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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10391

AMENDMENT OF EXECUTIVE ORDER NO. 10011 [1] OF OCTOBER 22, 1948, AS AMENDED, AUTHORIZING THE SECRETARY OF STATE TO EXERCISE CERTAIN POWERS OF THE PRESIDENT WITH RESPECT TO THE GRANTING OF ALLOWANCES AND ALLOTMENTS TO GOVERNMENT PERSONNEL ON FOREIGN DUTY

By virtue of the authority vested in me by section 1403 of the Supplemental Appropriation Act, 1953 (Public Law 547, 82nd Congress), and section 301 of title 3 of the United States Code (section 10, Public Law 248, 65 Stat. 713), it is ordered that section 1 (d) of Executive Order No. 10011 of October 22, 1948, as last amended by Executive Order No. 10313 of December 14, 1951, authorizing the Secretary of State to exercise certain powers of the President with respect to the granting of allowances and allotments to Government personnel on foreign duty, be, and it is hereby, amended to read as follows:

"(d) The authority vested in the President by section 1403 of the Supplemental Appropriation Act, 1953 (Public Law 547, 82nd Congress), and by section 302 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 8) to prescribe, with respect to civilian officers and employees of the Government, regulations governing living-quarters allowances, cost-of-living allowances, and representation allowances in accordance with, or similar to, such allowances authorized by the said act of June 26, 1930, or the said section 901 of the Foreign Service Act of 1946."

This order shall be effective as of July 1, 1952.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 3, 1952.

[F. R. Doc. 52-9799; Filed, Sept. 4, 1952; 10:08 a. m.]

[1] 13 F. R. 6263; 3 CFR 1948 Supp.

TITLE 15—COMMERCE AND FOREIGN TRADE

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

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 11 [1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 372.11 *Issuance and use of export licenses* is amended in the following particulars:

a. Subparagraph (2) of paragraph (e) *Validity of licenses* is amended to read as follows:

(2) Individual export licenses will be issued for a validity period of 6 months from the date of validation, unless otherwise stated on the face of the license: *Provided*, That when the validity period expires on a day when the office of the collector of customs is not open for business, the validity period shall, automatically, be extended to midnight of the first day of business following the expiration date.

b. The note following paragraph (e) remains unchanged.

2. Section 373.24 *Statement of past participation in exports for certain commodities* is amended in the following particulars:

Subparagraph (3) *All controlled materials and certain additional commodities with processing code NONF* of paragraph (b) *Commodities requiring statement of past participation* is

[1] This amendment was published in Current Export Bulletin No. 677, dated August 28, 1952.

(Continued on p. 8035)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

amended by deleting therefrom the following commodity entry:

Refined copper in cathodes, billets, ingots, wire bars, and other crude forms, Schedule B No. 641200;

3. Part 373—Licensing Policies and Related Special Provisions, is amended by adding thereto a new § 373.40 to read as follows:

Section 373.40 *Special provisions for asbestos.* (a) Asbestos fibers of spinning grades are in critical short supply in the United States, and a restrictive quota has been set up for "Crude asbestos and spinning fibers of grades being procured for the national stockpile."

(b) Under this restrictive quota, the Office of International Trade will not consider an application for export license for asbestos fibers of spinning grades, Schedule B No. 545110, unless and until the applicant has submitted to the General Services Administration a representative five-pound sample of the type covered by the application, and has been advised that the lot represented by the sample is not desired for stockpile purposes. All applications for licenses to export such asbestos shall be accompanied by a true copy of the GSA letter of rejection (see § 372.9 of this subchapter).

(c) The five-pound sample should be sent, carriage prepaid, to General Services Administration, Emergency Procurement Service, Attention: Director, Purchase Division, Seventh and D Streets SW., Washington 25, D. C., together with a letter specifying that the sample is submitted for purposes of securing an export license.

(d) Crude asbestos and spinning fibers, Schedule B No. 545110, will be licensed for export in accordance with the provisions of §§ 373.16 and 373.19 of this subchapter, and the special provisions set forth in this section.

4. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

a. For the Fourth Quarter, 1952, the following entries and related submission dates are added:

Dept. of Commerce Schedule B No.	Commodity	Submission dates—Fourth quarter 1952
619039	Cobalt welding rods	Oct. 1-Oct. 15, 1952.
664529	Cast cobalt-chromium dental alloys	
915590	Dental alloys and amalgams containing cobalt	

b. The following submission dates for the First Quarter 1953, are added thereto:

Dept. of Commerce Schedule B No.	Commodity	Submission dates—First quarter 1953
	Controlled materials: Commodities with processing code STEE [4]	Sept. 8-Sept. 22, 1952.

[4] See § 398.5 (b) (5) of this subchapter for exception to these dates under certain conditions.

5. Section 379.2 *Authenticated shipper's export declaration*, paragraph (b) *Use of authenticated shipper's export declaration* is amended in the following particulars:

The note following subparagraph (6) *Limitation of effective period of declaration* of paragraph (b) is amended to read as follows:

NOTE: The validity period of an export license includes any extension provided by any saving clause or regulation. The above subparagraph makes no change in the provisions of § 373.11 (e) or § 372.11 (f) of this subchapter.

6. Section 380.2 *Amendments or alterations of licenses*, paragraph (c) *Procedure for submitting requests for amendments* is amended in the following particulars:

Subdivision (i) of subparagraph (2) *Information required* is amended to read as follows:

(i) (a) The reasons for the requested amendment must be clearly stated in answer to item 10.

(b) In requesting an amendment for change in the purchaser or ultimate consignee, the licensee must comply where applicable, with the provisions of § 372.3 (d) of this subchapter regarding a statement from the new ultimate consignee or purchaser if the shipment is destined to an R country or with the provisions of § 373.34 (c) of this subchapter regarding the submission of an import certificate. The licensee must also comply with the provisions of § 373.1 (b) of this subchapter regarding evidence and certification of accepted orders, if applicable to the commodity being exported. Such certification shall be made on the back of Form IT-763 or on a sheet attached thereto. In addition, the licensee must submit a copy of the original order placed by the ultimate consignee or purchaser.

(c) Where the request for amendment involves a change in the country of destination as well as a change in the purchaser or ultimate consignee, the applicant must explain fully in item 10 of Form IT-763 any additional circumstances which prevented shipment to the original country of destination.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of August 28, 1952.

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

[F. R. Doc. 52-9694; Filed, Sept. 4, 1952; 8:50 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 8 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

WELDING RODS AND WIRES

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following entry was inadvertently omitted from the revision of commodity descriptions under Schedule B No. 619039 made in Amendment P. L. 2 (Sixth General Revision) appearing at 17 F. R. 6638:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
619039	Welding rods and wires: Other welding rods and wires [1]	Lb.	None	100	RO

[1] The commodities covered by this Positive List entry require an import certificate (see § 373.34 of this subchapter).

[1] This amendment was published in Current Export Bulletin No. 677, dated August 28, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

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

[F. R. Doc. 52-9693; Filed, Sept. 4, 1952; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

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

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp., Part 146) are amended as indicated below:

1a. In § 146.69 *Dibenzylethylenediamine dipenicillin G oral suspension*, paragraph (a) *Standards of identity*, etc., the first sentence is changed by inserting the words "sulfonamides and suitable" between the word "suitable" and the words "and harmless colorings".

b. Section 146.69 (c) (1) (iii) is amended to read as follows:

(c) *Labeling.* * * *

(1) * * *

(iii) The name of each buffer substance and the name and quantity of each sulfonamide and preservative used in making the batch.

c. Section 146.69 (c) is further amended by renumbering subparagraph (3) as (4) and inserting the following new subparagraph between subparagraph (2) and renumbered subparagraph (4):

(3) On the label and labeling, if sulfonamides are present, after the name "Dibenzylethylenediamine dipenicillin G oral suspension," wherever it appears, the words "with sulfonamides" in juxtaposition with such name.

2. In § 146.303 *Chloramphenicol ointment (chloramphenicol cream)*, paragraph (a) *Standards of identity*, * * *, the first sentence is changed by inserting the words "buffer substances," between the words "harmless" and "dispersing".

3. In § 146.306 *Chloramphenicol palmitate oral suspension*, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the figure "12" to "18".

4a. In § 146.307 *Chloramphenicol solution*, paragraph (a) *Standards of identity*, * * *, is amended by changing the first sentence to read: "Chloramphenicol solution is chloramphenicol, with or without one or more suitable and harmless buffer substances, dissolved in one or more suitable and harmless solvents."

b. In § 146.307, paragraph (d) *Request for certification; samples*, subparagraph (1) is amended by changing the word "solvent" to read "ingredient" in both places at which it occurs.

c. Section 146.307 (d) (3) (i) is amended to read as follows:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 8 or more than 15 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

d. Section 146.307 (d) (3) (iii) is amended by changing the word "solvent" to read "ingredient".

e. In § 146.307 (e) *Fees*, subparagraph (1) is amended by changing the words "paragraph (d) (3) (i) of this section;" to read "paragraph (d) (3) (i) (*a*) of this section;".

This order, which provides for the use of sulfonamides in dibenzylethylenediamine dipenicillin G oral suspension; for the use of a buffer substance in chloramphenicol ointment; for a change in the expiration date of chloramphenicol palmitate oral suspension from 12 to 18 months; and for the use of a buffer substance in chloramphenicol solution and the submission of 10 samples of said drug for sterility testing, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

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

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: August 29, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-9712; Filed, Sept. 4, 1952; 8:54 a. m.]

TITLE 26—INTERNAL REVENUE

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

Subchapter C—Miscellaneous Excise Taxes

[Regs. 42; T. D. 5929]

PART 130—TAXES ON SAFE DEPOSIT BOXES AND ON CERTAIN TRANSPORTATION AND COMMUNICATIONS SERVICES

TAX ON TRANSPORTATION WHICH BEGINS AND ENDS IN THE UNITED STATES

On March 4, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 1900), in order to conform Regulations 42 (1942 Edition) (26 CFR Part 130), to section 607 of the Revenue Act of 1950 (Pub. Law 814, 81st Cong. 2d sess.), approved September 23, 1950. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments to Regulations 42 (26 CFR Part 130) set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 130.50 (26 CFR 130.50) the following:

SEC. 607. TRANSPORTATION WHICH BEGINS AND ENDS WITHIN THE UNITED STATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Transportation of persons*—(1) *Amendment of section 3469 (a).* So much of section 3469 (a) (relating to tax on transportation of persons) as precedes "10 per centum of the amount so paid" is hereby amended to read as follows:

(a) *Transportation.* There shall be imposed—

(1) Upon the amount paid within the United States for the transportation of persons by rail, motor vehicle, water, or air within or without the United States, and

(2) Upon the amount paid without the United States for the transportation of persons by rail, motor vehicle, water, or air which begins and ends in the United States, a tax equal to.

* * * * *

(c) *Effective date.* The amendments made by this section shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act for transportation which begins on or after such first day.

PAR. 2. Section 130.51 *Scope of tax* as amended by Treasury Decision 5559, approved April 18, 1947 (26 CFR 130.51), is further amended as follows:

(A) By substituting the following new paragraphs for paragraphs (a) and (b) thereof:

(a) Section 3469 (a) imposes a tax upon payments of more than 35 cents (1) made within the United States on or after October 10, 1941, for the transportation of persons, on or after such date, by rail, motor vehicle, water, or air, and (2) made without the United States on or after November 1, 1950, for the transportation of persons on or after such date, by rail, motor vehicle, water, or air, where such transportation begins and ends in the United States.

(b) (1) The taxability of a payment for transportation made within the United States is determined by whether the transportation service is furnished within or without the northern portion of the Western Hemisphere as provided in § 130.64.

(2) With respect to a payment for transportation made without the United States, the application of the tax is determined not only by whether the transportation service is furnished within or without the northern portion of the Western Hemisphere as provided in § 130.64, but also by whether the transportation service begins and ends within the United States. The tax does not apply to a payment made without the United States for one-way or round-trip transportation between a point within the United States and a point outside the United States.

(B) By changing the period at the end of the first sentence of paragraph (f) to a comma and adding the words: "except that, where the payment is made outside the United States for a prepaid order, exchange order, or similar order for transportation of persons which begins and ends within the United States, the tax is collectible by the person furnishing the initial transportation pursuant to such order."

PAR. 3. Section 130.53, as amended by Treasury Decision 5559 (26 CFR 130.53), is further amended as follows:

(A) By substituting the following new paragraphs for paragraphs (f) and (g) thereof:

(f) *Prepaid orders, exchange orders, or similar orders.* The tax applies to the amount paid in the United States for a prepaid order, exchange order, or similar order for transportation whether within or without the United States. The tax also applies to the amount paid without the United States for a prepaid order, exchange order, or similar order for transportation which begins and ends in the United States. An additional amount paid in the United States in procuring transportation in connection with the use of a prepaid order, exchange order, or similar order, is likewise subject to tax, regardless of whether the original payment for the order is made within or without the United States. (See § 130.54 (b).)

(g) *Tickets.* The tax applies to an amount paid within or without the United States for a ticket for transportation which begins and ends in the United States regardless of where such ticket is issued. (See § 130.54 (b).)

(B) By striking out the words "in the United States" in the first sentence of paragraph (i) thereof.

(C) By revising paragraph (j) thereof to read as follows:

(j) *All-expense tours.* An amount paid for an all-expense tour is subject to tax with respect to that portion representing taxable transportation. (See § 130.54 (h).)

(D) By inserting the following new paragraphs immediately after paragraph (j) thereof:

(k) *Payments remitted to foreign countries by persons in the United States.* Payments for transportation tickets, prepaid orders, exchange orders, or similar orders are subject to the tax where the payment for such tickets or orders is accomplished by the purchaser either (1) by transmission from within the United States via telegraph or mail of cash, checks, postal or telegraphic money orders, and similar drafts to ticket offices or travel agencies, etc., located in any place without the United States, or (2) the delivery of the funds to an agency located in the United States for transmission to ticket offices, or travel agencies, etc., without the United States. Such payments are considered to be payments made within the United States.

(l) *Payments outside the United States.* (1) The tax applies to a payment made outside the United States for transportation which begins and ends within the United States. For purposes of the preceding sentence, a payment made outside the United States for transportation between two or more points in the United States is a payment for transportation which begins and ends in the United States, even though additional transportation to or from a point outside the United States is involved in the entire journey, where at the time of making payment for the transportation between two or more points in the United States it is not definitely established that such transportation is purchased for use in making the journey from or to a point outside the United States, as required by and under the rules set forth in § 130.54 (b). In such case, the fact that the entire journey includes transportation from or to a point outside the United States is not in itself determinative of the liability for tax.

(2) The following examples illustrate the application of this paragraph.

Example (1). W travels from Havana to New York by way of Miami. He purchases in Havana a steamship ticket for his transportation from Havana to Miami and an exchange order for air transportation from Miami to New York. The ticket for the connecting transportation from Havana to Miami, and the order for the transportation from Miami to New York were not appropriately inscribed by the agency or carrier which received the payment for the air transportation involved, at the time such payment was received, so as to clearly show that the ticket and order were purchased for use in conjunction with each other. Therefore, the agency or carrier which accepts the exchange order and issues the ticket for the transportation from Miami to New York is required to collect the tax which applied to the amount paid outside the United States for such transportation.

Example (2). X travels on a round trip from Montreal to Los Angeles by way of New York. He purchases in Montreal air transportation for the round trip between New York and Los Angeles, and uses a private automobile for transportation from Montreal to New York and return to Montreal. The amount paid in Montreal for the round-trip transportation between New York and Los Angeles is a payment for transportation which begins and ends in the United States, and is therefore subject to tax.

PAR. 4. Section 130.54 is amended by substituting the following new paragraph for paragraph (b) thereof:

(b) *Payments outside the United States.* (1) The tax does not apply to a payment made outside the United States for transportation which begins or ends outside the United States. For purposes of the preceding sentence, a payment made outside the United States for transportation between two or more points within the United States (such transportation being referred to hereinafter in this section as "the United States portion"), which is part of transportation from or to a point outside the United States is a payment for transportation which begins or ends outside the United States, where it is definitely established at the time of making payment for the United States portion that such portion is purchased for use in making the journey from or to a point outside the United States. The nontaxable character of the payment made outside the United States for the United States portion shall be established under the rules set forth in subparagraphs (2) through (5) of this paragraph.

(2) Where one ticket (such as one commonly known as a "through ticket") is issued to cover all of the United States portion of a journey which begins or ends outside the United States and to cover also the connecting transportation from or to a point outside the United States, no further evidence of the nontaxable character of the transportation covered by such ticket will be required.

