The reduction under section 435 (f) (1) (B) is required whether or not such other member of the controlled group is subject to the excess profits tax, for example, in a case in which such other member is a foreign corporation not engaged in trade or business within the United States."

PAR. 2. There is inserted at the end of § 40.435-7 (c) (5) the following: "The adjustment under section 435 (g) (7) is required whether or not such other corporation is subject to the excess profits tax, for example, in a case in which such other corporation is a foreign corporation not engaged in trade or business within the United States."

PAR. 3. There is inserted immediately after the third sentence of § 40.442-3 (d) (1) the following: "The exclusion from total assets of loans to a member of a controlled group of corporations of which the taxpayer is a member is required whether or not such other member of the controlled group is subject to the excess profits tax, for example, in a case in which such other member is a foreign corporation not engaged in trade or business within the United States."

[F. R. Doc. 52-7566; Filed, July 9, 1952; 8:57 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 973]

[Docket No. AO-178-A3]

MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and orders, notice is hereby given of a public hearing to be held in Room 307, Federal Courts Building, 4th Street and Marquette Avenue, Minneapolis 2, Minnesota, beginning at 10 a. m., c. s. t., July 16, 1952, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendments hereinafter set forth or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, have been proposed by the Twin City Milk Producers Association as follows:

1. Amend § 973.50 (a) to read as follows:

(a) *For Class I milk.* The price shall be the basic price determined pursuant to § 973.51 for the preceding delivery period plus $0.60 during May and June; plus $1.10 during July, August, September, October and November; and plus $0.80 in all other delivery periods: *Provided*, That such Class I price differentials shall be increased or decreased by application of the supply-demand adjustment established under § 941.52 (a) of Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area for the same delivery period.

2. Amend § 973.50 (b) to read as follows:

(b) *For Class II milk.* The price shall be that determined by the market administrator as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture, during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiplying by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

Copies of this notice of hearing may be obtained from D. F. Spencer, Market Administrator, 100 North 7th Street, Minneapolis 3, Minnesota, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 2, 1952, at Washington, D. C.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 52-7572; Filed, July 9, 1952; 8:59 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71, 73, 77, 197]

[Docket Nos. 3366, Ex Parte MC-3, MC-13; Notice 7]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

JULY 7, 1952.

In the matter of regulations for transportation of explosives and other dangerous articles, Docket 3666; regulations governing the transportation of explosives and other dangerous articles by motor vehicle, Docket Ex Parte MC-13; need for establishing reasonable requirements to promote safety of

operation of motor vehicles used in transporting property by private carriers, Docket Ex Parte MC–3.

The Commission, Division 3, of its own motion, pursuant to section 233 of the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), and Part II of the Interstate Commerce Act, on April 20, 1943 formulated and published two orders, one in Docket 3666 and the other in Ex Parte MC–13, 3666, and Ex Parte MC–3, amending its regulations governing the transportation of explosives and other dangerous articles by common and contract carriers engaged in interstate or foreign commerce by extending the application thereof (1) to the transportation of explosives and other dangerous articles in interstate or foreign commerce by private carriers, and (2) to the transportation of such articles in intrastate commerce by common, contract, or private carriers.

It appearing, that it is now desirable to vacate that portion of the orders of the Commission of April 20, 1943 (8 F. R. 6479) (8 F. R. 6481), as amended and extended by subsequent orders of June 14, 1943 (8 F. R. 8277), August 27, 1943 (8 F. R. 12143), December 31, 1943 (9 F. R. 540), June 24, 1944 (9 F. R. 7528), December 5, 1944 (9 F. R. 15006), December 30, 1944 (10 F. R. 120), October 8, 1945 (10 F. R. 12967), December 20, 1945 (11 F. R. 33), December 17, 1946 (11 F. R. 14729), May 6, 1947 (12 F. R. 3198), December 15, 1947 (12 F. R. 8868), December 28, 1948 (13 F. R. 9574), December 30, 1949 (15 F. R. 94), November 14, 1950 (15 F. R. 8120), and July 19, 1950 (15 F. R. 8261) (15 F. R. 8823), which made Parts 71–78 of the regulations governing the transportation of explosives and other dangerous articles applicable to every common, contract, and private carrier by motor vehicle engaged in intrastate commerce and also made Parts 190–196 of the Motor Carrier Safety Regulations, Revised, applicable to such carriers to the extent that the vehicles of such carriers were engaged in such transportation, with the exception that private carriers of property were not made subject to regulations governing the reporting of accidents.

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, or may suspend action pending formal hearing in these dockets.

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

PART 71—GENERAL INFORMATION AND REGULATIONS

1. Amend entire § 71.1 (15 F. R. 8261, Dec. 2, 1950) (49 CFR 71.1, 1950 Rev.) to read as follows:

§ 71.1 *Purpose and scope of the regulations in Parts 71–78 of this chapter.* (a) To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles by common, contract or private carriers engaged in interstate or foreign commerce, the regulations in Parts 71–78 of this chapter are prescribed to define these articles for transportation purposes, to state the precautions that must be observed by the shipper in preparing them for shipment and to state the precautions that must be observed by the carrier in handling them while in transit. It is the duty of each such carrier and each such shipper to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

(b) Explosives and other dangerous articles, except such as may not be accepted and transported under Parts 71–78 of this chapter, may be offered to and transported by common, contract or private carriers engaged in interstate or foreign commerce provided the articles are in proper condition for transportation, are as defined, and are packed, marked, labeled, certified, and otherwise as provided for in Parts 71–78 of this chapter. Articles must be loaded, stayed, and handled in transit according to regulations applying to service or services used, and otherwise as provided for in Parts 71–78 of this chapter. Shipments that do not comply with Parts 71–78 of this chapter must not be offered for transportation nor be accepted for transportation or transported.

(c) Methods of manufacture, packing and storage, insofar as they affect safety in transportation, must be open to inspection by a duly authorized representative of the initial carrier or of the Bureau of Explosives.

(d) Regulations for equipment and operation of motor vehicles on the highways are published in separate issue of the Commission.

2. Add paragraph (b) to § 71.2 (15 F. R. 8261, Dec. 2, 1950) (49 CFR 71.2, 1950 Rev.) to read as follows:

§ 71.2 *Act of Congress.* * * *

(b) The regulations in Parts 71–78 of this chapter are applicable to every common carrier subject to the regulatory provisions of section 835 of Public Law 772, 80th Congress (62 Stat. 738), to every contract carrier and private carrier by motor vehicle subject to the regulatory provisions of the Interstate Commerce Act with respect to transportation of explosives and other dangerous articles as defined in Parts 71–78 of this chapter, and to all shippers making shipments of explosives and other dangerous articles via any common, contract or private carrier engaged in interstate or foreign commerce by land or water.

3. Amend § 71.12 paragraph (a) (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.* (a) Explosives and other dangerous articles authorized to be exported from the United States when packed, marked, labeled, and described, in accordance with rules and regulations in force at destination ports, must not be offered to any common, contract or private carrier by rail or motor vehicle for domestic transportation unless in full accordance with the regulations in Parts 71–78 of this chapter.

* * * * *

PART 73—SHIPPERS

1. Cancel first three paragraphs and Note 1 appearing under authority citation for Part 73 (15 F. R. 8275, Dec. 2, 1950) (15 F. R. 8824, Dec. 13, 1950) (49 CFR 73, 1950 Rev.)

2. Amend § 73.1 paragraph (a) (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.1, 1950 Rev.) to read as follows:

§ 73.1 *Purpose of the regulations in Parts 71–78 of this chapter.* (a) To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles by common, contract or private carriers engaged in interstate or foreign commerce, the regulations in Parts 71–78 of this chapter are prescribed to define these articles for transportation purposes, to state the precautions that must be observed by the shipper in preparing them for shipment by rail freight, rail express, rail baggage, highway, or by carrier by water. It is the duty of each such shipper to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

* * * * *

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

1. Cancel first four paragraphs and Note 1 appearing under authority citation for Part 77 (15 F. R. 8361, Dec. 2, 1950) (15 F. R. 8824, Dec. 13, 1950) (49 CFR 77, 1950 Rev.)

SUBPART A—GENERAL INFORMATION AND REGULATIONS

2. Amend §§ 77.800 paragraph (a) (15 F. R. 8361, Dec. 2, 1950) (49 CFR 77.800, 1950 Rev.) to read as follows:

§ 77.800 *Purpose of regulations in Parts 71–78 of this chapter.* (a) To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles, by common, contract, and private carriers, by motor vehicle engaged in interstate or foreign commerce, the regulations in Parts 71–78 of this chapter are prescribed to define these articles for motor vehicle transportation purposes, and to state the precautions that must be observed by the carrier in handling them while in transit. It is the duty of each such carrier to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

3. Amend § 77.801 paragraph (a) (15 F. R. 8361, Dec. 2, 1950) (49 CFR 77.801, 1950 Rev.) to read as follows:

§ 77.801 *Scope of regulations in Parts 71–78 of this chapter.* (a) Explosives and other dangerous articles, except such as may not be accepted and transported under Parts 71–78 of this chapter, may be accepted and transported by common, contract, and private carriers by motor vehicle engaged in interstate or foreign commerce, provided they are in proper condition for transportation and are certified as being in compliance with Parts 71–78 of this chapter, and provided the method of manufacture, packing, and

storage, so far as they affect safety in transportation, are open to inspection by a duly authorized representative of the initial carrier or of the Bureau of Explosives.

4. Amend § 77.802 paragraph (a) (15 F. R. 8361, Dec. 2, 1950) (49 CFR 77.802, 1950 Rev.) to read as follows:

§ 77.802 *Application of regulations in Parts 71–78 of this chapter.* (a) The regulations in Parts 71–78 of this chapter are applicable to every common carrier by motor vehicle subject to the regulatory provisions of section 835 of Public Law 772, 80th Congress (62 Stat. 738), and to every contract carrier and private carrier by motor vehicle subpect to the regulatory provisions of the Interstate Commerce Act, with respect to transportation of explosives and other dangerous articles as defined in Parts 71–78 of this chapter. When shipments are accepted by motor vehicle for further transportation by rail express (see also paragraph (c) of this section), rail baggage (see also paragraph (d) of this section), rail freight, or by water on board vessel, they must in addition to Parts 71–78 of this chapter, comply with the applicable regulations for the service by which they are to be transported.

* * * * *

5. Amend § 77.804 paragraph (a) (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.* (a) Explosives and other dangerous articles authorized to be exported from the United States when packed, marked, labeled, and described, in accordance with rules and regulations in force at destination ports, must not be offered to any common, contract, or private carrier by motor vehicle for domestic transportation unless in full accordance with Parts 71–78 of this chapter.

* * * * *

6. Amend § 77.807 paragraphs (a) and (a) (3) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.807, 1950 Rev.) to read as follows:

§ 77.807 *Emergency shipments.* (a) For the protection of the public against fire, explosion, or other or further hazard, with respect to shipments of explosives or other dangerous articles offered for transportation or in transit by any common, contract, or private carrier by motor vehicle, such carrier shall make immediate report to the Bureau of Explosives, 30 Vesey Street, New York, N. Y., for handling, any of the following emergency matters coming to their attention (see also §§ 77.853 to 77.870 for handling shipments in transit):

* * * * *

(3) Other like emergencies in which any common, contract, or private carrier by motor vehicle is or is likely to become involved, or may offer aid at its command.

* * * * *

7. Amend § 77.814 paragraph (a) Report Form (15 F. R. 8362, 8363, Dec. 2, 1950) (49 CFR 77.814, 1950 Rev.) to read as follows:

§ 77.814 *Accidents to be reported.* (a)

* * *

No. 3666

REPORT TO BUREAU OF SERVICE

INTERSTATE COMMERCE COMMISSION

WASHINGTON, D. C.

Fires, Explosions, and Leaking, Broken, or Seriously Damaged Containers

(That can be attributed in whole or in part to the transportation or storage of explosives or other dangerous articles)

Submitted by _____

_____

(Name of carrier—corporate or business name)

_____, 19____.

(Date)

Address_____ _____

(Street and number) (City—town)

_____

(State)

Common carrier, I. C. C. certificate No. _____

Contract carrier, I. C. C. permit No. _____

Private carrier _____

Date of accident or discovery of damage _____;

place _____

Commodity and quantity _____;

quantity destroyed _____

What marking or placards were on motor vehicle? _____

If a tank motor vehicle, what sign or other marking to indicate contents? _____

_____

Show package markings:

Name of contents _____;

I. C. C. Spec. No. _____

Label _____

Serial Nos. _____;

Code Nos. _____

If carboy, show box maker's name _____

_____ and whether

straight sided _____ or

balloon shaped _____

Name and address of shipper _____

Name and address of consignee _____

T. L. or L. T. L. Shipment _____

Results of Accident

[State whether in transportation or storage]

Number of persons injured _____; killed_____

Property loss:

Reporting-carrier's vehicle	$_____
Other vehicles	_____
Reporting-carrier's cargo	_____
Other cargoes	_____
Other property (describe)	_____
Total loss	_____

Give all essential facts and details of handling (use additional sheet if necessary), stating: (1) Part of package damaged or leaking, and what was done to stop leak, (2) rate of leakage, (3) probable cause of fire, explosion, or leaking, broken, or seriously damaged container, (4) distance between source of ignition and point of leakage of flammable liquid or vapor, (5) description of package, packing or cushioning material, and method of loading and bracing in vehicle, (6) for tank motor vehicle, speed of vehicle, condition of highway, degree and elevation of curve, if any, (7) any defective condition of vehicle likely to contribute directly to accident, and (8) specification number, type, or other identifying description of tank, and date built, if shown.

Is this accident also being reported to the Commission on Form BMC–50? _____

(Yes or no)

This report is required by § 77.814 of regulations in Docket 3666. Information furnished on this form will not be open to public inspection.

(Signed) _____

PART 197—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY MOTOR VEHICLE

Amend § 197.01 paragraphs (a) and (b) (15 F. R. 8120, Nov. 28, 1950) (49 CFR, 1950 Supp., 197.01) to read as follows:

§ 197.01 *Application of regulations.* (a) The regulations in this part shall apply to every common carrier by motor vehicle, contract carrier by motor vehicle, and private carrier of property by motor vehicle, subject to the regulatory provisions of Part II of the Interstate Commerce Act, with respect to the transportation by motor vehicle of explosives and other dangerous articles, as defined in regulations for transportation of explosives and other dangerous articles by land and water in rail freight, express, and baggage services, and by motor vehicle (highway), and water including specifications and shipping containers.

(b) Parts 190 to 196, respectively, of this chapter shall also apply to all motor vehicles and drivers of all motor carriers designated in paragraph (a) of this section, whether or not operating wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities, to the extent that the motor vehicles and drivers of the aforesaid carriers are engaged in the transportation of explosives and other dangerous articles: *Provided, however,* That Part 194 of this chapter relating to the reporting of accidents shall not apply to any private carrier of property.

NOTE: Part 195—Accident Reports, was redesignated Part 194—Reporting of Accidents, in the revision of Motor Carrier Safety Regulations (Parts 190 to 196, inclusive of this chapter) contained in the Commission's order approved April 14, 1952, effective July 1, 1952.