(3) Where separate tickets or orders are issued for the United States portion of a journey which begins or ends outside the United States, the agency or carrier which receives payment for such tickets or orders shall definitely determine at the time of receiving the payment that the United States portion is being purchased for use in conjunction with connecting transportation from or to a point outside the United States, and shall appropriately inscribe the tickets or orders issued outside the United States for the United States portion and for the connecting transportation from or to a point outside the United States to show clearly that such tickets or orders are purchased for use in conjunction with each other. Such tickets or orders shall be inscribed in the following manner:

(i) The ticket or order for the connecting transportation from or to a point outside the United States shall be inscribed or stamped with an appropriate legend (for example, "Not To Be Used Again for Purchase of Tax-Free United States Transportation") to show that the United States portion has been purchased tax free for use in conjunction therewith.

(ii) Where the ticket for the United States portion is issued outside the United States, it shall be inscribed to show (*a*) the identity of the agency or carrier which received payment therefor (unless otherwise shown on the ticket), (*b*) the origin and destination of the connecting transportation, (*c*) the identity of the carrier furnishing the connecting transportation, and (*d*) the serial number of the ticket or order covering such connecting transportation. If the ticket is not large enough to accommodate the prescribed inscription, a statement setting forth the required information shall be attached to such ticket.

(iii) Where an order for the United States portion is issued outside the United States, it shall be inscribed to show (*a*) the origin and destination of the connecting transportation, (*b*) the identity of the carrier furnishing the connecting transportation, and (*c*) the serial number of the ticket or order covering such connecting transportation.

(4) Where the ticket for the United States portion is issued in the United States pursuant to an order which was purchased and properly inscribed outside the United States under the rules set forth in subparagraph (3) (iii) of this paragraph, liability for payment or collection of tax will not be incurred upon the issuance of the ticket provided

the agency or carrier issuing such ticket stamps or inscribes thereon an appropriate legend, for example, "Tax Not Paid—Furnished on Order", or "Exempt—Order".

(5) In any case where a payment for the United States portion is not subject to tax under the rules set forth in this paragraph, the carrier furnishing transportation for the United States portion shall procure and maintain appropriate evidence which will clearly show that the tickets or orders for such transportation were purchased for use in conjunction with connecting transportation from or to a point outside the United States.

(6) The following are examples of nontaxable transportation.

Example (1). Y travels from London to San Francisco by way of New York. He purchases from an agency or carrier in England all of the transportation involved in such journey, which includes air transportation from London to New York and from New York to San Francisco, for which separate tickets are issued. The agency or carrier which receives the payment for Y's transportation from New York to San Francisco will not be required to collect tax with respect to the payment, provided it determines at the time such payment is received that the transportation in question is being purchased for use in conjunction with the connecting transportation from London to New York and it appropriately inscribes both of the tickets for the journey.

Example (2). Z travels from Havana to New York by way of Miami. He purchases in Havana a ticket for his transportation by water from Havana to Miami, and later purchases from a travel agency in Havana air transportation from Miami to New York for which the travel agency issues an exchange order. To establish the nontaxable character of the payment for Z's transportation from Miami to New York it will be necessary for the travel agency which receives the payment for such transportation to determine at the time the payment is received that the transportation in question is being purchased for use in conjunction with the connecting transportation from Havana to Miami, and to make the appropriate inscriptions on the ticket and the order. The carrier which accepts the exchange order and issues the ticket for the transportation from Miami to New York will not be required to collect tax with respect to the ticket so issued if it appropriately inscribes the ticket as provided in subparagraph (4) of this paragraph.

PAR. 5. Immediately preceding § 130.55, there is inserted the following:

SEC. 607. TRANSPORTATION WHICH BEGINS AND ENDS WITHIN THE UNITED STATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Transportation of persons.* * * *

(2) *Seats, berths, etc.* Section 3469 (c) (relating to tax with respect to seating and sleeping accommodations) is hereby amended by striking out "within the United States".

* * * * *

(c) *Effective date.* The amendments made by this section shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act for transportation which begins on or after such first day.

PAR. 6. Section 130.56 is amended to read as follows:

§ 130.56 *Scope of tax.* Section 3469 (c) imposes a tax upon payments of any amount made within the United States on or after October 10, 1941, and made without the United States on or after November 1, 1950, for seating or sleeping accommodations in connection with transportation with respect to which a tax is imposed by section 3469 (a).

PAR. 7. Immediately after section 3469 (d) in Subpart G, there is inserted the following:

SEC. 607. TRANSPORTATION WHICH BEGINS AND ENDS WITHIN THE UNITED STATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950)

(a) *Transportation of persons* * * *

(3) *Collection of tax.* So much of the second sentence of section 3469 (d) (relating to returns and payment of tax) as precedes "on or before the last day of each month" is hereby amended to read as follows: "Each person receiving any payment specified in subsection (a) or (c) shall collect the amount of the tax imposed from the person making such payment; except that, if the payment is made outside the United States for a prepaid order, exchange order, or similar order, the person furnishing the initial transportation pursuant to such order shall collect the amount of the tax. Any person required to collect the tax imposed by this section shall,".

* * * * *

(c) *Effective date.* The amendments made by this section shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act for transportation which begins on or after such first day.

PAR. 8. Section 130.64, as amended by Treasury Decision 5708, approved June 27, 1949, is further amended by inserting at the end thereof the following: "The rules set forth in the first paragraph of this section for determining the taxable portion of a payment made within the United States for transportation any part of which is outside the northern portion of the Western Hemisphere also apply to payments made without the United States for transportation which begins and ends in the United States but part of which is outside the northern portion of the Western Hemisphere."

PAR. 9. Section 130.70 is amended by changing the period at the end thereof to a comma, and adding the words: "Except that (with respect to paragraphs (e) and (f) of this section) if the payment is made outside the United States for a prepaid order, exchange order, or similar order valid for transportation of persons which begins and ends within the United States, or for seating or sleeping accommodations in connection with such transportation, the person furnishing the initial transportation pursuant to such order must collect the amount of the tax."

PAR. 10. Section 130.72, as amended by Treasury Decision 5672, approved November 23, 1948 (26 CFR 130.72), is further amended as follows:

(A) By revising paragraph (d) (3) to read as follows:

(3) Every person receiving payment in the United States for a prepaid order, exchange order, or similar order, for transportation or seating or sleeping accommodations to be furnished by any carrier within the United States shall collect all of the tax applicable to such transportation or accommodations and remit such tax in the proper amount to those carriers located within the United States furnishing such transportation or accommodations to be included in monthly returns on Form 727, revised.

(B) By inserting the following new subparagraph (5) immediately following subparagraph (4), paragraph (d):

(5) Every person furnishing the initial transportation pursuant to a prepaid order, exchange order, or similar order for transportation which begins and ends in the United States, or for seating or sleeping accommodations in connection therewith, and for which payment is made outside the United States shall collect all of the tax applicable to such transportation or accommodations and include the amount in monthly return on Form 727, revised.

This Treasury decision shall be effective upon the thirty-first day after the date of its publication in the FEDERAL REGISTER.

(53 Stat. 423, 467, 55 Stat. 722; 26 U. S. C. 3472, 3791)

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

Approved: September 2, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9705; Filed, Sept. 4, 1952; 8:51 a. m.]

TITLE 27—INTOXICATING LIQUORS

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

[Regs. 1 under the Federal Alcohol Administration Act; T. D. 5930]

PART 1—BASIC PERMITS; ISSUANCE AND PROCEEDINGS TO REVOKE, SUSPEND OR ANNUL

APPLICATIONS FOR PERMITS; TIME AND PLACE OF HEARING

On June 26, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 5735) with respect to certain proposed amendments to Federal Alcohol Administration Act Regulations No. 1 "Relating to the Issuance, Revocation, Suspension, and Annulment of Basic Permits" (27 CFR Part 1) affording interested persons an opportunity to submit written data, facts or arguments thereon.

After consideration of all relevant matter presented, the following amendments to the said regulation are hereby prescribed:

1. Section 1.21 *Applications for permits* of the Federal Alcohol Administration Act Regulations No. 1 "Relating to the Issuance, Revocation, Suspension and Annulment of Basic Permits" (27 CFR Part 1) is amended by adding at the end thereof a new paragraph (c) to read as follows:

(c) The district supervisor shall cause to be maintained currently in his office for public inspection, until the expiration of one year following final action on the application, the following infor-

mation with respect to each application for basic permit filed:

(1) The name, including trade name or names, if any, and the address of the applicant; the kind of permit applied for and the location of the business; whether the applicant is an individual, a partnership or a corporation; if a partnership, the name and address of each partner; if a corporation, the name and address of each of the principal officers and of each stockholder owning 10 percent or more of the corporate stock;

(2) The time and place set for any hearing on the application;

(3) The final action taken upon the application. In the event a hearing is held upon an application for a basic permit, the district supervisor shall make available for inspection at his office upon request therefor: The transcript of the hearing, a copy of the hearing examiner's recommended decision, a copy of the district supervisor's decision and of his decision upon reconsideration, if any, and, in the event of an appeal to the Commissioner, the decision on appeal with the reasons given in support thereof.

2. Section 1.33 *Time and place of hearing* of the said regulations (27 CFR 1.33) is amended by adding at the end thereof the following new sentence: "Hearings upon applications for basic permits shall be open to the public."

3. The purpose of these amendments is to revise, to the extent indicated, the Bureau's policy with respect to the confidential nature of applications for basic permits under the Federal Alcohol Administration Act (49 Stat. 977 et seq. as amended 27 U. S. C. 201 et seq.) and administrative proceedings upon such applications and to make certain information, heretofore treated as confidential, available for public inspection subject to the limitations and in accordance with the procedures set forth above. The provisions of 26 CFR, Subchapter F—Records and Procedure, Part 600—Records, shall not be construed so as to conflict with the authorization and direction conveyed in paragraphs 1 and 2 above.

4. Because this Treasury Decision constitutes a statement of policy and establishes a rule of Bureau practice, it is found that it is unnecessary to issue this Treasury Decision subject to the effective date limitation of section 4 (c) of the Administrative Procedure Act, approved June 11, 1946.

(49 Stat. 977, 54 Stat. 1232, 53 Stat. 373 and sec. 161 R. S.; 27 U. S. C. 202, 26 U. S. C. 3170, 5 U. S. C. 22)

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

Approved: September 2, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52 9706; Filed, Sept. 4, 1952; 8:51 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 54—GOLD REGULATIONS

Correction

In F. R. Doc. 52-9472, appearing in the issue of Friday, August 29, 1952, at page 7888, make the following changes:

1. In § 54.8, the first paragraph should be designated "(a)" and the present paragraph (a) should be redesignated "(b)". The section as corrected will read as follows:

§ 54.8 *General provisions affecting import licenses.* (a) No gold in any form imported into the United States shall be permitted to enter until the person importing such gold shall have satisfied the collector of customs at the port of entry that he holds a license authorizing him to import such gold or that such gold may be imported without a license under the provisions of §§ 54.12 to 54.21, inclusive, or §§ 54.28 to 54.30, inclusive. Postmasters receiving packages containing gold will deliver such gold subject to the instructions of the Postmaster General.

(b) *Certificates with respect to imported gold.* Collectors of customs shall, upon receipt of instructions [1] issued from time to time by the Secretary of the Treasury with the approval of the President, refuse entry into the continental United States of gold in the form and condition described in such instructions, which is exported from the country or countries specified in such instructions, unless there is filed with the collector of customs at the port of entry a certificate duly certified by an officer of the country from which the gold is exported to the effect that such gold was or may be lawfully exported from such country.

2. In § 54.11 (b) (2), line 11, the word "of" should read "or". Subparagraph (2) as corrected will read as follows:

(2) Section 1001 of the United States Criminal Code, which provides:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and wilfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both. (18 U. S. C. 1001.)

3. Section 54.25 is corrected so that paragraph (b) (3) and (4) will read as follows:

(3) *Rare coin.* Rare gold coin as defined in § 54.20 may be exported or transported from the continental United States only under license on Form TGL-11 issued by the Director of the Mint. Application for such a license shall be executed on Form TG-11 and filed with the Director of the Mint, Treasury Department, Washington 25, D. C.

(4) *Other exports of gold.* Export licenses may also be issued upon application made on Form TG-15 in the same manner as prescribed in subparagraph (1) of this paragraph, authorizing the exportation of gold in any form for refining or processing subject to the condition that the refined or processed gold (or the equivalent in refined or processed gold) be returned to the United States, or subject to such other conditions as the Director may prescribe.

[1] See Subpart H of this part for instructions issued pursuant to § 54.8 (b).

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 33]

GCPR, SR63—AREA MILK ADJUSTMENTS

AMPR 33—SOUTHERN NEW JERSEY MILK MARKETING AREAS

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 area milk price regulation, in accordance with Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) and pursuant to Delegation of Authority No. 41 (16 F. R. 12679) is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation, issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at all levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. On September 24, 1951, Supplementary Regulation 63 became effective permitting adjustments of ceiling prices for milk products for fluid consumption in individual marketing areas upon petition or upon the initiative of the appropriate Regional or District Director.

Acting under that supplementary regulation, thirteen milk processors and distributors in Southern New Jersey petitioned the Camden District of the Office of Price Stabilization through the South Jersey Milk Dealers Association for an adjustment of ceiling prices on the sale of certain milk and milk products in Milk Marketing Areas land 2 as defined by the Office of Milk Industry for the State of New Jersey. Signatories to the petition represent large, medium and small firms and they account for approximately 52 percent of total sales volume in the Marketing Area involved. The Camden District Director denied the petition and refused to issue an area milk price regulation for the requested marketing area. The petitioners filed a Notice of Review by the Regional Office under section 28 of Price Procedural Regulation 1, Revision 2.

A re-examination of the cost data submitted by the petitioners has convinced

the Regional Director that petitioners are entitled to an adjustment in price for certain fluid milk products and accordingly this regulation is issued in lieu of remanding the record to the Camden District Office for issuance of a regulation in accordance with the Regional Director's determination.

The marketing area where this regulation applies is comprised of Marketing Areas 1 and 2 as established and defined by the Office of Milk Industry of the State of New Jersey.

This regulation is being issued on the basis of data obtained from the petitioners, from other representative milk processors and distributors in the areas covered and from the Office of Milk Industry for the State of New Jersey.

This regulation provides a uniform adjustment of ceiling prices for sales by processors and distributors. This adjustment has been determined by taking prices in effect during the period January 1, 1950, through June 30, 1950, and adding increases and deducting decreases in costs of (1) direct labor, including distribution labor and commission, (2) cans, cases and containers and (3) raw milk and other agricultural commodities or products thereof. Because the increased direct labor cost affected primarily the cost of retail deliveries to the home, the application of the criteria indicated entitlement to a greater increase on retail sales than on non-retail sales. However, to preserve existing price differentials between retail and non-retail sales and to maintain normal marketing practices in the area involved, the regulation establishes a uniform adjustment for both retail and non-retail sales.

The regulation specifies the price for raw milk upon which the adjustment in ceiling prices is based. The price specified is the current official minimum producers price established by the Office of Milk Industry of the State of New Jersey for Class 1 Grade B milk. This price is to be the basis for computing future parity adjustments by processors of the milk items covered. While some of the raw milk utilized is brought in from outside the State of New Jersey, this method has been adopted since the greater portion of milk is produced within that State, and further this policy follows the recommendation of the industry involved.

This regulation does not establish ceiling prices for all milk products, but only for those products for fluid consumption defined in the regulation. Milk products not covered remain subject to the provisions of the General Ceiling Price Regulation. Neither does the regulation attempt to set ceiling prices for sales by operators of retail stores, who shall also remain subject to the provisions of the General Ceiling Price Regulation.

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

In the judgment of the Regional Director of Region III of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

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

In the formulation of this regulation, there has been consultation with industry representatives to the extent practicable and due consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 14 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation issued in accordance with Supplementary Regulation 63 to the General Ceiling Price Regulation and pursuant to Delegation of Authority 41 (16 F. R. 12679) provides uniform adjustments of ceiling prices for the sale of milk products for fluid consumption as defined in section 15 hereof.

SEC. 2. *Where this area milk price regulation applies.* The provisions of this area milk price regulation are applicable in New Jersey Milk Areas I and II, as defined by the Office of Milk Industry of the State of New Jersey. Area I embraces the counties of Mercer, Burlington, Camden, Gloucester, Salem, Cumberland and certain portions of Cape May and Atlantic counties, not included in Area II. Area II is described as follows: Starting at Brigantine Inlet, across Little Bay, Reeds Bay, then on a northwesterly line to the White Horse Pike at Germania, continuing up the White Horse Pike to and including Egg Harbor City, then southwest on N. J. Route 50 to and including Mays Landing; then continuing on N. J. Route 50 including Estelville, Estelville Manor, Buck Hill and continuing on a straight line to Woodbine, then continuing through North Dennis and a straight line to the Dennis Creek and Delaware Bay.