[F. R. Doc. 52–7547; Filed, July 9, 1952; 8:53 a. m.]

NOTICES

EXECUTIVE OFFICE OF THE PRESIDENT

ORGANIZATION AND FUNCTIONS

The statement on Organization and Functions of the Executive Office of the President (14 F. R. 7856), as amended, is hereby amended to read as follows:

SECTION I. *Executive Office of the President in general.* The Executive Office of the President consists of the divisions listed below.

SEC. II. *The White House Office.* The White House Office includes the Secretaries to the President, the Assistant to the President, the Special Counsel to the President, the Executive Clerk, the Administrative Assistants to the President, and such other personnel as are required to serve the President in an intimate capacity in the performance of the many detailed activities incident to his immediate office.

SEC. III. *The Bureau of the Budget—*(a) *Organization.* The Bureau of the Budget, under the general supervision of its Director, serves the President in the preparation and administration of the budget, in the review of legislation and Executive orders, in the improvement of administrative management and organization, and in the coordination and improvement of Federal statistics. The Bureau consists of the Office of the Director, which includes a field service with offices in Chicago, Illinois; Dallas, Texas; Denver, Colorado; and San Francisco, California; four offices, which are the Office of Budget Review, the Office of Legislative Reference, the Office of Management and Organization, and the Office of Statistical Standards; and five divisions, which are the Military Division, the International Division, the Resources and Civil Works Division, the Commerce and Finance Division, and the Labor and Welfare Division.

(b) *Collection of information from the public.* The Federal Reports Act of 1942 (5 U. S. C. 139–139 (f)) provides that no Federal executive agency (except as noted in the act) shall conduct or sponsor the collection of information, upon identical items, from ten or more persons (individuals, business or other organizations, or State or local governments) without having submitted its proposed requests for information to the Director for his approval. Such requests for information include report forms, schedules, questionnaires, or other similar methods of obtaining information. The Director has delegated to the Assistant Director for Statistical Standards the authority conferred upon him by this act. Each approved request for information must include an approval number or a statement indicating the Bureau's approval. An Advisory Council on Federal Reports, composed of representatives of national business organizations, aids the Bureau in reducing the burden of government requests for information. The Assistant Director for Statistical Standards may grant any party having a substantial interest in the collection of information by a Federal agency an opportunity to be heard or to submit written statements on the necessity for collecting such information.

(c) *Restriction upon publication of statistical information.* On instruction by the President dated November 17, 1950, the Director maintains a continuous surveillance of the publication of statistical information by Federal executive agencies, and determines in any instance whether or not such publication would be compatible with the national security. If the Director finds that publication would endanger the national security, the information must be withheld. Unless release is explicitly forbidden, information thus withheld may be released to users authorized by the Director, who has delegated to the Assistant Director for Statistical Standards the authority conferred upon him by this instruction.

SEC. IV. *The Council of Economic Advisers.* The Council of Economic Advisers assists the President in the preparation of his annual and midyear Economic Report to the Congress; prepares for transmission to the Congress semiannual Economic Reviews; studies national economic developments and trends; appraises activities of the Federal Government bearing upon the Nation's economy; develops and recommends national economic policies to foster economic growth and stability; and furnishes the President and the Congress with other studies and reports relating to economic policies and conditions. The Council consults with and advises other Government agencies in matters affecting the national economy. It also consults with advisory committees representing industry, business and finance, agriculture, labor, consumers, State and local governments, and other groups.

SEC. V. *Liaison Office for Personnel Management.* The Liaison Office for Personnel Management, headed by an Administrative Assistant to the President as Liaison Officer for Personnel Management, assists the President in the execution of the duties imposed upon him by the provisions of the Constitution and the laws with respect to personnel management, especially the Civil Service Act of 1883 and the rules promulgated by the President under authority of that act. The Liaison Office also assists the President in maintaining closer contact with all agencies dealing with personnel matters insofar as they affect or tend to determine the personnel management policies of the executive branch of the Government.

SEC. VI. *The National Security Council.* The National Security Council advises the President with respect to the integration of domestic, foreign, and military policies relating to the national security. The statutory members of the Council are the President, the Vice President, the Secretary of State, the Secretary of Defense, the Director for Mutual Security, and the Chairman of the National Security Resources Board. The Council's staff is headed by a civilian Executive Secretary. The Central Intelligence Agency is under the Council's direction.

SEC. VII. *The National Security Resources Board.* The National Security Resources Board, under the general supervision of its Chairman, advises the President concerning the coordination of military, industrial, and civilian mobilization. The Board's activities in the field of resources mobilization planning are carried on by the Natural Resources Office, the Human Resources Office, the Production Resources Office, and the Special Security Programs Office.

SEC. VIII. *The Office of Defense Mobilization.* The Office of Defense Mobilization, under the Director of Defense Mobilization, directs, controls, and coordinates on behalf of the President all defense mobilization activities of the executive branch of the Government. The National Advisory Board on Mobilization Policy, chaired by the Director, advises the President with respect to the defense mobilization program and makes recommendations and reports to the President.

SEC. IX. *The Office of the Director for Mutual Security.* The Director for Mutual Security, on behalf of the President and subject to his direction, coordinates and supervises the military and technical assistance and defense support programs developed and administered by the Department of Defense, the Department of State, and the Mutual Security Agency. The Director gives continuous supervision and general direction to these programs to assure their integration and execution in harmony with the purposes of the Mutual Security Act of 1951 (22 U. S. C. 1651–1712). The Deputy Director for Mutual Security supervises the day-to-day operations of the Mutual Security Agency.

SEC. X. *The Telecommunications Advisor.* The Telecommunications Advisor to the President assist and advises him with respect to telecommunications functions, including the coordination of proposed policies and standards, the improvement of operations, and the assignment of radio frequencies to Government agencies. The Interdepartmental Radio Advisory Committee reports to the Telecommunications Advisor.

SEC. XI. *The Office for Emergency Management.* The Office for Emergency Management, when activated, assists the President in dealing with public emergencies.

WILLIAM J. HOPKINS,
Executive Clerk.

JULY 5, 1952.

[F. R. Doc. 52-7525; Filed, July 9, 1952; 10:21 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket Nos. M-14, M-50, M-43, M-42, M-11, M-31, M-24, M-30, M-27, M-32, M-20, M-51, M-52, M-9, M-21, M-35, M-37, M-36, M-10, M-27, M-26, M-34, M-45, M-33]

AMERICAN-FLAG OPERATORS

ANNUAL REVIEW OF BAREBOAT CHARTERS

1. In accordance with section 3 (e) (1) of Public Law 591, 81st Congress, an annual review has been made of the bareboat charters of Government-owned, war-built, dry-cargo vessels recommended for use by American-flag operators during the period June 30, 1951 to June 30, 1952, inclusive. On the basis of the foregoing review the Federal Maritime Board tentatively finds (subject to such finding becoming final as hereinafter provided) that conditions exist justifying the continuance of the following charters under the conditions previously certified by the Federal Maritime Board:

Charterer	Vessel	Docket No.	Date vessel delivered
Luckenbach-Gulf Steamship Co., Inc.	Pine Bluff Victory	M-14	3-28-51
	Wayne Victory	M-14	4-23-51
	Red Oak Victory	M-50	2-11-52
Pacific Atlantic Steamship Co.	Jeremiah S. Black	M-43	5- 1-51
	Elmer A. Sperry	M-43	2-15-51
	Thomas Nuttall	M-43	10-27-51
Pope & Talbot, Inc.	Pere Marquette	M-42	2-23-51
	Albert S. Burleson	M-42	4-10-51
	M. M. Guhin	M-42	4- 2-51
Alaska Steamship Co.	Coastal Monarch	M-11	8- 9-48
	Sailors Splice	M-11	4-27-49
	Coastal Rambler	M-11	8-18-48
	Lucidor	M-11	12-16-48
	Palisana	M-11	12-16-48
	Flemish Knot	M-11	7-26-48
	Square Knot	M-11	7- 6-48
	Square Sinnet	M-11	8- 1-48
	Ring Splice	M-11	1-14-49
	John H. Quick	M-31	6- 4-51
	George D. Prentice	M-31	7- 2-51
Coastwise Line	Tarleton Brown	M-24	4- 3-51
	John W. Burgess	M-24	4-13-51
	Charles Crocker	M-30	5-28-51
American President Lines	Lightning	M-27	4-16-51
	Shooting Star	M-32	5-23-51
	Anchorage Victory	M-20	3- 7-51
	Cuba Victory	M-51	2-20-52
Farrell Lines	Vanderbilt Victory	M-52	4-18-52
	Brigham Victory	M-52	4-22-52
Grace Line Inc.	Gunners Knot	M- 9	9-15-46
	Coastal Nomad	M- 9	2-23-46
	Coastal Adventurer	M- 9	1-21-47
	Anchor Hitch	M- 9	1- 3-47
Lykes Bros. S. S. Co.	Roswell Victory	M-21	10-31-51
	Cedar Rapids Victory	M-21	12- 5-51
	Denison Victory	M-35	10- 8-51
	Drake Victory	M-35	11- 2-51
	Barre Victory	M-37	11-30-51
Mississippi Shipping Co.	Cape Horn	M-36	9-14-51
Pacific Far East Line	Contest	M-10	4-27-47
	Flying Dragon	M-10	5- 8-47
	Surprise	M-10	12-29-48
	Trade Wind	M-10	1-29-49
	Fleetwood	M-10	12-27-48
	Flying Scud	M-10	12-10-48
	Sea Serpent	M-27	3-28-51
	Bucyrus Victory	M-26	8-17-51
Prudential S. S. Corp.	Lindenwood Victory	M-34	7-27-51
	Clarksville Victory	M-45	1-29-52
South Atlantic S. S. Line	Anniston Victory	M-33	7-18-51
	High Point Victory	M-33	8-30-51

2. Any interested party may request a hearing with respect to the tentative finding of the Federal Maritime Board made with respect to any charter herein reviewed by filing written objections thereto or for other good cause shown within fifteen (15) days from the date of publication of this notice.

3. Said finding will become final if no objection thereto or request for a hearing is filed, as above provided. If such hearing is granted, said finding will be the subject of a report by the Board.

4. Copies of this notice have been served upon all interested persons.

Dated: June 30, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-7645; Filed, July 9, 1952; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

JUNE 30, 1952.

Notice is given that the plat of dependent resurvey and original survey of certain islands accepted April 30, 1952, will be officially filed in the Land Office, Anchorage, Alaska, effective on the date of this notice as to the dependent resurveyed lands and at 10:00 a. m. on the 35th day after the date of this notice; as to the following described surveyed islands:

SEWARD MERIDIAN

T. 17 N., R. 3 W.:
Sec. 20: Lot 27.
Sec. 28: Lot 11.
Sec. 29: Lots 12, 13, and 14.
Sec. 30: Lots 8, 9, 10, 11, and 12.
Sec. 31: Lot 6.

The area described contains 20.88 acres.

The lands are located on the western end of Fish Lake, approximately 19 miles west of Wasilla, Alaska, and are accessible by automobile over a road which terminates at the eastern end of the lake and thence by boat. The land may also be reached by seaplane directly or by land based aircraft on a nearby field, thence by boat over the lake. There are presently no public facilities in the area. Water for domestic use may be obtained from the lake or by sinking wells. Sewage disposal may be made by cess-pools or septic tanks.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, home or headquarter site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of Sept. 27, 1944 (58 Stat. 747, 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under the paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

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

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of

service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statement in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office.

CHESTER W. MCNALLY,
Acting Manager.

[F. R. Doc. 52-7419; Filed, July 9, 1952; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority No. 70]

DIRECTORS OF THE REGIONAL OFFICES.

DELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

EDITORIAL NOTE: In F. R. Doc. 52-7243, appearing at page 5917 of the issue for Tuesday, July 1, 1952, the section reference "5 (e) (3)" in the headnote of item 1 has been changed to "5 (c) (3)", so that the headnote now reads:

1. *Authority to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised.*

[Ceiling Price Regulation 83, Section 2, Special Order 11, Amdt. 8]

GENERAL MOTORS CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 11 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the General Motors Corporation. Subsequent to the issuance of Special Order 11 the General Motors Corporation has introduced a new item of factory installed extra, special or optional equipment on its Buick new passenger automobiles and a wholesale ceiling price has been approved for this new item. Special Order 11 is, therefore, amended to include a charge for the new item of factory installed extra, special or optional equipment.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 11, is hereby issued.

1. The following charge for factory installed extra, special or optional equipment is added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 11:

BUICK PASSENGER AUTOMOBILES	
Custom Trim No. 78 (body style No. 72R)	$56.88

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

Effective date. This Amendment 8 to Special Order 11 shall become effective July 9, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 9, 1952.

[F. R. Doc. 52-7645; Filed, July 9, 1952; 12:04 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 16, Amdt. 4]

KAISER-FRAZER CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 16 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Kaiser-Frazer Corporation. At the time Special Order 16 was issued three upholstery items whose wholesale ceiling prices have been approved were inadvertently omitted from the list of factory installed extra, special, or optional equipment. Special Order 16 is, therefore, amended to include the charges for these previously omitted items of factory installed extra, special or optional equipment.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 16, is hereby issued.

1. The following charges for factory installed extra, special or optional equipment are added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 16:

KAISER AUTOMOBILES	
Upholstery Dinosaur Vinyl (all Kaiser models)	$125.00
Upholstery Leather Trim (all Kaiser models)	195.00
Upholstery Vinyl Sport Topping (all Kaiser models)	87.00

Effective date. This Amendment 4 to Special Order 16 shall become effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7324; Filed, June 30, 1952; 4:38 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6355]

IDAHO POWER CO.

NOTICE OF ORDER EXTENDING TIME FOR CONSUMMATING TRANSACTION

JULY 3, 1952.

Notice is hereby given that on July 2, 1952, the Federal Power Commission issued its order entered July 1, 1952, extending time for consummating transaction authorized by the Commission's order entered June 1, 1951 (16 F. R. 5505) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7519; Filed, July 9, 1952; 8:47 a. m.]

[Docket Nos. G-1694, G-1695, G-1699, G-1749, G-1777]

CITY GAS CO. OF PHILLIPSBURG, N. J., ET AL.

ORDER GRANTING PETITION TO REINSTATE PROCEEDINGS AND CONSOLIDATING PROCEEDINGS FOR PURPOSE OF HEARING

JULY 1, 1952.

In the matters of City Gas Company of Phillipsburg, New Jersey, Docket No. G-1694; the Manufacturers Light and Heat Company, Docket No. G-1695; Texas Eastern Transmission Corporation, Docket No. G-1699; Penn-Jersey Pipe Line Company (a de facto corporation), Docket No. G-1749; Allentown-Bethlehem Gas Company, Docket No. G-1777.

On March 13, 1952, the Commission issued an order in Docket No. G-1694 dismissing without prejudice the application of City Gas Company of Phillipsburg, New Jersey (City Gas) which was filed on May 25, 1951 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity adjudging and ordering that the 1,700 Mcf of natural gas per day referred to in the Commission's Opinion No. 206 and accompanying order can be economically delivered to City Gas in the manner proposed in said application. Said application was dismissed without prejudice upon a finding that despite ample opportunity, well beyond 90 days after the issuance of said Opinion No. 206 and accompanying order on February 27, 1951, City Gas had failed to submit appropriate evidence to the Commission that the volumes of natural gas referred to in said Opinion can be economically delivered to it. In the same order the Commission dismissed without prejudice a petition seeking leave to intervene in Docket No. G-1694 filed by The Manufacturers Light and Heat Company (Manufacturers).

On March 13, 1952, the Commission issued an order in Docket No. G-1749, dismissing without prejudice the application of Penn-Jersey Pipe Line Co., a de facto corporation (Penn-Jersey), which was submitted for filing pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction

and operation of approximately 6 miles of 6-inch pipe, or in part 8-inch pipe, between the facilities of Manufacturers and the distribution system of City Gas. Said application was dismissed without prejudice upon a finding, among others, that despite ample opportunity to do so, Penn-Jersey had not filed a supplement to its application containing Articles of Incorporation showing the corporation to be a de jure corporation qualified to make application pursuant to section 7 of the Natural Gas Act, and upon a further finding that the dismissal without prejudice of the application filed by City Gas in Docket No. G–1694, hereinbefore referred to, would make nugatory a hearing on the application submitted for filing by Penn-Jersey in Docket No. G–1749. In the same order, the Commission dismissed without prejudice a petition seeking leave to intervene in Docket No. G–1749 filed by Allentown-Bethlehem Gas Company (Allentown-Bethlehem).

On March 13, 1952, the Commission issued orders in Docket Nos. G–1699, and G–1695, dismissing without prejudice applications filed by Manufacturers and Texas Eastern Transmission Corporation (Texas Eastern) pursuant to section 7 of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale and delivery of natural gas by Texas Eastern to Manufacturers and the installation and operation by Manufacturers of a connection, meter, and regulator station for the receipt and delivery of natural gas to be transported and sold to City Gas; and an order in Docket No. G–1777, dismissing without prejudice an application filed by Allentown-Bethlehem pursuant to section 7 (b) of the Natural Gas Act for an order authorizing and approving the abandonment of its present natural-gas service to City Gas. In each of said orders the Commission found, among other findings, that the dismissal without prejudice of the application filed by City Gas in Docket No. G–1694, hereinbefore referred to, would make nugatory a hearing upon the application filed by Manufacturers in Docket No. G–1695, by Texas Eastern in Docket No. G–1699, and by Allentown-Bethlehem in Docket No. G–1777. In the same orders, the Commission dismissed without prejudice petitions seeking leave to intervene filed by Allentown-Bethlehem in Docket Nos. G–1695 and G–1699, and by City Gas in Docket Nos. G–1695, G–1699, and G–1777.

On March 24, 1952, City Gas and Penn-Jersey filed a joint petition in the above-entitled proceedings to have said orders of the Commission issued on March 13, 1952, vacated, and the applications and petitions to intervene in said proceedings reinstated.

In support of said petition, City Gas and Penn-Jersey state that the failure to file the supplement to the application submitted for filing by Penn-Jersey in Docket No. G–1749 was not due to lack of diligence on the part of said petitioners, but was due to causes beyond their control. Said petitioners state that the failure to file said supplement was caused by the pendency of an application filed on June 29, 1951, with the Pennsylvania Public Utility Commission for approval of the incorporation, organization, and creation of Penn-Jersey Pipe Line Company, upon which hearing by that Commission was held on October 24, 1951, and which application was, on January 21, 1952, refused. Thereafter, by applications filed on February 2, 1952, rehearing of said denial was requested, and the same was granted by the Pennsylvania Commission. Such rehearing was held on March 17, 1952.

On June 6, 1952, Penn-Jersey filed a supplement to the application submitted for filing in Docket No. G–1749, which supplement contains Articles of Incorporation showing Penn-Jersey to be a de jure corporation qualified to make application pursuant to section 7 of the Natural Gas Act.

The principal ground for dismissal of said applications and petitions seeking leave to intervene was the failure of Penn-Jersey to submit appropriate data to show that it is a proper applicant for the authorization requested in its application in Docket No. G–1749, and such failure rendered the proposed plan for economical delivery of the natural gas referred to in Opinion No. 206 to City Gas unfeasible. It now appears from additional information furnished to the Commission and the data submitted by Penn-Jersey, that the proposal of City Gas may constitute appropriate evidence that said volume of natural gas can be delivered to it economically.

It further appears that the proceedings in all the above-entitled Dockets involve substantially similar issues of law and fact.

On April 7, 1952, Manufacturers filed a petition in the above-entitled proceedings, requesting that the Commission reconsider its action in dismissing without prejudice the applications and petitions seeking leave to intervene herein, that said orders be vacated, and that said applications and petitions be reinstated.

On April 25, 1952, Allentown-Bethlehem filed a petition in the above-entitled proceedings, requesting that the Commission reconsider its action in dismissing without prejudice the application in Docket No. G–1777 and the Petition to Intervene in Docket No. G–1749, that said orders be vacated, and that said application and petition to intervene be reinstated.

On May 15, 1952, Texas Eastern filed a motion in the proceeding in Docket No. G–1699, requesting that the Commission reconsider its action in dismissing without prejudice the application in Docket No. G–1699, that it vacate its order therein, and that said application be reinstated.

The Commission finds:

(1) It is appropriate and in the public interest to grant the petitions filed, jointly, by City Gas and Penn-Jersey, and by Manufacturers, Allentown-Bethlehem, and Texas Eastern to reinstate the applications filed by City Gas, Manufacturers, Texas Eastern, and Allentown-Bethlehem, in Docket Nos. G–1694, G–1695, G–1699, and G–1777, and to permit the formal filing and docketing of the application submitted for filing by Penn-Jersey in Docket No. G–1749.

(2) It is appropriate and in the public interest to permit the reinstatement of the various petitions seeking leave to intervene filed in the above-entitled proceedings to which reference heretofore has been made.

(3) It is appropriate and in the public interest and orderly procedure requires that the above-entitled proceedings be consolidated for purpose of hearing.

(4) Although the Motion filed by Texas Eastern on May 15, 1952, was not filed within the time prescribed by the Commission's rules of practice and procedure, good cause exists to permit the late filing.

The Commission orders:

(A) The application filed by City Gas Company of Phillipsburg, New Jersey, on February 27, 1951, in Docket No. G–1694 which was dismissed without prejudice by order of the Commission issued on March 13, 1952, together with the petition seeking leave to intervene in said docket filed on June 19, 1951, by the Manufacturers Light and Heat Company, be and the same hereby are reinstated.

(B) The application submitted for filing by Penn-Jersey Gas Company, a de facto corporation, on July 17, 1951, and tentatively assigned Docket No. G–1749, which was dismissed without prejudice by order of the Commission issued on March 13, 1952, be and the same hereby is accepted for filing as a formal application in Docket No. G–1749, and the petition seeking leave to intervene in said Docket No. G–1749, filed on August 24, 1951, by Allentown-Bethlehem Gas Company be and the same hereby is reinstated.

(C) The application filed by the Manufacturers Light and Heat Company on May 28, 1951, in Docket No. G–1695, together with the supplement thereto filed on June 5, 1951, which said application was dismissed without prejudice by order of the Commission issued on March 13, 1952, and the petitions seeking leave to intervene in said docket filed on June 26, 1951, by Allentown-Bethlehem Gas Company and on July 17, 1951, by City Gas Company of Phillipsburg, New Jersey, be and the same hereby are reinstated.

(D) The application filed by Texas Eastern Transmission Corporation on May 31, 1951, in Docket No. G–1699 which was dismissed without prejudice by order of the Commission issued on March 13, 1952, together with the petitions seeking leave to intervene in said docket filed on June 26, 1951, by Allentown-Bethlehem Gas Company and on July 17, 1951, by City Gas Company of Phillipsburg, New Jersey, be and the same hereby are reinstated.