SEC. 3. *Sellers and sales covered by this regulation.* This area milk price regulation covers sales in the marketing area of milk products for fluid consumption by processors and distributors. A processor is any person who pasteurizes, blends, treats, compounds, manufactures or packages milk products for fluid consumption. A distributor is a person, other than the operator of a retail store, who buys packaged milk products in the same form in which he sells them. For the purpose of this regulation a person may be a processor of some items or some quantities of an item of milk product and a distributor as to other items or quantities of an item of milk product.

SEC. 4. *Ceiling prices*—(a) *How you determine your ceiling prices.* Your ceiling price to each class of purchaser of milk products for fluid consumption shall be your GCPR base period price to that class of purchaser, plus a uniform adjustment of one-fourth ($0.0025) cent per sales point. Sales point is defined in section 15 of this regulation.

(b) *Reporting of ceiling prices.* You shall report the ceiling prices resulting from the application of the uniform adjustment specified in section 4 (a) to the Regional Office of the Office of Price Stabilization, Commercial Trust Building, Philadelphia 2, Pennsylvania, by registered mail, return receipt requested, within 5 days after the effective date of this regulation. The report shall be filed on OPS Public Form 124, which may be obtained from the above mentioned office. You shall not sell at the ceiling price computed pursuant to this section until the Office of Price Stabilization has received the report required by this paragraph as shown by your return postal receipt.

SEC. 5. *Use of competitor's ceiling prices to establish your ceiling prices*—(a) *How to determine your ceiling prices.* If you cannot determine a ceiling price under section 4, your ceiling price for the sale of an item of milk product for fluid consumption to any class of purchaser is the ceiling price determined under this regulation for the sale of the same item by your most closely competitive seller of the same class (as defined in section 22 of GCPR) to the same class of purchaser.

(b) *When you may sell at your competitor's ceiling prices.* You shall not sell an item of milk product for fluid consumption until you have sent the report required by section (c) hereof, by registered mail, return receipt requested, to the Regional Director of Region III of the Office of Price Stabilization, Commercial Trust Building, 15th and Market Streets, Philadelphia 2, Pennsylvania. After OPS has received your reports, as shown by the return postal receipts, you may sell the items for which you have reported prices at your proposed ceiling

price unless you are notified by the Regional Director that your proposed ceiling price has been disapproved or that more information is required.

(c) *Report required when you use your competitor's ceiling prices.* Your report shall state the name and address and type of business of your most closely competitive seller of the same class; your reasons for selecting him as your most closely competitive seller; and if you are starting a new business, a statement indicating whether you or the principal owner of the business has engaged in any part of the last twelve months in any capacity in the same or similar business at any other establishment and, if so, the trade name and address of such establishment. Your report should also include the following: A description of the product you are pricing, and if you are a processor, the processing operation involved in the production thereof; the class of purchaser to whom you will be selling, the ceiling price of your nearest competitor and your proposed ceiling price to each class of purchaser.

SEC. 6. *Sellers who cannot price under other sections of this regulation*—(a) *How you obtain your ceiling prices.* If you cannot obtain a ceiling price under sections 4 or 5 of this regulation, you must apply to the Regional Director of Region III of the Office of Price Stabilization for the establishment of a ceiling price for sales by you of that milk product for fluid consumption. The Regional Director, as soon as possible after the receipt of your application or the receipt of such additional information as he may request, will issue an order establishing a ceiling price for the sale by you of that item and specifying a producer price for raw milk from which parity adjustments will be computed. You may not sell such item until the Regional Director has issued a letter order establishing your ceiling price for the sale thereof.

(b) *What your application must contain.* An application under the provisions of this section must contain the following information: An explanation of why you are unable to determine your ceiling price under any other section of this regulation; all pertinent information describing the item; your proposed ceiling price and the method used by you to determine it; and the reason you believe the proposed prices are in line with level of ceiling prices otherwise established by this regulation.

SEC. 7. *Producer prices upon which ceiling prices are based.* The specific producer price for Class I, Grade B Milk, 3.5 percent butterfat, upon which ceiling prices established under this regulation are based is $5.87 per hundredweight.

SEC. 8. *Parity adjustments*—(a) *Processors.* Producer prices specified in section 7 of this regulation must be used as the basis for computing parity adjustments of ceiling prices in accordance with section 8 of Supplementary Regulation 63 to the General Ceiling Price Regulation by all processors except those who establish their ceiling prices under section 5 or 6 hereof.

(b) After the determination of your ceiling price under either section 5 or section 6 of this regulation, you may increase, and you must decrease the ceiling prices so established by parity adjustments in conformity with section 8 (a) of said Supplementary Regulation 63. If your ceiling price was determined under section 5 of this regulation, you shall compute your parity adjustment from the highest price you paid or incurred for your customary purchase of raw milk or products processed therefrom during the most recent paying period prior to the date you mailed your report. If you made no customary purchase prior to the date you mailed your report, the price you paid or incurred for your first customary purchase between the date you mailed your report and the date you first offered your product for immediate delivery shall be your base for computing parity adjustments. If your ceiling price was determined under section 6 of this regulation, you shall compute your parity adjustments from the producer prices specified in the letter order.

(c) *Distributors.* This paragraph applies to you if (1) you are a distributor of an item of milk product for fluid consumption, (2) the cost to you of a current customary purchase of the item differs from the highest ceiling price, applicable to sales to you from a customary source of supply specified in this regulation and (3) the change in the cost to you is due to the operation of the provisions of section 8 (a) (1) of said Supplementary Regulation 63. In such case, on the first day following the effective change in your cost, you may increase and you must decrease your ceiling prices for such items established under sections 4, 5, or 6 of this regulation by the dollar and cents difference per item in these costs.

SEC. 9. *Processors reports of parity adjustments.* Prior to charging any increased prices permitted under section 8 (a) of said Supplementary Regulation 63, you must, if you are a processor, file with the Regional Director of Region III of the Office of Price Stabilization, Commercial Trust Building, 15th and Market Streets, Philadelphia 2, Pennsylvania, a report giving the following information:

(a) The name and description of the item or items of milk product being priced.

(b) The container size of such item or items.

(c) The producer price paid by you for your most current customary purchase of milk.

(d) Your ceiling price for the item or items as determined under section 4 or 5 or established under section 6 of this regulation

(e) Your adjusted ceiling price for each item.

If you are required to decrease your ceiling prices as a result of the operation of section 8 (a) of said Supplementary Regulation 63, you must file the report specified in this paragraph with the Regional Director within 5 days after you are required to make the decreases.

SEC. 10. *Rounding of fractions.* (a) In computing a parity adjustment under section 8 of this area milk price regulation, you shall apply the rounding provisions of section 8 (b) of said Supplementary Regulation 63 to the General Ceiling Price Regulation.

(b) In computing your ceiling prices under section 4 or section 5 of this area milk price regulation or under a letter order issued under section 6, you shall apply the following rounding provisions: Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product for fluid consumption shall be dropped if less than one-half cent or may be increased to the next higher cent if one-half cent or more. If, however, you have customarily billed any particular purchaser or any class of purchasers for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption sold during the preceding month, or other billing period, shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 11. *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any business are sold or otherwise transferred after this regulation becomes effective, and the transferee carries on the business, or continues to deal in the same type of commodities, in an establishment separate from any other establishment previously owned or operated by him, the maximum price of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had been taken, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor will either preserve or make available, and turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 12. *Applicability of other ceiling price regulations.* Except as provided in this area milk price regulation you shall remain subject to the provisions of said Supplementary Regulation 63 and to the provisions of the General Ceiling Price Regulation.

SEC. 13. *Prohibition.* After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell, and you shall not buy, in the regular course of trade or business, any milk product for fluid consumption at a price in excess of the ceiling price established by this regulation.

SEC. 14. *Violations*—(a) *Civil and criminal action.* Persons violating any of the provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950, as amended.

(b) *Violations of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or to apply to

the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Regional Director may issue an order fixing ceiling prices for the milk product such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 15. *Definitions*—(a) *Milk products for fluid consumption.* This term means standard milk; homogenized; vitamin and mineral fortified milk; high fat milks; milks of special curd tensions and other milks of special dietary qualities and properties; buttermilk; chocolate milk; skim milk; plain; skim milk, vitamin or mineral fortified; skim milk drinks such as chocolate drinks; and any other milk variation of the foregoing sold, whether such products are to be sold at retail or wholesale, and regardless of whether such products are to be sold in glass, paper or other type of containers, or in bulk. For purposes of this regulation, however, this term does not include half and half; cream of various percentages of butterfat, including sour cream; cottage, pot and bakers cheese; butter cream; filled cream; cream mixed with other ingredients or gases used as whipping cream and other specialized fluid milk products. This definition is not intended to include milk; cream; skim milk; or whey; when such products are exempt from the General Ceiling Price Regulation or to include ice cream; ice cream mix; canned, evaporated or condensed milk; milk powder; butter or other manufactured products not used for fluid consumption. Neither is it intended to include sales of concentrated frozen fresh milk sold by wholesalers, such sales being governed by Ceiling Price Regulation 14. This regulation applies only to milk, and products therefrom, produced by cows.

(b) *Sales point.* A quart of milk product sold is equal to one sales point; sales points for all other sizes of containers are related to the quart unit in direct proportion to the size of the container sold.

(c) *You.* The pronoun "you" as used in this area milk price regulation indicates the person subject thereto.

Effective date. This area milk price regulation is effective September 4, 1952.

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

JOSEPH J. MCBRYAN,
Regional Director,
Region III.

SEPTEMBER 4, 1952.

[F. R. Doc. 52-9801; Filed, Sept. 4, 1952; 11:03 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 95, Amdt. 1 to Revision 1]

GCPR, SR 95—CEILING PRICES FOR PROCESSORS AND DISTRIBUTORS OF FLAXSEED FEED PRODUCTS

ALLOWANCES FOR PELLETING AND SACKS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Revision f of Supplementary Regulation 95 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation (SR) 95, Revision 1, which set ceiling prices for processors and distributors of flaxseed feed products, did not provide specific ceiling prices for linseed feed and flaxseed screenings oil feed when these products are sold in the form of pellets or cubes. It has been called to the attention of the Director that linseed feed pellets and flaxseed screenings oil feed pellets are produced by at least one firm in the industry. The process used in pressing linseed feed and flaxseed screenings oil feed into pellets or cubes is identical to that used for converting linseed meal into pellets or cubes. SR 95, Revision 1, established ceiling prices for linseed meal pellets or cubes which are $2.25 per ton higher than the ceiling prices fixed for linseed meal. This amendment adopts the same differential for linseed feed and flaxseed screenings oil feed pellets or cubes. It sets ceiling prices for these products which are $2.25 per ton higher than the ceiling prices for linseed feed and flaxseed screenings oil feed previously established by SR 95, Revision 1.

This amendment also changes the allowance for sacks and sacking set forth in section 8. As amended, this section provides that, for a flaxseed feed product sold in sacks, a seller may add to his bulk ceiling price a specified allowance for sacking plus the cost per sack of his most recent customary purchase of the sacks used for the lot. However, the amount added for sacks may not exceed the dollar-and-cent figure specified in section 8. The change made by this amendment will provide an allowance for sacks and sacking consistent with the actual cost of the containers. Similar provisions will also be made in other regulations.

In the formulation of this amendment there has been consultation with industry representatives, to the extent practicable, and consideration has been given to their recommendations. Special circumstances have rendered consultation with trade association representatives impracticable. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Supplementary Regulation 95, Revision 1, is amended in the following respects:

1. Table I is amended to read as follows:

TABLE I

Base points	Oil meal or cake (standard protein content 32 percent)	Sized linseed oil cake, linseed pellets or cubes (standard protein content 32 percent)	Linseed feed (standard protein content 30 percent)	Linseed feed pellets or cubes (standard protein content 30 percent)	Flaxseed screenings oil feed (standard protein content 22 percent)	Flaxseed screenings oil feed pellets or cubes (standard protein content 22 percent)
Minneapolis and Red Wing, Minn.	$78.00	$80.25	$73.00	$75.25	$60.00	$62.25
Chicago, Ill.	82.50	84.75	77.50	79.75	64.50	66.75
Cleveland, Ohio	83.50	85.75	78.50	80.75	65.50	67.75
Emporia and Fredonia, Kans.	83.50	85.75	78.50	80.75	65.50	67.75
Buffalo, N. Y.	83.50	85.75	78.50	80.75	65.50	67.75
New York Harbor area and Philadelphia	85.50	87.75	80.50	82.75	67.50	69.75
Texas mill points	86.50	88.75	81.50	83.75	68.50	70.75
Los Angeles and Fresno, Calif.	[1] 80.00	[1] 82.25	75.00	77.25	62.00	64.25
San Francisco, Calif.	[1] 83.00	[1] 85.25	78.00	80.25	65.00	67.25
Conrad and Great Falls, Mont.	91.00	93.25	86.00	88.25	73.00	75.25

[1] Standard protein content 28 percent up to 34 percent. For 34 percent or greater protein content, add $2.50 per ton.

2. Subparagraph (2) of section 3 (a) is amended to read as follows:

(2) *Guarantee of less than standard protein content.* If you guarantee at the time of sale, that the lot will contain, at a minimum, any specified protein content lower than the standard protein content set forth in Table I, and if you fulfill such guarantee by delivering a lot with at least the minimum protein content guaranteed, your ceiling price is as follows:

(i) If you deliver a flaxseed feed product (except flaxseed screenings oil feed, flaxseed screenings oil feed pellets or cubes), you subtract from the price listed in Table I for that commodity at that base point $2.40 per ton for each unit of protein or fraction thereof by which the guarantee you give is under the standard protein content.

(ii) If you deliver flaxseed screenings oil feed, flaxseed screenings oil feed pellets or cubes, you subtract from the price listed in Table I for that commodity at that base point $2.60 per ton for each unit of protein or fraction thereof by which the guarantee you give is under the standard protein content.

3. Subparagraph (5) of section 3 (a) is amended to read as follows:

(5) *Sale and delivery of more than standard protein content.* If you sell and deliver a flaxseed feed product of more than the standard protein content set forth in Table I, your ceiling price is the same as your ceiling price for that product of standard protein content. However, if you produce linseed oil meal, linseed oil cake, sized linseed oil cake, linseed pellets or linseed cubes at any point in California, you may add $2.50 per ton to your ceiling price for these products of standard protein content as otherwise determined under this regulation, if you guarantee that these products will contain a protein content of 34 percent or more and you fulfill such guarantee on delivery.

4. Section 8 is amended to read as follows:

SEC. 8. *Allowance for sacks and sacking.* If you are a processor and you sell and deliver a flaxseed feed product in sacks, or if you are a wholesaler or retailer and you sack a flaxseed feed product which you buy in bulk, you may add to your ceiling price, per ton, in bulk, as otherwise determined under this regulation, the following:

(a) $1.00 per ton; plus

(b) The lower of the following:

(1) An amount consisting of the cost per sack of your most recent customary purchase of sacks of the kind, size, and condition (new or used) used for the lot, multiplied by the number of sacks furnished per ton of the flaxseed feed product you deliver; or

(2) The applicable allowance from the following table:

Type of sack used	New sacks (per ton)	Used sacks (per ton)
Cotton	$5.25	$4.25
Burlap	4.25	3.50
Paper	3.25	----------

5. Subparagraph (1) of section 9 (b) is amended to read as follows:

(1) "Flaxseed feed products" means linseed oil meal, linseed oil cake, sized linseed oil cake, linseed pellets, linseed cubes; flaxseed screening oil feed, flaxseed screenings oil feed pellets and cubes; linseed feed, linseed feed pellets and cubes.

6. Section 9 (b) is amended to add new subparagraphs (9), (10), (11) and (12) to read as follows:

(9) "Linseed feed pellets" means the product resulting from the processing of linseed feed through a pelleting machine.

(10) "Linseed feed cubes" means the product resulting from the processing of linseed feed through a cubing machine.

(11) "Flaxseed screenings oil feed pellets" means the product resulting from the processing of flaxseed screenings oil feed through a pelleting machine.

(12) "Flaxseed screenings oil feed cubes" means the product resulting from the processing of flaxseed screenings oil feed through a cubing machine.

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

Effective date. This amendment is effective September 9, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

SEPTEMBER 4, 1952.

[F. R. Doc. 52-9802; Filed, Sept. 4, 1952; 11:03 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 116]

GCPR, SR 116—ADJUSTMENTS FOR PIG IRON

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

STATEMENT OF CONSIDERATIONS

In accordance with the directive of the Acting Director of the Office of Defense Mobilization of July 24, 1952, the Office of Price Stabilization on August 19, 1952, issued Revision 1 of Supplementary Regulation 100 to the General Ceiling Price Regulation increasing the ceiling prices of producers of carbon alloy and stainless steel mill products. This regulation which increases the ceiling prices of producers of pig iron is a further implementation of that directive which reads in part as follows:

* * * you are hereby directed to authorize effective upon resumption of steel production, an increase in ceiling prices to basic steel producers for their carbon iron and steel products (with a proportionate increase for alloy and stainless steel) equivalent to $1.66 per ton of carbon steel plus 70¢ per ton of carbon steel to cover the freight increase authorized by the Interstate Commerce Commission effective on May 2, 1952.