(E) The application filed by Allentown-Bethlehem Gas Company on August 24, 1951, in Docket No. G–1777 which was dismissed without prejudice by order of the Commission issued on March 13, 1952, together with the petition seeking leave to intervene in said docket filed on September 19, 1951, by City Gas Company of Phillipsburg, New Jersey be and the same hereby are reinstated.

(F) The proceedings in Docket Nos. G–1694, G–1695, G–1699, G–1749, and G–1777 be and the same hereby are consolidated for purpose of hearing, which hearing shall be held at a time and place

to be fixed by further order of the Commission.

(G) Public notice of this order be given, including publication in the FEDERAL REGISTER, and protests or petitions seeking leave to intervene may be filed in accordance with the rules of the Commission (18 CFR 1.8 or 1.10) on or before the 23d day of July 1952.

Date of issuance: July 3, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7518; Filed, July 9, 1952; 8:47 a. m.]

[Docket Nos. G-1854, G-1933]

UNITED NATURAL GAS CO. AND MONTANA-DAKOTA UTILITIES CO.

NOTICE OF FINDINGS AND ORDERS

JULY 3, 1952.

In the matters of United Natural Gas Company, Docket No. G-1854; Montana-Dakota Utilities Co., Docket No. G-1933.

Notice is hereby given that on July 2, 1952, the Federal Power Commission issued its orders entered July 1, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7520; Filed, July 9, 1952, 8:48 a. m.]

[Docket No. G-1881]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE FOR ORAL ARGUMENT ON MOTION AND BRIEFS

JULY 3, 1952.

On June 26, 1952, Commission staff counsel filed a motion in the above-entitled proceedings to dismiss said proceedings to the extent that issues disposed of adversely to Northern Natural Gas Company's contentions in Opinion No. 228 and order issued June 11, 1952, are involved in Docket No. G-1881, without prejudice to submission by Northern of substitute tariff sheets based upon said Opinion No. 228 and order issued June 11, 1952, and the issues in Docket No. G-1881 which were not disposed of in that opinion and order. Additionally, staff counsel prayed that the motion be set for oral argument at the earliest possible date.

The Commission finds: It is necessary or appropriate to carry out the provisions of the Natural Gas Act that the motion of Commission staff counsel be set for oral argument and that Commission staff counsel and each party to the proceeding in Docket No. G-1881 be given an opportunity to file a memorandum of law or brief with respect to said motion as hereinafter ordered.

The Commission orders:

(A) The motion of Commission staff counsel filed June 26, 1952, be set for argument before the Commission and orally argued on July 17, 1952, at 10 a. m., e. d. s. t., in the Hearing Room, Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., and that Commission staff counsel and each party to the proceeding may file a memorandum of law or brief with respect to said motion on or before July 14, 1952.

(B) Parties to this proceeding who intend to participate in the oral argument shall so notify the Secretary of the Commission on or before July 14, 1952, and of the time requested for presentation of their argument.

Date of issuance: July 3, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7517; Filed, July 9, 1952; 8:47 a. m.]

[Docket No. G-1979]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

JULY 3, 1952.

Take notice that on June 23, 1952, Arkansas Louisiana Gas Company (Applicant), a Delaware corporation having its principal office in Shreveport, Louisiana, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the following described natural-gas facilities:

(1) Approximately 6 miles of 12¾-inch O. D. welded pipe line parallel to existing Line LM-2 northwestwardly from existing Perla Regulating Station in Hot Spring County, Arkansas, together with necessary meter and scrubber facilities.

(2) New 7500 hp. Compressor Station (identified as Beirne Compressor Station) to be located in Clark County, Arkansas, approximately 2.5 miles southwest of Gurdon, Arkansas.

Applicant proposes by the use of the facilities described in (1) above to provide natural gas service to Arkansas Power and Light Company. Applicant also proposes to connect the facilities described in (2) above to its presently existing Line S at approximately Station 6608+34.

The application recites that Arkansas Power & Light Company is installing an additional electric generating unit at its Lake Catherine Steam Electric Generating Station, and has contracted with Applicant for an additional 38,000 Mcf daily. Line LM-2 is supplying 47,000 Mcf daily to Reynolds Metals Company and Arkansas Power & Light Company, with the major portion being used by Arkansas Power & Light Company.

The application further recites the present load and pressure conditions between Perla and Little Rock require the construction of the Beirne Station; and the proposed compressor station will increase average winter-day deliveries at Perla Regulating Station by approximately 25,000 Mcf per day, and peak-day deliveries to the Central Arkansas area by approximately 40,000 Mcf daily.

The estimated over-all capital cost of the proposed facilities is $2,353,116 (pipeline construction, $205,646; compressor station, $2,147,470). Pipeline construction will be financed in part from funds to be advanced by Arkansas Power & Light Company and refunded according to the terms of a "Fuel Contract" covering the sale and delivery of gas to Arkansas Power for use as fuel in 5 generating plants. Applicant's over-all 1952 construction program requires additional financing in the form of additional borrowing of $3,000,000 from the Guaranty Trust Company of New York.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of July 1952.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7516; Filed, July 9, 1952; 8:46 a. m.]

[Docket No. ID-1176]

FRED R. RAUCH

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

JULY 3, 1952.

Notice is hereby given that on July 2, 1952, the Federal Power Commission issued its order entered July 1, 1952, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7521; Filed, July 9, 1952; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

ATTORNEY GENERAL

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS AND PURCHASES WITHOUT ADVERTISING

1. Pursuant to the authority vested in me by section 302 (a) of the Federal Property and Administrative Services Act of 1949, as amended (Pub. Laws 152 and 754, 81st Cong.), hereinafter called the act, authority is hereby delegated to the Attorney General to negotiate contracts and purchases, in accord with section 302 (c) (12) of the act, without advertising, for the purchase of 64 portable two-way radio sets and 50 FM transmitter and receiver units, provided that the Attorney General shall determine such material to be technical equipment, that such procurement without advertising is necessary in order to assure standardization of equipment and interchangeability of parts and that such standardization and interchangeability are necessary in the public interest.

2. This authority shall be exercised strictly in accordance with the act, particularly section 307 requiring written findings and preservation of data, and reports to the General Accounting Office.

3. The authority herein delegated may not be redelegated to any other person.

4. This delegation of authority shall be effective as of June 30, 1952.

Dated: July 2, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-7515; Filed, July 9, 1952; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2889]

UNITED GAS CORP.

ORDER REGARDING SUBORDINATION OF LOANS

JULY 3, 1952.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, having filed an application, and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a) (1), 10 (a) (1), 10 (b) and 10 (c) thereof, with respect to the following proposed transactions:

Carthage Hydrocol, Inc. ("Hydrocol"), a Delaware corporation, has completed the construction of a plant near Brownsville, Texas, for the manufacture of gasoline from natural gas by a synthetic process known as the "Hydrocol Process." Hydrocol's capital structure consists of a loan in the approximate principal amount of $18,500,000 due the Reconstruction Finance Corporation ("RFC"), $28,000,000 principal amount of 6 percent Promissory Notes of various classes, and 241,875 shares of common stock. The 6 percent Promissory Notes are subordinate to the loan due the RFC. Of the outstanding securities of Hydrocol, United owns $3,747,000 principal amount of 6 percent Promissory Notes of various classes and 28,170¾ (11.62 percent) shares of common stock, all of which were acquired pursuant to previous authorizations of this Commission.