This directive is based upon and limited to the facts of the steel industry.

The increase of $2.36 per ton of carbon steel together with the average increase of $2.84 per ton of carbon steel granted by OPS on April 25, 1952, pursuant to the provisions of the Capehart amendment amounts to a total increase of $5.20 or approximately 4.7 percent of the average ceiling prices per ton.

However, if producers of pig iron were permitted to increase the ceiling price of each of the several grades and each of the hundreds of classes of pig iron by this percentage the historic price differentials between these grades and classes which have prevailed in the industry for years would be destroyed. It was necessary therefore to increase the ceiling price of each of the grades and classes by a specific dollar-and-cents amount which would result in an average increase for all grades and classes of approximately 4.7 percent. This is accomplished in this regulation by increasing the ceiling price of each of the grades and classes of pig iron which contains less than 4.99 percent silicon by $2.50 per ton and by increasing the ceiling price of each of the grades and classes of pig iron which contain between 5 percent and 17 percent silicon by $3.00 per ton. These increases are equal to 4.7 percent of the generally prevailing GCPR ceiling prices of No. 2 foundry grade pig iron and silvery pig iron, after rounding in accordance with established industry practice.

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

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling price adjustments.
3. Incorporation of GCPR provisions.

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

SECTION 1. *What this supplementary regulation does.* (a) This supplementary regulation permits producers of pig iron, except those producers whose ceiling prices for pig iron are established under the provisions of Supplementary Regulation 38 to the General Ceiling Price Regulation, to increase the ceiling prices established by the General Ceiling Price Regulation or an individual letter order issued prior to the effective date of this regulation for each of the various grades and classes of pig iron. The increases permitted by this regulation are set forth in Section 2 and apply to all deliveries made on or after July 26, 1952.

(b) "Pig iron" as used in this regulation means iron in the form of standard basic shapes or molten metal. It includes all grades of pig iron listed in the Steel Products Manual, Pig Iron and Blast Furnace Ferro-Alloys, published by the American Iron and Steel Institute. It does not include products commonly known as ferro-alloys, including ferro-silicon containing in excess of 17.00 percent silicon, ferromanganese, spiegeleisen or ferrophosphorous.

SEC. 2. *Ceiling price adjustments.* If you are a producer of pig iron, other than a producer whose ceiling prices for pig iron are established under the provisions of Supplementary Regulation 38 to the General Ceiling Price Regulation, your ceiling price for each of the various grades and classes of pig iron is your ceiling price for such grades and classes established by the General Ceiling Price Regulation, or an individual letter order issued prior to the effective date of this regulation plus the following amounts:

	Per ton
(a) All grades and classes containing a maximum of 4.99 percent silicon	$2.50
(b) All grades and classes containing a minimum of 5.00 percent silicon and a maximum of 17.00 percent silicon	3.00

SEC. 3. *Incorporation of GCPR provisions.* Any person subject to this supplementary regulation is also subject to all the provisions of a General Ceiling Price Regulation not inconsistent with the provisions of this supplementary regulation.

Effective date. This supplementary regulation is effective September 4, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 4, 1952.

[F. R. Doc. 52-9805; Filed, Sept. 4, 1952; 1:00 p. m.]

[General Overriding Regulation 4, Revision 1, Interpretation 1]

GOR 4—EXEMPTION AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

INT. 1—SUSPENSION OF CEILING PRICES ON NON-EXEMPT COMMODITIES FURNISHED WITH BALING AND GINNING SERVICES (SECTION 3 (g) AND (h))

The question has been raised whether the wrapping and ties used in baling cotton have been suspended from price controls (1) when furnished with the service of ginning cotton and (2) when sold as such.

Section 4 (b) (1) of GOR 14, as amended, suspends from price controls the service of ginning, baling and wrapping cotton. Where a commodity is furnished as an integral part of a service and ceiling prices for the service are suspended, the suspension includes the commodity so furnished. Inasmuch as the wrapping and ties furnished with the service of ginning, baling and wrapping are an integral part of such service, they are suspended from price controls—not as commodities but as parts of a service sale—by section 4 (b) (1) of GOR 14, as amended.

On the other hand, the sale of burlap and cotton covers and metal ties used in baling cotton are still subject to price controls when such sale is a separate transaction and is not an integral part of the furnishing of the above services. Section 3 (g) and (h) of GOR 4, Revision 1, as amended, does not suspend burlap and cotton bale covers sold as such from price controls since only laminated covers are included in the commodities suspended by those paragraphs.

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

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

SEPTEMBER 4, 1952.

[F. R. Doc. 52-9803; Filed, Sept. 4, 1952; 11:03 a. m.]

[General Overriding Regulation 14, Interpretation 1]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

INT. 1—SUSPENSION OF CEILING PRICES ON NONEXEMPT COMMODITIES FURNISHED WITH BALING AND GINNING SERVICES SECTION 4 (b) (1))

The question has been raised whether the wrapping and ties used in baling cotton have been suspended from price controls (1) when furnished with the service of ginning cotton and (2) when sold as such.

Section 4 (b) (1) of GOR 14, as amended, suspends from price controls the service of ginning, baling and wrapping cotton. Where a commodity is furnished as an integral part of a service and ceiling prices for the service are suspended, the suspension includes the commodity so furnished. Inasmuch as the wrapping and ties furnished with the service of ginning, baling and wrapping are an integral part of such service, they are suspended from price controls—not as commodities but as parts of a service sale—by section 4 (b) (1) of GOR 14, as amended.

On the other hand, the sale of burlap and cotton covers and metal ties used in baling cotton are still subject to price controls when such sale is a separate transaction and is not an integral part of the furnishing of the above services. Section 3 (g) and (h) of GOR 4, Revision 1, as amended, does not suspend burlap and cotton bale covers sold as such from price controls since only laminated covers are included in the commodities suspended by those paragraphs.

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

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

SEPTEMBER 4, 1952.

[F. R. Doc. 52-9804; Filed, Sept. 4, 1952; 11:03 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-20, Amdt. 1 of Sept. 4, 1952]

M-20—IRON AND STEEL SCRAP

ALLOCATIONS AND DIRECTIVES

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable because the amendment affects a large number of different trades and industries.

This amendment affects NPA Order M-20, of July 18, 1952, by adding "alloy scrap" to the provisions of section 5. As amended, section 5 now reads as follows:

SEC. 5. *Allocations and directives.* NPA may from time to time allocate scrap and such alloy scrap as is subject to Direction 1 to NPA Order M-20 and specifically direct the manner and quantities in which deliveries to particular persons or classes of persons or for particular uses or classes of uses shall be made or suspended; and from time to time may issue specific directives to any person as to the source, destination, consignee, or amount of scrap or such alloy scrap to be delivered or acquired by such person.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect September 4, 1952.

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

[F. R. Doc. 52-9814; Filed, Sept. 4, 1952; 11:28 a. m.]

[NPA Order M-43, as amended Sept. 4, 1952]

M-43—CONSTRUCTION MACHINERY: DISTRIBUTION

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

EXPLANATORY

This order as amended affects NPA Order M-43 as amended July 3, 1952, in the following respects: It restricts the rating limitations of section 6 to the items of construction machinery specified in a new Part 1 to List A, and for this purpose it divides List A into two parts. In addition, clarifying changes have been made in the designation of some of the items on the amended List A.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Required delivery dates.
4. Rejection of rated orders.
5. Limitation for acceptance of rated orders.
6. Limitation on use of ratings.
7. Effect of this order on NPA Reg. 2.
8. NPA assistance in placing rated orders.
9. Scheduled programs.
10. Request for adjustment or exception.
11. Records and reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order applies particularly to producers of construction machinery and equipment, as hereinafter defined, and provides rules for placing, accepting, and scheduling rated orders for such machinery and equipment. The purpose of this order is to provide for equitable distribution of such rated orders among producers, in order to reduce to a minimum the disruption of normal distribution. This order affects NPA Reg. 2 in various respects as hereinafter set out.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons,

and includes any agency of the United States Government or any other government.

(b) "Construction machinery" means any type of construction machinery and equipment as listed and described in List A of this order, and includes parts of such machinery or equipment.

(c) "Producer" means a person engaged in the business of manufacturing construction machinery for sale as such.

(d) "Claimant agency" is a Government agency or NPA division shown in List B of this order.

(e) "NPA" means the National Production Authority.

SEC. 3. *Required delivery dates.* A rated order for construction machinery must specify delivery on a particular date or during a particular month, which in no case may be earlier than required by the person placing the order. The producer shall schedule the order for delivery within the requested month as close to the requested delivery date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders.* A producer need not accept a rated order which he receives less than 45 days prior to the first day of the month in which delivery is requested unless specifically directed to accept the order by NPA.

SEC. 5. *Limitation for acceptance of rated orders.* Unless specifically directed by NPA, no producer shall be required to accept rated orders for delivery in any one month for any one model of any type of construction machinery including parts, in excess of (a) 50 percent of his production schedule of that model for that month or (b) 50 percent of his average monthly shipments of that model during the 6-month period from January 1, 1950, through June 30, 1950, whichever is greater.

SEC. 6. *Limitation on use of ratings.* (a) On and after the effective date of this amendment, no person shall apply or extend a rating to obtain any item of construction machinery listed in Part 1 of List A of this order, but not including parts of such items, unless the rating bears a program identification consisting of the letter A, B, C, or E, and one digit, or the program identification Z–1 or Z–2. The rating limitation contained in the preceding sentence shall not apply to the items in Part 2 of List A of this order.

(b) Any person unable to obtain any item of construction machinery listed in Part 1 of List A of this order at the time he requires it, and who is not authorized to use an A, B, C, E, or Z–2 rating for the purpose, may apply to NPA in accordance with this paragraph for the right to use a Z–1 rating. He shall apply to NPA through the appropriate claimant agency as shown in List B of this order or, if he is unable to determine the appropriate claimant agency, he may apply directly to NPA which will route the application to the appropriate claimant agency. Except as otherwise provided in this paragraph, application shall be made on Form NPAF–138C. Applicants whose appropriate claimant agency is the Canadian Division of NPA shall file on Canadian Department of Defence Production Form 57–3. Applicants whose appropriate claimant agency is the Office of International Trade or the Mutual Security Agency shall file on Form IT–835. Each application shall state the amounts, makes, models, sizes, and values of the machinery required, the end use to which the machinery will be put, the name of the prospective supplier, and the justification showing why the use of a rating is in the public interest, or in the interest of the national defense, and what efforts, if any, have been made to obtain the machinery without a rating.

(c) No applicant shall, within 1 year of his acquisition of any construction machinery obtained pursuant to an application granted in accordance with this section, sell or otherwise dispose of that machinery without written approval of NPA or of the claimant agency through which application was made: *Provided, however,* That the provisions of this paragraph shall not apply to machinery acquired as the result of any application filed on Form IT–835.

(d) No producer of construction machinery shall treat as a rated order any order received by him after the effective date of this amendment for any item of construction machinery listed in Part 1 of List A of this order, but not including parts of such items, unless it bears a rating permitted by this section.

SEC. 7. *Effect of this order on NPA Reg. 2.* To the extent that the provisions of this order, and particularly the provisions of sections 4 and 5 hereof, are in conflict with the provisions of NPA Reg. 2, the provisions of this order shall prevail. Otherwise, the provisions of NPA Reg. 2 shall continue to apply to the construction machinery industry.

SEC. 8. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for construction machinery due to the limitations imposed by section 5 of this order should apply to NPA, Ref.: M–43, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

SEC. 9. *Scheduled programs.* NPA may from time to time approved scheduled programs calling for the production and delivery of one or more types of construction machinery over specified periods of time. Upon approval of any such program, a supplement or supplements to this order will be issued, describing the program and specifying the manner in which it shall be carried out by persons affected thereby.

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–43.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This order as amended shall take effect September 4, 1952.

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

LIST A OF NPA ORDER M-43

PART 1

Bituminous equipment:
- Asphalt plants.
- Distributors.
- Heaters.
- Kettles.
- Mixers.
- Pavers.
- Spreaders, aggregate.

Catch basin cleaners.
Concrete equipment:
- Batchers and batch plants.
- Bins.
- Curb and gutter machines.
- Cutting machines, except masonry.
- Dryers, aggregate.
- Finishers.
- Forms, metal, re-usable.
- Graders, sub and fine.
- Heaters.
- Jacks, slab-raising.
- Mixers, including mortar.
- Pavers.
- Spreaders.
- Towers.
- Vibrators.

Cranes, shovels, and draglines:
- Cranes, construction.
- Cranes, locomotive and rail-truck mounted.
- Cranes, railway, wrecking.
- Crane, shovel, and dragline attachments (not including items in Part 2 below).
- Draglines, construction.
- Draglines, walking.
- Pile drivers and hammers.
- Shovels, power.

Crushing, screening, and washing equipment (portable):
- All types, except food.

Derricks, except oil and gas well.
Discs, wheel-mounted or harrow, construction.
Dredging machinery, except dredge pipe.
Drilling equipment:
- Augers, earth, power-driven.
- Pipe pushers, power-driven.
- Tools, air, contractors.

Flushers, street.
Graders:
- Elevating.
- Pull-type.
- Self-propelled.
- Maintainers.

Grader-mounted equipment.
Haulage units, off-highway:
- Rear-dump trucks.
- Wheel tractors 70 h. p. and over.

Hoists, contractors.
Loaders:
- Bucket, elevating.
- Elevating, shoulder-type.
- Tractor-mounted.

Rollers and compactors, all types.
Rippers, rooters, and scarifiers, drawn.
Scrapers, self-propelled and pull.
Snow plows, all types.
Sweepers and leaf collectors, self-propelled and drawn.
Tractors, crawler.
Tractor-mounted equipment:
- Dozers, power-control units, cranes, shovels, side-booms, back-hoes, loaders, scarifiers, winches, and draglines.

Traffic line marking equipment.
Trailers, construction, off-highway:
- Bottom, rear, and side dump, crawler or wheel-type.
- Logging arches.

Trenchers, all types.

PART 2

Bits, air-drill, removable.
Blades (cutting edges): grader, dozer, scraper, snow plow.
Buckets, concrete equipment.
Buckets and dippers for cranes, shovels, or draglines.
Chutes, concrete equipment.
Grapples, crane.
Hoppers, concrete equipment.
Placers, concrete equipment.
Rock drills, air, including drifters and stopers.
Teeth: bucket, ripper, and scarifier.
Well points, construction.
Wheels, crawler.

LIST B OF NPA ORDER M-43

CLAIMANT AGENCIES AND RESPONSIBILITIES

Agency	Address	Programs and areas of responsibilities
Department of Defense, Department of the Navy, Department of the Army, Department of the Air Force, Associated Agencies of the Department of Defense (National Advisory Committee for Aeronautics, etc.)	Local representative and/or contracting officer of the military department or associated agencies of Department of Defense concerned, from whom you received your government contracts.	The programs of the Department of Defense.
Department of the Army, Corps of Engineers, Panama Canal Co.	District Office, District Engineer, Corps of Engineers.	Civil construction projects under the Department of the Army, except projects having electric power generating capacity or facilities not specifically exempted by the Administrator of Defense Electric Power Administration; the Panama Canal; and the Panama Railroad.
Atomic Energy Commission	Appropriate operations office of the Atomic Energy Commission.	The Atomic Energy Commission with respect to the programs of that agency, including programs for the account of or sponsored by that agency.
Federal Civil Defense Administration.	Federal Civil Defense Administration, Washington 25, D. C.	Buildings, structures, or projects which are to be used exclusively for civil defense purposes, except such structures which are federally owned on Federal property under the control of the Atomic Energy Commission.
Federal Security Agency	Federal Security Agency, Washington 25, D. C.	All school, museum, and library construction; hospital and health facility housing; college and educational institution housing; all hospital and health facility construction other than the Veterans' Administration and military hospitals; all other health and sanitation programs including refuse disposal systems and free-standing incinerators (but not water supply and sewer construction programs), and excluding such types of construction which are federally owned on federally owned property under the control of the Atomic Energy Commission, and such types of construction on military reservations.
General Services Administration.	General Services Administration, Washington 25, D. C.	Requirements for the needs of all Federal Government agencies not covered otherwise for common-use items listed in the GSA Stores Stock Catalog, or procured under Federal Supply Schedule contracts, or otherwise designated as common-use items by the Administrator of General Services, except for such items specifically designated for the Secretary of Defense by agreement between the Secretary of Defense and the Administrator; and requirements for Federal buildings not elsewhere designated.
Defense Materials Procurement Agency.	Defense Materials Procurement Agency, Washington 25, D. C.	Production and processing of the metals and minerals listed in column I of Appendix A of NPA Delegation 5 by or in the respective facilities listed in column III of that appendix.
Veterans' Administration	Veterans' Administration, Washington 25, D. C.	The hospital program of the Veterans' Administration.
Housing and Home Finance	Housing and Home Finance Agency, Washington 25, D. C.	All public and private housing not specifically covered above in this table, including housing under Public Law 211, 81st Congress (Wherry Act) for the Atomic Energy Commission.
Department of Agriculture	County Office, Production and Marketing Administration, Department of Agriculture.	(1) Food and fiber production, including construction of farm ponds and lakes and clearing, draining, reclaiming and conserving land for agricultural purposes, and (2) Food processing and distribution within the limits of the memorandum of agreement between the Administrator of the Production and Marketing Administration and the Administrator of the National Production Authority (NPA) (16 F. R. 3410) as from time to time amended or supplemented.
Department of the Interior	Department of the Interior, Washington 25, D. C.	Facilities for departmental programs of the Department of the Interior.
Department of the Interior	Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C.	Facilities for the production, preparation, and processing of solid fuels.
Department of the Interior	Defense Fisheries Administration, Department of the Interior, Washington 25, D. C.	Facilities for the production and processing of fishery products.
Department of the Interior	Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.	Facilities for the generation, transmission and distribution of electric power.
Department of the Interior	Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C.	Facilities for the production, processing, refining, and distribution of petroleum and gas, and facilities for the production, processing, and distribution of the products listed in Appendix A of NPA Delegation 9 (but not filling stations).
Defense Transport Administration.	Defense Transport Administration, Washington 25, D. C.	Domestic transportation, except programs designated for the Secretary of Commerce; storage; and port facilities.
Department of Commerce	Department of Commerce, Washington 25, D. C.	Maritime Administration programs for coastwise, inter-coastal, and overseas shipping, and merchant ship construction and repair; other Departmental programs, except Office of International Trade and National Production Authority programs.

LIST B OF NPA ORDER M-43—Continued

CLAIMANT AGENCIES AND RESPONSIBILITIES—continued

Agency	Address	Programs and areas of responsibilities
Department of Commerce, Bureau of Public Roads.	State Highway Department, (for reference to District Office, Bureau of Public Roads).	Bureau of Public Roads programs for highway construction and maintenance of all rural and urban highways, streets, highway equipment, repair shops, bridges, tunnels, toll road facilities, and appurtenant installations, publicly owned parking facilities incident to a highway or street, regardless of financing, but not garages, filling stations, restaurants, or other commercial facilities; air navigation facilities; civil airports; shipyards.
Department of Commerce.....	Civil Aeronautics Administration, Department of Commerce, Washington 25, D. C.	Civil aviation programs for which the Civil Aeronautics Administration and the Civil Aeronautics Board are responsible, including air navigation facilities, civil airports, new civil aircraft and concurrent spares, for air carrier and nonair carrier aircraft, and maintenance, repair, and operation of equipment and facilities.
Department of Commerce.....	Office of International Trade, Department of Commerce, Washington 25, D. C.	All exports not elsewhere designated.
Mutual Security Agency.....	Mutual Security Agency, Washington 25, D. C.	Requirements for all nonmilitary exports to MSA countries, exports for additional military production under the Mutual Defense Aid Program and common-use items under other approved military programs.
National Production Authority..	Office of Civilian Requirements, National Production Authority, Washington 25, D. C.	State and local governments, general contractors, subcontractors, and equipment rental contractors, unless the construction machinery is to be used only in connection with a program or programs under the jurisdiction of another agency on this list.
National Production Authority..	Facilities and Construction Bureau, National Production Authority, Washington 25, D. C.	Construction programs for State and local community facilities not elsewhere specifically designated, such as fire and police, penal and administrations; wholesale, retail, and service trades; religious institutions; private industrial facilities not elsewhere designated; and private social recreational activities.
National Production Authority..	Canadian Division, National Production Authority, Washington 25, D. C.	Canadian programs.
National Production Authority..	Water Resources Division, National Production Authority, Washington 25, D. C.	Facilities for ground and surface water supplies: transmission, pumping, treatment, storage, and distribution, for domestic and industrial use; facilities for domestic and industrial liquid, water, sewage collection, transmission, pumping, treatment, and disposal.
National Production Authority..	National Production Authority, Washington 25, D. C.	Facilities for the manufacture of the particular products assigned to each division as shown in the Official Product Assignment Directory published by NPA.

[F. R. Doc. 52-9815; Filed, Sept. 4, 1952; 11:28 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 211—SCOPE OF OPERATING AUTHORITY; ROUTES

USE OF NEW HAMPSHIRE TURNPIKE (TOLL HIGHWAY) BY COMMON AND CONTRACT MOTOR CARRIERS SUBJECT TO THE INTERSTATE COMMERCE ACT

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 25th day of August A. D. 1952.

The above-entitled matter being under consideration:

It appearing, that the State of New Hampshire, through its Department of Public Works and Highways, has petitioned this Commission to enter a general order authorizing the use of the New Hampshire Turnpike between Portsmouth, N. H., and the Massachusetts-New Hampshire State line near Salisbury, Mass., by common and contract motor carriers holding authority to operate over U. S. Highway 1 between those points;

It further appearing, that the New Hampshire Turnpike is a modern toll highway in which there are improvements in design and construction over other highways in that region, including the elimination of cross traffic, reduction in grades, lengthening of curves, and widening of the pavement; that its use as an alternate route by motor carriers holding authority to operate over U. S. Highway 1 between the points specified would promote economical operation, improve the service rendered to the public, serve purposes of national defense, and contribute to the promotion of safety on the highways; and that only in special and unusual instances will there exist reasons for denying to any carrier operating over the parallel highway (U. S. 1) permission to use the Turnpike as an auxiliary highway;

And it further appearing, that in general the use of the said Turnpike as an alternate route as above-indicated is and will be required by public convenience and necessity, in the case of common carriers, and consistent with the public interest and the national transportation policy declared in the Interstate Commerce Act, in the case of contract carriers, and the Commission so finding; therefore,

It is ordered, that the said petition be, and it is hereby, granted. It is further ordered, that:

§ 211.4 *Use of New Hampshire Turnpike by motor carriers authorized to operate over parallel highway (U. S. 1)*—(a) *Conditions.* The New Hampshire Turnpike and such additional highways as may be required in traveling by the shortest practicable route between the authorized highway and the Turnpike in performing authorized operations, may be used as an alternate route, without obtaining prior authority therefor, by common and contract motor carriers subject to the Interstate Commerce Act who are authorized to operate over U. S. Highway 1 between Portsmouth, N. H., and the Massachusetts-New Hampshire State line near Salisbury, Mass., subject in all instances to the following conditions:

(1) The carrier in each case shall give notice to the Commission, by letter, setting forth (i) a complete description by highway numbers of the carrier's authorized route between the point where it proposes to leave its authorized route and point where it proposes to return to such route, (ii) a complete description by highway numbers of the proposed deviation route, including the portion of the Turnpike to be used, between the point where it proposes to leave its authorized route and the point where it will return to such route, and (iii) a list of all known competitors, with a statement that a copy of such letter notice has been served on each of those listed.

(2) The letter shall state that the carrier filing the notice will continue to furnish reasonable and adequate service at all points it is now authorized to serve, that it will not serve new points or points it is not now authorized to serve, and that the use of the Turnpike will not enable the carrier to engage in transportation between any points where because of the circuity of its present routes, or otherwise, such operation is not now practicable.

(3) The right to use the Turnpike as an alternate route shall continue only so long as the carrier is entitled to use the highway or portion thereof described in its Certificate or Permit which parallels the Turnpike, in performing service authorized under the Interstate Commerce Act, and only so long as the conditions mentioned herein are observed.

(b) *Protests.* Any party in interest may file a protest within 30 days from the date a carrier gives notice of intent to operate over the Turnpike. Such protest may be in the form of a letter, should contain facts and information to support protestant's opinion that the carrier filing such notice cannot meet the terms of the above-specified conditions, and should reflect that a copy of the protest has been furnished to the carrier filing the notice. If such a protest is filed the Commission will give due consideration to all facts of record in the particular case, including the notice and protest, and will make a determination in accordance with those facts.

(c) *When application required.* Motor carriers holding authority to operate over specified regular routes in New Hampshire which do not include U. S. Highway 1 or the New Hampshire Turnpike and who desire to use the Turnpike as an alternate route in performing their authorized service, must apply for and

obtain such authority, using Form BMC 78, before operating over the Turnpike. If it appears that the use of the Turnpike by any such applicant would not result in a substantial change in the service between terminal points or to or from intermediate and off-route points, and would not enable the carrier to render service which is now impracticable because of the circuity of the carrier's presently authorized route, or otherwise, consideration will be given to the granting of authority without hearing and with or without restrictions.

(d) *Irregular-route operations.* If a motor carrier is authorized to operate within or through New Hampshire over irregular routes, no specific authority is required from this Commission to use the New Hampshire Turnpike in performing its authorized service.

And it is further ordered, that this order shall become effective October 3, 1952, unless prior thereto it is otherwise ordered by this Commisison.

Notice of this order shall be given to motor carriers and general public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended, 553, as amended; 49 U. S. C. 308, 309)

By the Commission, Division 5.

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

[F. R. Doc. 52-9686; Filed, Sept. 4, 1952; 8:49 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

EXCESS PROFITS TAX; DEDUCTION OF EXPENDITURES FOR ADVERTISING AND GOOD WILL

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 section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

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

In order to conform Regulations 111 (26 CFR Part 29) to section 303 of the Excess Profits Tax Act of 1950, approved January 3, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.23 (a)–1 the following:

SEC. 303. EXPENDITURES FOR ADVERTISING AND GOOD WILL (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

Section 23 (a) (1) (C) of the Internal Revenue Code (relating to expenditures for advertising and good will) is hereby amended to read as follows:

(C) *Expenditures for advertising and good will.* If a corporation has, for the purpose of computing its excess profits tax credit under Chapter 2E, or subchapter D of this chapter, claimed the benefits of the election provided in section 733 or section 451, as the case may be, no deduction shall be allowable under subparagraph (A) to such corporation for expenditures for advertising or the promotion of good will which, under the rules and regulations prescribed under section 733 or section 451, as the case may be, may be regarded as capital investments.

PAR. 2. Section 29.23 (a)–14, relating to the deduction of expenditures for advertising or promotion of good will, is amended to read as follows:

§ 29.23 (a)–14 *Expenditures for advertising or promotion of good will.* A corporation which has, for the purpose of computing its excess profits credit, elected under section 733 (applicable to the excess profits tax imposed by subchapter E of chapter 2) or under section 451 (applicable to the excess profits tax imposed by subchapter D of chapter 1) to charge to capital account for taxable years in its base period expenditures for advertising or the promotion of good will which may be regarded as capital investments may not deduct similar expenditures for the taxable year. Such a taxpayer has the burden of proving that expenditures for advertising or the promotion of good will which it seeks to deduct for such later taxable years may not be regarded as capital investments under the provisions of the regulations prescribed under section 733 or 451, as the case may be. For rules for determining what expenditures for advertising or the promotion of good will may be regarded as capital investments, and for information required to be submitted with respect to such expenditures, see § 30.733–2 of Regulations 109 and § 35.733–2 of Regulations 112 (which sections are applicable to the excess profits tax imposed by subchapter E of chapter 2) and § 40.451–2 of Regulations 130 (applicable to the excess profits tax imposed under subchapter D of chapter 1).

[F. R. Doc. 52-9709; Filed, Sept. 4, 1952; 8:53 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INFORMATION RETURNS REQUIRED WITH RESPECT TO INTEREST AND FOREIGN ITEMS

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] JOHN B. DUNLAP, *Commissioner of Internal Revenue.*

In order to prescribe the amount of interest and of foreign items which must be reported on information returns (Forms 1096 and 1099) for 1953 and subsequent years, pursuant to section 147 (b) of the Internal Revenue Code as amended by section 333 of the Revenue Act of 1951, approved October 20, 1951, Regulations 111 (26 CFR Part 29) are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.147–1 the following:

SEC. 333. INFORMATION AT SOURCE ON PAYMENTS OF INTEREST (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 147 (a) is hereby amended by striking out "interest," in the first sentence. Section 147 (b) is hereby amended to read as follows:

(b) *Returns regardless of amount of payment.* Such returns may be required, regardless of amounts, (1) in the case of payments of interest, and (2) in the case of collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest upon the bonds of and dividends from foreign corporations by persons undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

PAR. 2. Section 29.147–1, as amended by Treasury Decision 5859, approved September 20, 1951, is amended further by inserting immediately after "$600 or more in any calendar year after 1947" in the first sentence the following: "(see § 29.147–4 with respect to payments of interest in the calendar year 1953 or any subsequent calendar year)"

PAR. 3. Section 29.147–4 is amended as follows:

(A) By changing the headnote of such section to read as follows: "§ 29.147–4 *Return of information as to payments of interest.*"

(B) By adding immediately after the amended headnote as cited in (A) above the following paragraphs (a) and (b):

(a) *General rule.* All persons making payment to another person of interest of $100 or more in the calendar year 1953 or any subsequent calendar year must render a return thereof for such year on or before February 28 of the following year, except as specified in paragraph (c) of this section, in § 29.147–3, or in § 29.147–5. A return shall be made in each case on Form 1099, accompanied by transmittal Form 1096 showing the number of returns filed. For the rules applicable with respect to the rendering of information returns for calendar years preceding 1953, see § 29.147–1. Returns of information on Forms 1096 and 1099 should be filed with the Commissioner of Internal Revenue, Processing Division, C. C. Station, Kansas City 2, Missouri. The street and number where the recipient of the interest lives should be stated, if possible. If no present address is available, the last known postoffice address must be given.

(b) *Constructive payment of interest.* For the purpose of making the return of information with respect to payments of interest, an amount is deemed to have been paid when it is credited or set apart to the taxpayer without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and which is made available to him so that it may be drawn at any time, and its receipt brought within his own control and disposition.

(C) By designating the paragraph formerly constituting § 29.147–4 as paragraph (c) of such section entitled "(c) *Special rule.*"

PAR. 4. Section 29.147–7, as amended by Treasury Decision 5859, is amended further by striking "and if the amount of the foreign items paid in any taxable year to an individual, a partnership, or a fiduciary is $600 or more" from the first sentence and inserting in lieu thereof the following: "and if the amount of the foreign items paid to an individual, a partnership, or a fiduciary in any taxable year ending after December 31, 1952, is $100 or more, or in any taxable year ending before January 1, 1953, is $600 or more."

[F. R. Doc. 52–9710; Filed, Sept. 4, 1952; 8:53 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

REGULATED INVESTMENT COMPANIES

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] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to sections 121 (e) and 222 of the Revenue Act of 1950, approved September 23, 1950, to section 201 (c) and (e) of the Excess Profits Tax Act of 1950, approved January 3, 1951, and to section 121 (d) of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.362–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(e) *Regulated investment companies.* (1) Section 362 (b) (3) (relating to normal tax on regulated investment companies) is hereby amended to read as follows:

(3) In the case of taxable years beginning after June 30, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 25 per centum of the amount thereof. In the case of taxable years beginning after December 31, 1949, and before July 1, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 23 per centum of the amount thereof.

(2) Section 362 (b) (4) (relating to surtax on regulated investment companies) is hereby amended to read as follows:

(4) In the case of taxable years beginning after June 30, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q surtax net income a tax equal to 20 per centum of the amount thereof in excess of $25,000. In the case of taxable years beginning after December 31, 1949, and before July 1, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q surtax net income a tax equal to 19 per centum of the amount thereof in excess of $25,000.

(3) The amendments made by this subsection shall be applicable only with respect to taxable years beginning after December 31, 1949.

* * * * *

SEC. 222. REGULATED INVESTMENT COMPANIES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Effective with respect to taxable years ending after the date of the enactment of this act, section 362 (b) (relating to method of taxation of regulated investment companies and shareholders) is hereby amended by adding at the end thereof the following:

(8) For the purposes of this subsection, any dividend or portion thereof declared by a company after the close of the taxable year and prior to the time prescribed by law for the filing of its return for the taxable year (including the period of any extension of time granted for filing such return) shall, to the extent the company so elects in such return, be treated as having been paid during such taxable year, but only if distribution of such dividend is actually made to shareholders in the 12-month period following the close of such taxable year and not later than the date of the first regular dividend payment made after such declaration.

SEC. 201. SURTAX ON CORPORATIONS (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

* * * * *

(c) *Regulated investment companies.* Section 362 (b) (4) of such code (Internal Revenue Code) (relating to surtax on regulated investment companies) is hereby amended by striking out "20 per centum" and inserting in lieu thereof "22 per centum".

* * * * *

(e) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years beginning on or after July 1, 1950.