The proposed transactions involve the subordination by United and all other holders of the outstanding 6 percent Promissory Notes of Hydrocol to borrowings to be made by Hydrocol prior to August 1, 1952, in the aggregate principal amount of not to exceed $2,000,000. The proposed borrowings will be preferred as to payment of principal and interest over the outstanding 6 percent Promissory Notes.

The application states that Hydrocol's need for the funds which it proposes to borrow is immediate and urgent in order to enable it to continue its operations and to allow it sufficient time to work out a plan of reorganization.

Said application having been filed on June 9, 1952, an amendment having been filed on June 27, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, that no conditions need be imposed in connection therewith, and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate to grant said application, as amended, said order to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and subject to the terms and conditions contained in Rule U-24, that said application, as amended, be and the same hereby is, granted, effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52-7523; Filed, July 9, 1952; 8:49 a. m.]

[File No. 811-496]

BANKERS SECURITIES CORP.

NOTICE OF APPLICATION

JULY 3, 1952.

Notice is hereby given that Bankers Securities Corporation ("Bankers"), located at No. 1315 Walnut Street, Philadelphia 7, Pennsylvania, an investment company registered under the Investment Company Act of 1940, has filed an application pursuant to section 8 (f) of the act for an order of the Commission declaring that Bankers has ceased to be an investment company as defined by the act.

The application makes the following representations:

Bankers was incorporated under the laws of Pennsylvania on April 3, 1928, and registered under the act as a closed-end, non-diversified, management investment company on February 22, 1945. Bankers' capitalization consists of 200,000 shares of 6 percent participating preferred stock ($50 par value) of which 162,937 are issued and outstanding and 60,000 shares of common stock ($50 par value) are authorized, issued and outstanding. A total of 39,643 shares of common stock or 66.07 percent thereof are deposited in a voting trust of which A. M. Greenfield is the trustee and which expires in October 1952.

Albert M. Greenfield owns beneficially in his own name and through his wholly-owned subsidiary, Albert Co., 1.22 percent of the 6 percent participating preferred stock and 52.97 percent of the common stock (sole voting) issued and outstanding (including shares of the common stock deposited under the voting trust). In addition, Albert M. Greenfield & Co. (Delaware) and its wholly-owned subsidiary, Realty Owning Company (controlled companies of Albert M. Greenfield), own 5.67 percent of the preferred stock and 4.87 percent of the common stock issued and outstanding (including shares of the common stock deposited under the voting trust). All Continent Corporation, a Delaware corporation, not affiliated either with Bankers or Albert M. Greenfield & Co., except through the ownership of the equity securities of Bankers and except that its nominee, Mr. Murray C. Becker, is represented on the Board of Directors of Bankers and City Stores Company (a controlled company of Bankers), owns of record 36.44 percent of the preferred stock and 23.42 percent of the common stock issued and outstanding.

Section 8 (f) of the act provides, in part, that whenever the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Section 3 (a) of the act provides that investment company means any issuer which (1) is or holds itself out as being engaged primarily, or proposes to engage primarily in the business of investing, reinvesting, or trading in securities; (2) is engaged or proposes to engage in the business of issuing face-amount certificates of the installment type, or has been engaged in such business and has any such certificate outstanding; or (3) is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. As used in this section, investment securities includes all securities except (a) Government securities, (b) securities issued by employees' securities companies and (c) securities issued by majority-owned subsidiaries of the owner which are not investment companies.

In its registration statement filed under the act on Form N-8B-1, Bankers stated that its investment policy was to invest primarily in department and retail store and real estate businesses and that it intended to concentrate a large part of its investments in such businesses and, further, to own and manage department and retail stores and real estate and mortgages and liens on and interests in the same. In subsequent annual reports filed by Bankers with the Commission, Bankers indicated no change in its investment policy.

(1) To remove the representation that Bankers is or holds itself out to be an investment company, the holders of a majority of its outstanding preferred and common stock, voting by classes adopted, pursuant to section 13 (a) of the act, a resolution at a regular meeting of stockholders held on May 26, 1952, authorizing Bankers to change the nature of its business so as to cease to be an investment company.

(2) Bankers is not engaged and does not propose to engage in the business of issuing face-amount certificates of the installment type nor has it been engaged in such business and does not have any such certificates outstanding.

(3) With respect to the business of investing, reinvesting, owning, holding or trading in securities, Bankers repre-

sents that as at December 31, 1951 a total of 55.23 percent of the total assets of Bankers at value were invested in majority or wholly-owned subsidiaries engaged in the mercantile and real estate businesses (including hotels), 22.31 percent of the total assets at value were invested in operating divisions engaged in the mercantile and real estate businesses (including hotels) and 5.06 percent of the total assets were invested in real estate owned in fee. At such date, a total of 17.22 percent of the total assets at value (including mortgages of companies not majority or wholly-owned) was invested in "investment securities" as defined in the act. (The term "value" as used herein represents value as computed in accordance with the definition of value contained in section 2 (a) (39) of the act. The phrase "total assets at value" represents all assets at value exclusive of government securities and cash items. See the table on the comparative classifications of Bankers' assets on an unconsolidated basis as at June 30, 1945 and as at December 31, 1951, attached hereto as "Exhibit A".)

During the year ending December 31, 1951, substantially all of Bankers' income exclusive of profits on sales of real estate and other assets was realized from its majority and wholly-owned subsidiaries and primary business activities. A total of 97.21 percent of Bankers' consolidated gross income for its last fiscal year exclusive of profits on sales was derived from Bankers' real estate and its investments in majority and wholly-owned subsidiaries and its operating divisions (including hotels) with only 2.10 percent being derived from investment securities as defined in the act.

With respect to its interest in the mercantile field, Bankers as at December 31, 1951 (through its majority or wholly-owned subsidiaries which were engaged in the mercantile business with a total investment at value of $31,609,090) controlled and operated a chain of 37 department and specialty stores (City Stores Company) and a department store with three units in New York State (Hearn Department Stores, Inc.). (As at May 1, 1952, Bankers owned a majority of the common stock of Hoving Corporation, a specialty holding company, thereby increasing slightly the percentage of assets at value invested in majority-owned subsidiaries and decreasing the percentage of assets invested in "investment securities" indicated above.) In addition, Bankers operated a mercantile division representing an investment at value of $10,035,454 including the department store known as "Snellenberg's" in Philadelphia, Pennsylvania. (On June 19, 1951, Bankers acquired all of the outstanding stock of Lousols-Philadelphia, a specialty store, including the real estate occupied thereby, which thereafter was operated as a part of its mercantile division and is carried under the caption of "mercantile division" in "Exhibit A" set forth below.)

Bankers represents that its investments in the mercantile field through majority and wholly-owned subsidiaries, all of which have been retained since acquisition, are permanent and not temporary investments. It has maintained its investment in City Stores Company for a period in excess of 17 years.

With respect to its real estate interests, Bankers, as at December 31, 1951 (through its majority or wholly owned subsidiaries which were engaged in the real estate business (including hotels) with a total investment at value of $5,890,755), controlled and operated two office buildings in Philadelphia, one office building in Atlantic City, New Jersey, two hotels in Philadelphia, a real estate mortgage company, an apartment house in Philadelphia (Touraine Apartments) and two real estate holding companies. Bankers also owned in addition to the real estate held in its hotel and mercantile divisions which included the Snellenburg warehouse, certain other real estate in fee amounting to $3,438,345 at value. This real estate included four office buildings, the apartment house (The Latham) and a half interest in the Rittenhouse-Plaza apartments in Philadelphia, Pennsylvania.

Bankers represents that such investments as it now has or may make other than in the mercantile and real estate fields will simply provide a means of realizing additional income through the utilization of cash resources not immediately required for the conduct or expansion of its primary businesses.