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

* * * * *

(d) *Regulated investment companies.* Section 362 (b) (relating to tax on regulated investment companies) is hereby amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

(3) In the case of taxable years beginning after December 31, 1950, and before April 1, 1951, and ending after March 31, 1951, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 28¾ per centum of the amount thereof. In the case of taxable years beginning after March 31, 1951, and before April 1, 1954, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 30 per centum of the amount thereof. In the case of taxable years beginning after March 31, 1954, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 25 per centum of the amount thereof.

(4) In the case of taxable years beginning after December 31, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q surtax net income a tax equal to 22 per centum of the amount thereof in excess of $25,000.

* * * * *

SEC. 125. EFFECTIVE DATE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951, except that the amendments made to sections * * * 362 * * * of the Internal Revenue Code shall be applicable to taxable years beginning after December 31, 1950, and ending after March 31, 1951. * * *

PAR. 2. Section 29.362–2, as amended by Treasury Decision 5517, approved June 12, 1946, is further amended as follows:

(A) By striking out that portion of the first sentence thereof which follows the parenthetical phrase "(relating to records required to be kept for the purpose of ascertaining the actual ownership of its outstanding stock)," and inserting in lieu thereof the following:

* * * it is taxable:

(a) Upon its Supplement Q net income (as defined in section 362 (b) (1)):

(1) For taxable years beginning before January 1, 1950, at the rate of 24 percent of the amount thereof;

(2) For taxable years beginning after December 31, 1949, and before July 1, 1950, at the rate of 23 percent of the amount thereof;

(3) For taxable years beginning after June 30, 1950, and before January 1, 1951, and for taxable years beginning after December 31, 1950, and ending before April 1, 1951, at the rate of 25 percent of the amount thereof;

(4) For taxable years beginning after December 31, 1950, and before April 1, 1951, and ending after March 31, 1951, at the rate of 28¾ percent of the amount thereof;

(5) For taxable years beginning after March 31, 1951, and before April 1, 1954, at the rate of 30 percent of the amount thereof;

(6) For taxable years beginning after March 31, 1954, at the rate of 25 percent of the amount thereof.

(b) Upon its Supplement Q surtax net income (as defined in section 362 (b) (2)):

(1) For taxable years beginning before January 1, 1946, at the rate of 16 percent of the amount thereof;

(2) For taxable years beginning after December 31, 1945, and before January 1, 1950, at the rate of 14 percent of the amount thereof;

(3) For taxable years beginning after December 31, 1949, and before July 1, 1950, at the rate of 19 percent of the amount thereof in excess of $25,000;

(4) For taxable years beginning after June 30, 1950, at the rate of 22 percent of the amount thereof in excess of $25,000.

(c) Upon the excess of any net long-term capital gain over the sum of the net short-term capital loss and the amount of capital gain dividends (as defined in section 362 (b) (7)) paid during the year, at the rate of 25 percent of such excess.

(B) By inserting immediately after the fifth sentence thereof (beginning "See § 29.27 (b)–2") the following new sentence: "For certain distributions made after the close of the taxable year which the regulated investment company may elect to treat as paid during the taxable year for purposes of section 362 (b), see § 29.362–6."

PAR. 3. Section 29.362–5 is amended by adding at the end thereof the following new sentence: "For additional rules applicable to certain distributions made after the close of the taxable year which may be designated as capital gain dividends, see § 29.362–6."

PAR. 4. There is inserted immediately after § 29.362–5 the following new section:

§ 29.362–6 *Distribution of dividends after close of taxable year.* (a) Effective with respect to any taxable year ending after September 23, 1950, section 362 (b) (8) provides that:

(1) In determining under section 362 (b) whether a regulated investment company distributes during the taxable year to its shareholders as taxable dividends (other than capital gain dividends) an amount not less than 90 percent of its net income for the taxable year computed without regard to net long-term and net short-term capital gains;

(2) In computing the Supplement Q net income and the Supplement Q surtax net income, and

(3) In determining the amount of capital gain dividends paid during the taxable year, any dividend (or portion thereof) declared by the company after the close of such taxable year and prior to the time prescribed by law for the filing of its return for such taxable year (including the period of any extension of time granted for filing such return) shall, to the extent the company so elects in such return, be treated as having been paid during such taxable year. This rule is applicable only if distribution of the entire amount of such dividend is actually made to shareholders in the 12-month period following the close of such taxable year and not later than the date of the first regular dividend payment made after such declaration.

(b) The election must be made in the return filed by the company for the taxable year. The election shall be made by the taxpayer by treating the dividend (or portion thereof) to which such election applies as a dividend paid during the taxable year in computing its Supplement Q net income and its Supplement Q surtax net income, or if the dividend (or portion thereof) to which such election applies is to be designated by the company as a capital gain dividend, in computing the amount of capital gain dividends paid during such taxable year. The election provided in section 362 (b) (8) may be made only to the extent that the earnings and profits of the taxable year (computed with the application of section 362 (a)) exceed the total amount of distributions out of such earnings and profits actually made during the taxable year (not including distributions with respect to which a prior election has been made under section 362 (b) (8)). The dividend or portion thereof, with respect to which the regulated investment company has made a valid election under section 362 (b) (8), shall be considered as paid out of earnings and profits of the taxable year. However, the dividend or portion thereof subject to the election will be includible in the gross income of shareholders of the regulated investment company for the taxable year in which the dividend is received by them.

Example (1). X Company, a regulated investment company, had a net income (and earnings or profits) for the calendar year 1950 of $100,000. During that year the company distributed to shareholders taxable dividends aggregating $88,000. On March 10, 1951, the company declared a dividend of $37,000 payable to shareholders on March 20, 1951. Such dividend consists of the first regular quarterly dividend for 1951 of $25,000 plus an additional $12,000 representing that part of the net income for 1950 which was not distributed in 1950. On March 15, 1951, X Company files its Federal income tax return and elects therein to treat $12,000 of the total dividend of $37,000 to be paid to shareholders on March 20, 1951, as having been paid during the taxable year 1950. Assuming that X Company actually distributes the entire amount of the dividend of $37,000 on March 20, 1951, an amount equal to $12,000 thereof will be treated for the purposes of section 362 (b) as having been paid during the taxable year 1950. Such amount ($12,000) will be considered a distribution out of the earnings and profits of the company for the taxable year 1950, and will be treated as a taxable dividend to the shareholders for the taxable year in which such distribution is received by them.

Example (2). Y Company, a regulated investment company, had a net income (and earnings or profits) for the calendar year 1950 of $100,000, and for 1951 a net income (and earnings or profits) of $125,000. On January 1, 1950, the company had a deficit in its earnings and profits accumulated since February 28, 1913, of $115,000. During the year 1950 the company distributed to shareholders taxable dividends aggregating $85,000. On March 5, 1951, the company declared a dividend of $65,000 payable to shareholders on March 31, 1951. On March 15, 1951, Y Company files its Federal income tax return in which it includes $40,000 of the total dividend of $65,000 to be paid to shareholders on March 31, 1951, as a dividend paid by it during the taxable year 1950. On March 31, 1951, Y Company distributes the entire amount of the dividend of $65,000 declared on March 5, 1951. The election under section 362 (b) (8) is valid only to the extent of $15,000, the amount of undistributed earnings or profits for 1950. The remainder ($50,000) of the dividend paid on March 31, 1951, may not be the subject of an election, but such amount will be regarded as a distribution by Y Company for the taxable year 1951. Assuming that the only other distribution by the Y Company during 1951 is a distribution of $75,000 paid as a dividend on October 31, 1951, the total amount of the distribution of $65,000 paid to shareholders on March 31, 1951, is to be treated as taxable dividends to the shareholders. Of this amount $15,000 is to be treated as distributed out of the earnings or profits of the company for the taxable year 1950, and the remaining $50,000 as a distribution out of the earnings or profits for the year 1951.

(c) A dividend (or portion thereof) with respect to which an election has been made under section 362 (b) (8) and which the company desires to designate as a capital gain dividend need not be so designated within 30 days after the close of the taxable year, but will be properly designated as a capital gain dividend if it is designated as such in a written notice mailed to the shareholders at the time of the payment of the dividend. Such designated capital gain dividends are to be aggregated with the designated capital gain dividends actually paid during such taxable year (not including such dividends with respect to which a prior election has been made under section 362 (b) (8)) for the purpose of determining whether the aggregate of the designated capital gain dividends with respect to such taxable year of the company is greater than the excess of the net long-term capital gain over the net short-term capital loss of the company.

(d) After the expiration of the time for filing the return for the taxable year for which an election is made under section 362 (b) (8), such election shall be irrevocable with respect to the dividend or portion thereof to which it applies.

[F. R. Doc. 52-9708; Filed, Sept. 4, 1952; 8:52 a. m.]

[26 CFR Part 81]

ESTATE AND GIFT TAXES

TRANSFERS FOR PUBLIC, CHARITABLE, RELIGIOUS, SCIENTIFIC, AND EDUCATIONAL USES

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 Commis-

sioner 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 section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791) and pursuant to the provisions of Public Law 814, 81st Congress, approved September 23, 1950.

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

In order to conform Regulations 105 (26 CFR Part 81) to certain provisions of Parts I, II and III of Title III of the Revenue Act of 1950 (Pub. Law 814, 81st Cong.), approved September 23, 1950, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 81.44 the following:

SEC. 302. EXEMPTION OF CERTAIN ORGANIZATIONS FOR PAST YEARS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Trade or business not unrelated.* For any taxable year beginning prior to January 1, 1951, no organization shall be denied exemption under paragraph (1), (6), or (7) of section 101 of the Internal Revenue Code on the grounds that it is carrying on a trade or business for profit if the income from such trade or business would not be taxable as unrelated business income under the provisions of Supplement U of the Internal Revenue Code, as amended by this act, or if such trade or business is the rental by such organization of its real property (including personal property leased with the real property).

(b) *Period of limitations.* In the case of an organization which would otherwise be exempt under section 101 of the Internal Revenue Code were it not carrying on a trade or business for profit, the filing of the information return required by section 54 (f) of the Internal Revenue Code (relating to returns by tax-exempt organizations) for any taxable year beginning prior to January 1, 1951, shall be deemed to be the filing of a return for the purposes of section 275 of the Internal Revenue Code (relating to period of limitation upon assessment and collection). In the case of such an organization which was, by the provisions of section 54 (f) of the Internal Revenue Code, specifically not required to file such information return, for the purposes of the preceding sentence a return shall be deemed to have been filed at the time when such return should have been filed had it been so required. The provisions of this subsection shall not apply to a taxable year of such an organization with respect to which, prior to September 20, 1950, (1) any amount of tax was assessed or paid, or (2) a notice of deficiency under section 272 of the Internal Revenue Code was sent to the taxpayer.

(c) *Denial of deductions.* A gift or bequest to an organization prior to January 1, 1951, for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals) otherwise allowable as a deduction under section * * * 812 (d), 861 (a) (3), * * * of the Internal Revenue Code, may not be denied under such sections if a denial of exemption to such organization for the taxable year of the organization in which such gift or bequest was made is prevented by the provisions of subsections (a) or (b) of this section.

SEC. 162. NET INCOME (INTERNAL REVENUE CODE AS AMENDED BY SECTION 321, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The net income of the estate or trust shall be computed in the same manner and on the same basis as in the case of an individual, except that—

(a) Subject to the provisions of subsection (g), there shall be allowed as a deduction (in lieu of the deduction for charitable, etc., contributions authorized by section 23 (o)) any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating the trust, is during the taxable year paid or permanently set aside for the purposes and in the manner specified in section 23 (o), or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit. Where any amount of the income so paid or set aside is attributable to gain from the sale or exchange of capital assets held for more than six months, proper adjustment of the deduction otherwise allowable under this subsection shall be made for any deduction allowable to the trust under section 23 (ee);

* * * * *

(g) *Rules for application of subsection* (a) *in the case of trusts.*

* * * * *

(2) *Operations of trusts*—(A) *Limitation on charitable, etc., deduction.* The amount otherwise allowable under subsection (a) as a deduction shall not exceed 15 per centum of the net income of the trust (computed without the benefit of subsection (a)) if the trust has engaged in a prohibited transaction, as defined in subparagraph (B) of this paragraph.

(B) *Prohibited transactions.* For the purposes of this paragraph the term "prohibited transaction" means any transaction after July 1, 1950, in which any trust while holding income or corpus which has been permanently set aside or is to be used exclusively for charitable or other purposes described in subsection (a)—

(i) Lends any part of such income or corpus, without receipt of adequate security and a reasonable rate of interest, to;

(ii) Pays any compensation from such income or corpus, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(iii) Makes any part of its service available on a preferential basis to;

(iv) Uses such income or corpus to make any substantial purchase of securities or any other property, for more than an adequate consideration in money or money's worth, from;

(v) Sells any substantial part of the securities or other property comprising such income or corpus, for less than an adequate consideration in money or money's worth, to; or

(vi) Engages in any other transaction which results in a substantial diversion of such income or corpus to;

the creator of such trust; any person who has made a substantial contribution to such trust; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of the trust or who has made a substantial contribution to the trust; or a corporation controlled by any such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all classes of stock of the corporation.

(C) *Taxable years affected.* The amount otherwise allowable under subsection (a) as a deduction shall be limited as provided in subparagraph (A) only for taxable years subsequent to the taxable year during which the trust is notified by the Secretary that it has engaged in such transaction, unless such trust entered into such prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such corpus or income.

(D) *Future charitable, etc., deductions of trusts denied deduction under subparagraph* (C). If the deduction of any trust under subsection (a) has been limited as provided in this paragraph, such trust, with respect to any taxable year following the taxable year in which notice is received of limitation of deduction under subsection (a), may, under regulations prescribed by the Secretary, file claim for the allowance of the unlimited deduction under subsection (a), and if the Secretary, pursuant to such regulations, is satisfied that such trust will not knowingly again engage in a prohibited transaction, the limitation provided in subparagraph (A) shall not be applicable with respect to taxable years subsequent to the year in which such claim is filed.

(E) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section * * * 812 (d), 861 (a) (3), * * * shall be allowed as a deduction if made in trust and, in the taxable year of the trust in which the gift or bequest is made, the deduction allowed the trust under subsection (a) is limited by subparagraph (A). With respect to any taxable year of a trust in which such deduction has been so limited by reason of entering into a prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such income or corpus, and which taxable year is the same, or prior to the, taxable year of the trust in which such prohibited transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(F) *Definition.* For the purposes of this paragraph the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

(3) *Cross reference.* For disallowance of certain charitable, etc., deductions otherwise allowable under subsection (a), see section 3813.

* * * * *

SEC. 322. EFFECTIVE DATE OF PART II (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part [section 321, inserting subsection (g) in section 162 of the Internal Revenue Code] shall be applicable only with respect to taxable years beginning after December 31, 1950, except that subsection (g) (2) (E) of section 162 of the Internal Revenue Code, added by section 321 (a) of this Act, shall apply only with respect to gifts or bequests (as defined in section 162 (g) (2) (F) of the Internal Revenue Code) made on or after January 1, 1951.

* * * * *

SEC. 331. EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101 (6) AND DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Chapter 38 is hereby amended by inserting at the end thereof the following new sections:

SEC. 3813. REQUIREMENTS FOR EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101 (6) AND FOR DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS.

(a) *Organizations to which section applies.* This section shall apply to any organization described in section 101 (6) except—

(1) A religious organization (other than a trust);

(2) An educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on;

(3) An organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 101 (6)) from the United States or any State or political subdivision thereof or from direct or indirect contributions from the general public;

(4) An organization which is operated, supervised, controlled, or principally supported by a religious organization (other than a trust) which is itself not subject to the provisions of this section; and

(5) An organization the principal purposes or functions of which are the providing of medical or hospital care or medical education or medical research.

(b) *Prohibited transactions.* For the purposes of this section, the term "prohibited transaction" means any transaction in which an organization subject to the provisions of this section—

(1) Lends any part of its income or corpus, without the receipt of adequate security and a reasonable rate of interest, to;

(2) Pays any compensation, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(3) Makes any part of its services available on a preferential basis to;

(4) Makes any substantial purchase of securities or any other property, for more than adequate consideration in money or money's worth, from;

(5) Sells any substantial part of its securities or other property, for less than an adequate consideration in money or money's worth, to; or

(6) Engages in any other transaction which results in a substantial diversion of its income or corpus to;

the creator of such organization (if a trust); a person who has made a substantial contribution to such organization; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of such trust or who has made a substantial contribution to such organization; or a corporation controlled by such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all clases of stock of the corporation.

(c) *Denial of exemption to organizations engaged in prohibited transactions*—(1) *General rule.* No organization subject to the provisions of this section which has engaged in a prohibited transaction after July 1, 1950, shall be exempt from taxation under section 101 (6).

(2) *Taxable years affected.* An organization shall be denied exemption from taxation under section 101 (6) by reason of paragraph (1) only for taxable years subsequent to the taxable year during which it is notified by the Secretary that it has engaged in a prohibited transaction, unless such organization entered into such prohibited transaction with the purpose of diverting corpus or income of the organization from its exempt purposes, and such transaction involved a substantial part of the corpus or income of such organization.

(d) *Future status of organization denied exemption.* Any organization denied exemption under section 101 (6) by reason of the provisions of subsection (c), with respect to any taxable year following the taxable year in which notice of denial of exemption was received, may, under regulations prescribed by the Secretary, file claim for exemption, and if the Secretary, pursuant to such regulations, is satisfied that such organization will not knowingly again engage in a prohibited transaction, such organization shall be exempt with respect to taxable years subsequent to the year in which such claim is filed.

(e) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section * * * 812 (d), 861 (a) (3), * * * shall be allowed as a deduction if made to an organization which, in the taxable year of the organization in which the gift or bequest is made, is not exempt under section 101 (6) by reason of the provisions of this section. With respect to any taxable year of the organization for which the organization is not exempt pursuant to the provisions of subsection (c) by reason of having engaged in a prohibited transaction with the purpose of diverting the corpus or income of such organization from its exempt purposes and such transaction involved a substantial part of such corpus or income, and which taxable year is the same, or prior to the, taxable year of the organization in which such transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(f) *Definition.* For the purposes of this section, the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

* * * * *

SEC. 332. TECHNICAL AMENDMENTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(e) *Amendment of section 812 (d).* Section 812 (d) is hereby amended by adding at the end thereof the following: "For disallowance of certain charitable, etc., deductions otherwise allowable under this subsection, see sections 3813 and 162 (g) (2)."

(f) *Amendment of section 861 (a).* Section 861 (a) (3) is hereby amended by adding at the end thereof the following: "For disallowance of certain charitable, etc., deductions otherwise allowable under this paragraph, see sections 3813 and 162 (g) (2)."

* * * * *

SEC. 333. EFFECTIVE DATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Subsections (c) and (d) of section 3813 * * * of the Internal Revenue Code, added by section 331 of this Act, shall apply with respect to taxable years beginning after December 31, 1950, and subsection (e) of section 3813 of the Internal Revenue Code shall apply only with respect to gifts or bequests (as defined in section 3813 of the Internal Revenue Code) made on or after January 1, 1951.

PAR. 2. Section 81.44, as amended by Treasury Decision 5351, approved March 27, 1944, is further amended as follows:

(A) By changing the headnotes of such section and of paragraph (a) to read as follows: "§ 81.44 *Transfers for public, charitable, religious, etc., uses*—(a) *In general.*";

(B) By striking the word "Deduction" at the beginning of the first sentence and inserting in lieu thereof the following: "Except as otherwise provided in paragraph (b) of this section, deduction"; and

(C) By adding at the end of paragraph (a) the following paragraph (b).

(b) *Disallowance of certain charitable, etc., deductions.* (1) In the case of a decedent dying on or after January 1, 1951, no deduction which would otherwise be allowable under paragraph (a) of this section for the value of property transferred by the decedent during his lifetime or by will for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals) shall be allowed if (i) the transfer is made in trust and, for income tax purposes for the taxable year of the trust in which the transfer is made, the deduction otherwise allowable to such trust under section 162 (a) is limited by section 162 (g) (2) (A) by reason of the trust having engaged in a prohibited transaction described in section 162 (g) (2) (B); or (ii) the transfer is made to an organization subject to section 3813 which, for its taxable year in which the transfer is made, is not exempt from income tax under section 101 (6) by reason of having engaged in a prohibited transaction described in section 3813 (b).

(2) For the purpose of section 162 (g) (2) (E) and section 3813 (e) the term "transfer" includes any gift, contribution, bequest, devise, legacy, or other disposition. In applying such sections for estate tax purposes, a transfer, whether made before, on or after January 1, 1951, and whether made during the decedent's lifetime or by will, shall be considered as having been made at the moment of the decedent's death.

(3) Part 29 of this chapter, relating to the income tax, contain the rules for the determination of the taxable year of the trust for which the deduction under section 162 (a) is limited by section 162 (g) (2) and for the determination of the taxable year of the organization for which an exemption is denied under section 3813 (c). See §§ 29.162–3 (b) and 29.3813–1 of Regulations 111. Such taxable year must begin after December 31, 1950. Generally, such taxable year is a taxable year subsequent to the taxable year during which the trust or organization has been notified by the Commissioner that it has engaged in a prohibited transaction. However, if the trust or organization after December 31, 1950, and during or prior to the taxable year entered into the prohibited transaction for the purpose of diverting its corpus or income from the purposes described in section 162 (a) or from its exempt purposes, as the case may be, and such transaction involves a substantial part of such income or corpus, then the deduction of the trust under section 162 (a) for such taxable year is limited by section 162 (g) (2), and the exemption of the organization for such taxable year is denied under section 3813 (c), whether or not the organization has previously received notifi-

cation by the Commissioner that it is engaged in a prohibited transaction. In certain cases, the limitation of section 162 (g) may be removed or the exemption may be reinstated for certain subsequent taxable years under the rules set forth in §§ 29.162–3 (b) and 29.3813–2, of Regulations 111.

(4) In cases in which prior notification by the Commissioner is not required in order to limit the deduction of the trust under section 162 (g) (2) or to deny exemption of the organization under section 3813, the deduction otherwise allowable under paragraph (a) of this section shall not be disallowed in respect to transfers made during the same taxable year of the trust or organization in which such prohibited transaction occurred or in a prior taxable year unless the decedent or a member of his family was a party to the prohibited transaction. For the purpose of the preceding sentence, the members of the decedent's family include only his brothers and sisters, whether by whole or half blood, spouse, ancestors, and lineal descendants.

PAR. 3. Section 81.45 is amended by adding at the end thereof the following: "For further limitations in the case of transfers by decedents dying on or after January 1, 1951, see § 81.44 (b), relating to transfers to trusts and organizations engaged in a prohibited transaction described in sections 162 (g) (2) (B) or 3813 (b)."

[F. R. Doc. 52-9707; Filed, Sept. 4, 1952; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[481.21]

BOX SPRING FRAMES

TARIFF CLASSIFICATION

AUGUST 28, 1952.

The Bureau by its letter to the collector of customs at Detroit, Michigan, dated February 12, 1951, ruled that unassembled box spring frames consisting of several wooden pieces, some having rounded ends, are properly classifiable as entireties under the provisions for parts of furniture in paragraph 412, Tariff Act of 1930.

This decision will be effective as to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption on or after 30 days after the date of publication of an abstract thereof in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-9703; Filed, Sept. 4, 1952; 8:50 a. m.]

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1952, 78th Supp.]

PACIFIC INSURANCE CO. LTD.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

AUGUST 25, 1952.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $71,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

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

HAWAII

Pacific Insurance Company, Limited, Honolulu.

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9704; Filed, Sept. 4, 1952; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

"ITALIA" SOCIETA ANONIMA DI NAVIGAZIONE (ITALIAN LINE)

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

"Italia" Societa Anonima de Navigazione (Italian Line), Genoa, Italy, Claim No. 37107; $75,372.82 in the Treasury of the United States.

A building located at Cristobal, Canal Zone, upon the area described in License No. 489–B granted to "Italia" S. A. di Navigazione on February 26, 1938, by N. A. Becker, Acting Chief, Real Estate Section of the Panama Canal.

All the right, title and interest of the Attorney General of the United States in and to any and all property owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to "Italia" Societa Anonima di Navigazione and its Branches in the United States and acquired by the Attorney General under Vesting Order No. 182, dated September 28, 1942, including, but not limited to, the following items presently in the possession of the Office of Alien Property, 346 Broadway, New York, New York: (1) promissory notes in the aggregate face amount of $346.00, (2) 100 American certificates of Kreuger and Toll Company, Stockholm, Sweden, at 20 crowns each, (3) 2,200 lire Italian paper notes, (4) 230 centisivi Italian coins, (5) Certificate of Claim No. 1–969 against the Union Trust Company, Cleveland, Ohio, (6) 2 shares of Peoples Bank & Trust Company $12.50 par value capital stock and (7) 3 uncollected checks of $100.00 each; also including 30 shares of Italian Terminal Service, Inc., $100.00 par value capital stock presently in the possession of the Safekeeping Department, Federal Reserve Bank of New York, New York; also including (1) 8 ship models, (2) 2 iron gangways and (3) books and records, all in the possession of the Office of Alien Property, New York, New York, and located at the Office of Alien Property Warehouse, Ellis Island, New York.

Executed at Washington, D. C., on August 28, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-9701; Filed, Sept. 4, 1952; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 22, 1952.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Los Angeles land district, embracing approximately 90 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 347

For lease and sale for homesites only:
T. 10 N., R. 13 W., S. B. M.
Sec. 22, S½SW¼NW¼, SW¼SE¼NW¼, N½NW¼SW¼, NW¼NE¼SW¼, SW¼NW¼SW¼, W½SW¼SW¼.

This land is located in southern Kern County, California, approximately 12 miles southwest of the town of Mojave, California. It is reached by an oiled road from U. S. Highway 6 at Gloster Station. The tract is generally level, with sandy soil, and produces the usual types of desert vegetation. Temperatures range from 30 degrees Fahrenheit in winter to 110 degrees in summer.

2. As to applications regularly filed prior to 9:00 a. m., June 16, 1949, and

are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

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

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

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

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

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

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

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

8. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $15.00 per acre. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

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

10. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52-9713; Filed, Sept. 4, 1952; 8:55 a. m.]

CALIFORNIA

NOTICE OF FILING OF PLATS OF SURVEY

AUGUST 27, 1952.

Pursuant to the redelegation of authorthority provided for in Order No. 1, Region II, section 2.14 (b) approved August 20, 1951 (16 F. R. 8614), authorizing the preparation and publication of notices of the official filing of approved plats of survey, notice is given as follows:

The plat of dependent resurvey and extension survey and plats of survey of the following described lands accepted January 2, 1951, will be officially filed in the Land Office at Los Angeles, California, effective at 10:00 a. m., on the 35th day after the date of this notice.

The lands affected by this notice are described as follows:

SAN BERNARDINO MERIDIAN

T. 10 No., R. 26 W.,
T. 10½ No., Rgs. 26 and 27 W.

The area described embraces 4,276.04 acres.

These surveys were made upon the request of the Geological Survey as an administrative measure for the proper supervision of the oil and gas development affecting public lands in the Cuyama Valley area.

In view thereof, the land will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

PAUL B. WITMER,
Manager, Land Office.

[F. R. Doc. 52-9674; Filed, Sept. 4, 1952; 8:45 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 22; Docket No. 33]

LIFETIME INDUSTRIES, INC.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 4th day of August 1952, before J. Forrester Davison, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799); and

The respondents, Lifetime Industries, Inc., John A. Serpell, and Albert B. Cunnington, having been duly apprised of the specific violations charged, and having been fully informed of the rules and procedures which govern these proceedings and the administrative action which may be taken; and

The respondents having appeared herein by their attorney, Joseph P. King, 1028 Connecticut Avenue, Washington, D. C.; and

The respondents and each of them having stipulated on the 30th day of July 1952 to a statement of facts to be filed in these proceedings in lieu of the presentation of other evidence in support of and in opposition to the statement of charges, it is hereby determined:

Findings of fact. 1. During the period beginning April 1, 1951, and ending June 30, 1952, Lifetime Industries, Inc. committed acts prohibited by National Production Authority Order M-7, section 26.25 (b), as amended December 1, 1950 (15 F. R. 8576), section 6 (d), as amended June 1, 1951 (16 F. R. 5259); CMP Regulation No. 1, section 19 (f), dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860), section 3 (c), dated May 3, 1951 (16 F. R. 4127), as amended July 12, 1951 (16 F. R. 6800), section 3 (c), dated May 3, 1951 (16 F. R. 4127), as amended July 12, 1951 (16 F. R. 6800), and November 23, 1951 (16 F. R. 11860); in that Lifetime Industries, Inc. obtained and used in the production of aluminum wall siding approximately 1,186,798 pounds of aluminum more than it was permitted to obtain and use by the said sections.

2. During the period beginning April 1, 1951, and ending June 30, 1952, John A. Serpell and Albert B. Cunnington committed acts prohibited by National Production Authority Order M-7, section 26.25 (b), as amended December 1, 1950 (15 F. R. 8576), section 6 (d), as amended June 1, 1951 (16 F. R. 5259); CMP Regulation No. 1, section 19 (f), dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860), section 3 (c), dated May 3, 1951 (16 F. R. 4127), as amended July 12, 1951 (16 F. R. 6800), section 3 (c), dated May 3, 1951 (16 F. R. 4127), as amended July 12, 1951 (16 F. R. 6800), and November 23, 1951 (16 F. R. 11860); in that John A. Serpell

and Albert B. Cunnington owned, dominated, managed, controlled, and were responsible for the direction and supervision of Lifetime Industries, Inc. during the time Lifetime Industries, Inc. obtained and used the unauthorized quantities of aluminum set forth in paragraph 1 above.

Conclusion. During the period beginning April 1, 1951, and ending June 30, 1952, Lifetime Industries, Inc., John A. Serpell, and Albert B. Cunnington violated the provisions of National Production Authority regulations, orders, and directives as hereinabove cited by obtaining and using in the production of aluminum wall siding approximately 1,186,798 pounds of aluminum more than was authorized or permitted by the said provisions.

In order to correct the unauthorized use of aluminum in the manufacture of wall siding occasioned by the violations found herein,

It is accordingly ordered: 1. That all allocations and allotments of materials for use in the manufacture of aluminum wall siding be withdrawn and withheld from Lifetime Industries, Inc., its successors and assigns, John A. Serpell, and Albert B. Cunnington for a period of 6 months commencing from the date of issuance of this order. The period of 6 months stated herein shall be extended or reduced until the quantity of aluminum unused in the third quarter of 1952 and the quantity of aluminum withheld from Lifetime Industries, Inc., for its use in the manufacture of aluminum wall siding becomes equal to 1,186,798 pounds.

And in order to prevent future violations of National Production Authority regulations, orders and directives by the respondents,

It is further ordered: 2. That all priority assistance, allocations, and allotments of materials be withdrawn and withheld from Lifetime Industries, Inc., its successors and assigns, John A. Serpell, and Albert B. Cunnington for a period of 6 months more or less as provided for in paragraph 1 of this order.

3. That the respondents Lifetime Industries, Inc., its successors and assigns, John A. Serpell, and Albert B. Cunnington be prohibited from producing or acquiring "Class A products" and from producing "Class B products" (as defined in National Production Authority CMP Regulation No. 1 as amended November 23, 1951, and as may be hereafter amended), and from acquiring, using, or disposing of any materials under control of the National Production Authority, except as may be directed by the Administrator of the National Production Authority, for a period of 6 months more or less as provided for in paragraph 1 of this order.

4. That all privileges of self-certification granted or authorized by National Production Authority with respect to controlled materials and materials under control of the National Production Authority be withdrawn and withheld from Lifetime Industries, Inc., its successors and assigns, John A. Serpell, and Albert B. Cunnington, for a period of 6 months more or less as provided for in paragraph 1 of this order.

Issued this 5th day of August 1952.

NATIONAL PRODUCTION AUTHORITY,
By J. FORRESTER DAVISON,
Hearing Commissioner.

[F. R. Doc. 52-9816; Filed, Sept. 4, 1952; 11:29 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5657]

CARIBBEAN AMERICAN LINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of the Caribbean American Lines, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 30, 1952, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., this 2d day of September 1952.

By the Civil Aeronautics Board.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 52-9702; Filed, Sept. 4, 1952; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1899, G-2012]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE, CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

AUGUST 28, 1952.

On July 28, 1952, at Docket No. G-2012, Iowa-Illinois Gas and Electric Company (Applicant), an Illinois Corporation, with its principal place of business in Davenport, Iowa, filed an application for an order disclaiming jurisdiction or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 22 miles of 8-inch duplicate-transmission pipe line serving its Ottumwa district in Iowa, should it ultimately be determined that the construction of the said facilities and the operation thereof are subject to the Commission's jurisdiction.

Due notice of filing such application has been given, including publication in the FEDERAL REGISTER on August 15, 1952 (17 F. R. 7439).

Applicant has requested that its application in Docket No. G-2012 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

The Commission, by order issued August 12, 1952, denied Applicant's request that its application in Docket No. G-1899 [1] be heard under the shortened procedure as provided by the Commission's rules of practice and procedure and fixed the date of hearing thereon to commence on September 9, 1952.

The Commission finds:

(1) Good cause has not been shown for granting Applicant's request that its application in Docket No. G-2012 be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and said request should be denied as hereinafter ordered.

(2) It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for consolidating the above proceedings for purpose of hearing.

(3) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in the proceeding in Docket No. G-2012 less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Iowa-Illinois Gas and Electric Company's request that its aplication in Docket No. G-2012 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same is hereby denied.

(B) The aforesaid proceedings in Docket Nos. G-1899 and G-2012 be and the same hereby are consolidated for purpose of hearing.