Bankers represents that it will continue its listing and registration under the Securities Exchange Act of 1934 of the 6 percent participating preferred stock and the common stock presently listed and registered on the Philadelphia-Baltimore Stock Exchange and that it will file reports with the Commission as required by such act and furnish periodic reports to stockholders.

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

Notice is further given that an order granting the application may be issued by the Commission at any time on or after July 24, 1952, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 22, 1952, at 5:30 p. m., e. d. s. t., submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, No. 425 Second Street NW., Washington 25, D. C., and 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.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

EXHIBIT A

BANKERS SECURITIES CORP. COMPARATIVE CLASSIFICATION OF ASSETS (UNCONSOLIDATED)

	June 30, 1945		Dec. 31, 1951	
	Amount	Percent	Amount	Percent
All assets at value	$38,450,070		$72,087,531	
Less: Government securities and cash	1,506,524		4,194,365	
"Total assets at value"	36,943,546	100.00	67,893,166	100.00
Wholly and majority owned subsidiaries:				
Mercantile	19,192,316	51.95	31,609,090	46.56
Real estate	345,340	.93	3,159,878	4.65
Hotel	2,323,564	6.29	2,730,877	4.02
Other	383,949	1.04		
	22,245,169	60.21	37,499,845	55.23
Operating divisions:[1]				
Mercantile			10,035,454	14.78
Hotel			5,109,900	7.53
			15,145,354	22.31
Other balance sheet assets:				
Real estate in fee[2]	2,590,658	7.01	3,438,345	5.66
Mortgages[2]	553,326	1.50	861,086	1.27
Sundry	1,396,962	3.78	120,180	.18
	4,540,946	12.29	4,419,611	6.51
Investment securities	10,157,331	27.50	[4] 10,828,356	15.95
Total	36,943,546	100.00	[4] 67,893,166	100.00

[1] Includes real estate and all other assets of the mercantile and hotel divisions other than cash and government securities.
[2] Includes ½ interest in jointly owned real estate and mortgages.
[3] Of the amount indicated, $3,294,591 was invested in the securities of mercantile companies and $1,569,383 was invested in the securities of real estate companies.
[4] All of the securities owned by Bankers have a current market valuation except the securities of Southwestern Market Co., Factors Corp. of America, Bonwit Teller Co. of Philadelphia, J. E. Caldwell & Co., Ritz-Carlton Hotel Co. (Atlantic City, N. J.) and the common stock of Albert M. Greenfield & Co. (totaling $1,406,745 at value as of Dec. 31, 1951) for which securities there are no current market quotations.

[F. R. Doc. 52-7524; Filed, July 9, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27197]

PETROLEUM PRODUCTS FROM CHICO, TEX., TO SOUTHWEST

APPLICATION FOR RELIEF

JULY 7, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3585.

Commodities involved: Petroleum products, in carloads.

From: Chico, Tex.

To: Points in Arkansas, Kansas, Louisiana, Missouri and Oklahoma.

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

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, ICC No. 3585, sup. 513.

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. 52-7529; Filed, July 9, 1952; 8:50 a. m.]

[4th Sec. Application 27198]

CRUDE SULPHUR FROM POINTS IN LOUISIANA AND TEXAS TO NASHVILLE, TENN.

APPLICATION FOR RELIEF

JULY 7, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3862.

Commodities involved: Sulphur (brimstone), crude (unground and unrefined), carloads.

From: Points in Louisiana and Texas.

To: Nashville, Tenn.

Grounds for relief: Competition with water, circuitous routes, additional rail routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3862, supl. 146.

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. 52-7530; Filed, July 9, 1952; 8:50 a. m.]

[4th Sec. Application 27199]

LIQUEFIED PETROLEUM GAS FROM POINTS IN SOUTHWEST, KANSAS AND ILLINOIS TO POINTS IN SOUTHWEST

APPLICATION FOR RELIEF

JULY 7, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to fourth section application No. 26917.

Commodities involved: Liquefied petroleum gas, in carloads.

From: Points in southwestern territory, Kansas and Illinois.

To: Points in the Southwest, including Mississippi River Crossings.

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. 52-7531; Filed, July 9, 1952; 8:51 a. m.]

[4th Sec. Application 27200]

PIG IRON FROM DAINGERFIELD AND LONE STAR, TEX. TO GREENVILLE, S. C.

APPLICATION FOR RELIEF

JULY 7, 1952.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3960.

Commodities involved: Pig iron, carloads.

From: Daingerfield and Lone Star, Tex.

To: Greenville, S. C.

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

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, ICC No. 3960, supl. 18.

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. 52-7532; Filed, July 9, 1952; 8:51 a. m.]

[4th Sec. Application 27201]

GRAIN AND GRAIN PRODUCTS FROM NORTH AND SOUTH CAROLINA TO POINTS IN TRUNK-LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

JULY 7, 1952.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1161.

Commodities involved: Grain, grain products, and feed, carloads.

From: Points in North Carolina and South Carolina.

To: Points in trunk-line and New England territories.

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

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1161, supl. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7533, Filed, July 9, 1952; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

BISCHOFLICHES PFARRAMT, RANKWEIL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bischofliches Pfarramt, Rankweil, also known as Catholic Church, Rankweil, Vorarlberg, Austria; Claim No. 42849; $441.00 in the Treasury of the United States.

Executed at Washington, D. C., on July 3, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7558; Filed, July 9, 1952; 8:55 a. m.]

MARTINUS H. CARON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Martinus H. Caron, Rijswijk, Netherlands, Claim No. 25826; property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942) relating to United States Patent Application Serial No. 395,671. Property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943) relating to United States Letters Patent No. 2,290,313.

Executed at Washington, D. C., on July 3, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7559; Filed, July 9, 1952; 8:56 a. m.]

ELLI HOPKINS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elli Hopkins, 3 Lomond Street, Glen Iris, Melbourne SE 6, Australia; Claim No. 36175, Vesting Order No. 3125; $1,619.29 in the Treasury of the United States. All right, title, interest and claim of Julius Freund in and to the estate of Zdenko Freund, deceased.

Executed at Washington, D. C., on July 3, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7560; Filed, July 9, 1952; 8:56 a. m.]

CLARA GANS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Clara Gans, Dornach, Canton of Solothurn, Switzerland; Claim No. 37691; $15,507.74 cash in the Treasury of the United States.

Executed at Washington, D. C., on July 3, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7561; Filed, July 9, 1952; 8:56 a. m.]

SOCIETE DE PRODUITS CHIMIQUES DES TERRES RARES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe de Produits Chimiques des Terres Rares, Paris, France; Claim No. 43893; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 1,940,620, 1,951,836, 1,957,283, 1,957,284, 2,091,639, 2,162,942, 2,166,702 and 2,233,410; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to Patent Application Serial No. 270,928 (now United States Letters Patent No. 2,299,764) and property described in Vesting Orders Nos. 293 and 666, relating to Patent Application Serial No. 276,022 (now United States Letters Patent No. 2,294,931).

Executed at Washington, D. C., on July 3, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7562; Filed, July 9, 1952; 8:56 a. m.]

WILHELM JESCHKO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Wilhelm Jeschko, also known as William Jeschko, Bleiberg-Kreuth No. 328, Austria; Claim No. 41747; $869.93 in the Treasury of the United States.

Mary Trisko, also known as Mary Treschko, Heidenreichstein No. 57, Austria; Claim No. 41822; $869.92 in the Treasury of the United States.

Johanna Schoberl, also known as Hannah Schabel, Heidenreichstein, Jagergasse 3, No., Austria; Claim No. 42449; $869.93 in the Treasury of the United States.

Executed at Washington, D. C., on July 3, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7563; Filed, July 9, 1952; 8:56 a. m.]