(C) Pursuant to authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on September 9, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 29, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9678; Filed, Sept. 4, 1952; 8:47 a. m.]

[1] The application of Iowa-Illinois Gas and Electric Company, filed in Docket No. G-1899, requested an order disclaiming jurisdiction or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the continued operation of 23 miles of 4-inch duplicate-transmission pipe line serving its Ottumwa district in Iowa, and 17 miles of 10-inch duplicate-transmission pipe line serving its Davenport district in Iowa, should it be ultimately determined that such facilities and operation thereof are subject to the Commission's jurisdiction.

[Docket No. G-1947, G-1959]

TEXAS EASTERN TRANSMISSION CORP. AND WILCOX TREND GATHERING SYSTEM, INC.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

AUGUST 28, 1952.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-1947; Wilcox Trend Gathering System, Inc., Docket No. G-1959.

On April 24, 1952, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application, as supplemented on June 11, August 7, and August 12, 1952, and as amended on August 7, 1952, in Docket No. G-1947, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 315 miles of 24-inch pipe line extending from a point near Provident City, Lavaca County, Texas, in a northeasterly direction to a point of connection with its existing 20-inch transmission pipe line at or near its Station E at Cator, Bianville Parish, Louisiana.

The natural-gas facilities proposed to be constructed and operated by Texas Eastern are fullly described in the aforementioned application, as amended and supplemented, now on file with the Commission and open for public inspection.

Due notice of the filing of said application, and the amendment thereto, has been given, including publication in the FEDERAL REGISTER on May 13, 1952 (17 F. R. 4358) and on August 19, 1952 (17 F. R. 7561).

On May 19, 1952, Wilcox Trend Gathering System, Inc. (Wilcox), a Delaware corporation having its principal place of business at 1403 Magnolia Building, Dallas 1, Texas, filed an application, as supplemented on June 9, July 31 and August 11, 1952, in Docket No. G-1959, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 157 miles of natural-gas transmission pipe line consisting of 88 miles of 14-inch pipe line commencing at a point in the Hagist Field in McMullen County, Texas, and extending in a northeasterly direction to a point approximately 8 miles southeast of Nordheim, Goliad County, Texas, and 69 miles of 16-inch pipe line, interconnecting with the aforementioned 14-inch pipe line, extending in a northeasterly direction to the inlet side of the Goliad gasoline plant located in the Provident City field, Lavaca County, Texas. Wilcox also proposes to construct and operate certain lateral pipe lines extending to the proposed 157 miles of pipe line, heretofore described, and certain appurtenant metering and measuring stations and related facilities necessary for the operation of said pipe line. In addition, Wilcox proposes to construct and operate a 2,200 hp compressor station, and all appurtenant facilities to be located in DeWitt County, Texas.

The natural-gas facilities proposed to be constructed and operated by Wilcox are fully described in its aforementioned application, as supplemented, now on file with the Commission and open for public inspection.

Due notice of the filing of said application has been given, including publication in the FEDERAL REGISTER on June 4, 1952 (17 F. R. 5048).

Wilcox proposes to purchase natural gas from the owners of various oil and gas wells located in certain producing fields in the State of Texas, all as fully described in said application; to collect and gather such natural gas, and transport it through the aforementioned natural gas facilities to a point of interconnection with the facilities proposed to be constructed and operated by Texas Eastern in Docket No. G-1947, and at said point of interconnection to sell natural gas to Texas Eastern for transportation and sale of such natural gas in interstate commerce for resale.

The Commission finds:

(1) Good cause exists and it would be in the public interest to consolidate the above-docketed proceedings for purposes of hearing.

(2) It is in the public interest that at the hearing in the proceedings, consolidated for purpose of hearing as hereinafter ordered, testimony to be presented by each of the Applicants herein, e. g., Texas Eastern and Wilcox, shall be heard and completed prior to cross-examination of any or all of the witnesses presented by said Applicants, and to proffer of testimony by any other party to these consolidated proceedings.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, the above-docketed matters be and they are hereby consolidated for purposes of hearing; said hearing to commence on September 24, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforementioned applications.

(B) The hearing in these consolidated proceedings shall be conducted in the manner and procedure set forth in Finding (2) of this order.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 29, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9679; Filed, Sept. 4, 1952; 8:47 a. m.]

[Docket No. G-1995]

MISSISSIPPI RIVER FUEL CORP.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

AUGUST 28, 1952.

On July 9, 1952, Mississippi River Fuel Corporation (Applicant), a Delaware corporation having its principal place of business at 407 North Eighth Street, St. Louis 1, Missouri, filed an application, as corrected August 1, 1952, for a declaratory order stating that the proposed facilities and service hereinafter described are not matters requiring a certificate under section 7 of the Natural Gas Act, or, in the alternative, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a pipe line approximately 1.6 miles in length together with related facilities for the purpose of transporting and selling natural gas, on an interruptible basis and in volumes estimated at 4,250,000 Mcf annually, to Union Electric Company in Missouri to be used for firing boilers in an electric power plant, all as more fully described in said application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 23, 1952 (17 F. R. 6753) has been given.

A joint petition to intervene was filed by the National Coal Association, the United Mine Workers of America and the Fuels Research Council, Inc., and on August 19, 1952, the Commission issued an order permitting intervention by these petitioners.

The Commission finds: Good cause has not been shown for granting Applicant's request that its application herein be heard under the shortened procedure as provided by the Commission's rules of practice and procedure and said request should be denied as hereinafter ordered.

The Commission orders:

(A) Applicant's request that its application herein be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure be and the same is hereby denied.

(B) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held commencing on September 22, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by said application, as corrected.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 29, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9680; Filed, Sept. 4, 1952; 8:48 a. m.]

[Docket No. G-1236]

LAKE SHORE PIPE LINE CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 29, 1952.

Notice is hereby given that on August 27, 1952, the Federal Power Commission issued its order entered August 26, 1952, amending order (16 F. R. 1776) issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9675; Filed, Sept. 4, 1952; 8:45 a. m.]

[Docket No. G-2025]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

AUGUST 29, 1952.

Take notice that on August 6, 1952, Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal office in Houston, Texas, 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 a sales meter station on its main transmission pipe line near Ashland, Mississippi, for the sale and delivery of natural gas to the Village of Ashland for resale in Ashland and environs.

Applicant proposes to sell natural gas for resale to the Village of Ashland in volumes not to exceed 160 Mcf daily. Reference in the application is made to Docket Nos. G-962 and G-1248, wherein delivery capacity of 40,000 Mcf daily was authorized for general distribution to such communities, and of which 38,000 Mcf is being distributed.

The estimated over-all capital cost of the proposed facilities is $3,000, which will be defrayed from cash on hand.

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

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9677; Filed, Sept. 4, 1952; 8:46 a. m.]

[Docket Nos. ID-1058, ID-1076, ID-1160, ID-1161, ID-1182]

W. J. ROSE ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

AUGUST 29, 1952.

In the matters of W. J. Rose, Docket No. ID-1058; George M. Nelson, Docket No. ID-1076; H. A. Kammer, Docket No. ID-1160; V. M. Marquis, Docket No. ID-1161; Elmer A. Elliott, Docket No. ID-1182.

Notice is hereby given that on August 28, 1952, the Federal Power Commission issued its orders entered August 26, 1952, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9676; Filed, Sept. 4, 1952; 8:46 a. m.]

FEDERAL SECURITY AGENCY

Public Health Service

PROMULGATION OF STATE ALLOTMENT PERCENTAGES

Pursuant to sections 631(a) and (b) of title VI of the Public Health Service Act as amended by the Hospital Survey and Construction Act (Public Law 725, 79th Congress), as amended, and having found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce on the per capita incomes of States and of the continental United States are the years 1949, 1950, and 1951, the following allotment percentages for the several States, Alaska, Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands, determined pursuant to said Act and on the basis of said data, are hereby promulgated for two fiscal years in the period beginning July 1, 1953:

Alabama	70.58
Alaska	50.00
Arizona	56.03
Arkansas	70.76
California	39.13
Colorado	50.29
Connecticut	38.19
Delaware	34.99
District of Columbia	33.56
Florida	58.68
Georgia	66.25
Hawaii	50.00
Idaho	55.80
Illinois	38.89
Indiana	49.17
Iowa	51.30
Kansas	53.70
Kentucky	67.23
Louisiana	64.52
Maine	58.70
Maryland	46.22
Massachusetts	44.93
Michigan	45.43
Minnesota	53.30
Mississippi	75.00
Missouri	51.62
Montana	46.04
Nebraska	50.77
Nevada	36.00
New Hampshire	54.50
New Jersey	40.62
New Mexico	59.66
New York	35.46
North Carolina	67.11
North Dakota	55.54
Ohio	44.76
Oklahoma	61.73
Oregon	47.60
Pennsylvania	47.39
Puerto Rico	75.00
Rhode Island	46.39
South Carolina	69.73
South Dakota	54.17
Tennessee	66.72
Texas	55.29
Utah	55.28
Vermont	58.31
Virginia	59.90
Virgin Islands	75.00
Washington	44.23
West Virginia	62.88
Wisconsin	49.49
Wyoming	45.73

Dated: August 26, 1952.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: August 29, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-9711; Filed, Sept. 4, 1952; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2921]

CENTRAL MAINE POWER CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF SHORT-TERM NOTES

AUGUST 29, 1952.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Central Maine Power Company ("Central Maine"), a public utility subsidiary of New England Public Service Company, a registered holding company. Applicant has designated the first sentence of section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 17, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 17, 1952, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

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

Central Maine proposes to issue and renew from time to time, up to and including March 1, 1953, notes having a maturity of three months or less up to the maximum amount of $11,000,000 at any one time outstanding (including the renewal of notes outstanding at the date of authorization). Each such note, including the renewal notes, will be made payable to The First National Bank of Boston and will bear interest at the rate of 3 percent per annum, subject to change in interest rates for prime paper.

It is stated that the interest rate for prime paper is presently 3 percent per annum. In case the interest rate should exceed 3¼ percent per annum on any note, the company will file an amendment to its application stating the rate of interest and other details of the note or notes at least five days prior to the execution and delivery thereof, and asks that such amendment become effective without further order of the Commission at the end of the five-day period unless the Commission shall have notified the company to the contrary within said period.

The proceeds from the sales of the notes will be used to finance the company's construction program. The company estimates that expenditures for its construction program for 1952 will amount to $17,000,000. It is further estimated that an aggregate of $11,000,000 (including the $3,500,000 presently outstanding) will be required from outside sources for the period ending March 1, 1953. The application states that the company intends, soon after March 1, 1953, to issue and sell approximately $6,000,000 of First and General Mortgage Bonds and sufficient Common Stock to yield approximately $5,000,000 to refund the then outstanding short-term notes. However, it is stated that market conditions may require some variation of this financing.

It is represented that no regulatory authority, other than this Commission, has jurisdiction over the proposed transactions, and that legal fees and expenses in connection with the proposed transactions will aggregate approximately $125.

Applicant requests that the Commission's order herein become effective upon its issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52-9681; Filed, Sept. 4, 1952; 8:48 a. m.]

SAN FRANCISCO STOCK EXCHANGE

NOTICE OF PROPOSAL TO DECLARE EFFECTIVE A PLAN FILED FOR DISPOSAL OF CERTAIN DOCUMENTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a revised Plan filed on August 18, 1952, by the San Francisco Stock Exchange pursuant to § 240.17a-6 (Rule X-17A-6) under the Securities Exchange Act of 1934, for the disposal of all applications, reports and documents filed with that Exchange prior to January 1, 1947, pursuant to sections 12, 13, 14 and 16 of the Securities Exchange Act of 1934, or any rule or regulation promulgated by the Commission pursuant to any of such sections. The Plan also provides for the regular disposition of similar material which has been on file with the Exchange more than five years, as soon as practicable after January 1st of each year.

Information contained in the material proposed to be disposed of pursuant to the revised plan of the San Francisco Stock Exchange is on file with the Commission where it will continue to be available.

The original Plan of this Exchange, which was declared effective on June 25, 1951, and discussed in Securities Exchange Act Release No. 4621, did not make provision for the disposal of any material filed pursuant to section 14 of the Securities Exchange Act of 1934, and limited the material which could be disposed of under section 12 of that act. Under the revised Plan, the Exchange will be permitted to dispose of all applications, reports and documents filed prior to January 1, 1947, pursuant to sections 12, 13, 14 and 16 of the Securities Exchange Act of 1934, or the rules and regulations thereunder.

The Securities and Exchange Commission proposes to declare the revised Plan of the San Francisco Stock Exchange effective on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said Plan by sending at least ten days' written notice to the Exchange.

These proposals are made pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof and Rule X-17A-6 thereunder. All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. on or before September 16, 1952.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

AUGUST 27, 1952.

[F. R. Doc. 52-9682; Filed, Sept. 4, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Amdt. 1 to Special Order 19]

PLAYA DEL REY FIELD, LOS ANGELES COUNTY, CALIFORNIA

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This Amendment No. 1 to Special Order No. 19 corrects the ceiling price for the sale of 21 degrees API gravity crude petroleum produced from the Playa Del Rey Field, Los Angeles County, California.

The approved ceiling price at the lease receiving tank as stated in the aforesaid Special Order No. 19, under Special Provision No. 1, is $1.98 per barrel for 21 degrees API gravity crude petroleum.

This price is included in the ceiling price schedule which was set up on a basis of Signal Hill prices less 10 cents per barrel. In order to conform with this schedule the ceiling price for 21 degrees API gravity crude petroleum should be $1.97 per barrel. This difference of 1 cent per barrel in the ceiling price of 21 degrees API gravity crude was due to an error in the ceiling price schedule, which this amendment corrects. All other gravities from 17 degrees to and including 24 degrees API gravity are correctly figured at 10 cents per barrel under corresponding gravities of Signal Hill crude petroleum.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of SR 2 to CPR 32, *It is ordered:*

1. That that part of Special Order No. 19 which refers to 21 degrees API gravity crude petroleum be amended to read as follows:

Gravity:	Price
21°–21.9°	$1.97

2. All provisions of Special Order No. 19, except as changed by this amendment thereto, shall remain in full force and effect as far as you are concerned.

3. This amendment may be amended, modified or revoked at any time by the Director of Price Stabilization.

Effective date. This amendment shall become effective on August 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9651; Filed, Aug. 29, 1952; 4:06 p. m.]

[Region V, Redelegation of Authority No. 43]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SR 39, REVISION 1, TO GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 25, as amended (16 F. R. 11406; 17 F. R. 7098), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region V, located in Montgomery in the State of Alabama, Jacksonville in the State of Florida, Jackson in the State of Mississippi, Columbia in the State of South Carolina, Nashville in the State of Tennessee, to act as follows:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1, to the General Ceiling Price Regulation, relating to interstate and intrastate operations;

(b) To make adjustment of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1, to the General Ceiling Price Regulation, relating to interstate and intrastate operations.

This redelegation of authority shall take effect as of August 25, 1952.

CHARLES B. CLEMENT,
Acting Director of Regional Office V.

SEPTEMBER 2, 1952.

[F. R. Doc. 52-9697; Filed, Sept. 2, 1952; 3:39 p. m.]

[Region VII, Redelegation of Authority No. 41]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 24

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 50 (17 F. R. 675), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Milwaukee, Wisconsin, and Indianapolis, Indiana, to issue adopting orders as authorized by GOR 24 and to grant, deny, or revoke the reclassification provided for under section 7 of GOR 24.

2. If the area for which it is deemed appropriate to fix community dollars-and-cents ceiling prices lies within the jurisdiction of more than one regional or district office of the Office of Price Stabilization, the office for the area in which the majority of the sellers to be covered by the order is located shall be the office to issue an order fixing community dollars-and-cents ceiling prices for all sellers in that area.

This redelegation of authority shall take effect on September 3, 1952.

ROGER W. BARRETT,
Acting Director of Regional Office No. VII.

SEPTEMBER 2, 1952.

[F. R. Doc. 52-9698; Filed, Sept. 2, 1952; 3:39 p. m.]

[Region XI, Redelegation of Authority No. 13, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SR 39, REVISION 1 TO GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority 25, Amendment 1 (17 F. R. 7098), section 1 of Redelegation of Authority No. 13 is amended to read as follows:

SECTION 1. Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This Amendment 1 to Redelegation of Authority No. 13 shall take effect as of August 28, 1952.

ALLEN MOORE,
Acting Regional Director, Region XI.

SEPTEMBER 2, 1952.

[F. R. Doc. 52-9699; Filed, Sept. 2, 1952; 3:40 p. m.]

[Region XII, Redelegation of Authority No. 53]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (D) OF CPR 17

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 72 (17 F. R. 7357), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII:

(a) To request information in accordance with OPS Public Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of Ceiling Price Regulation 17;

(b) To issue area adjustments by special order under the provisions of section 11 (d) of Ceiling Price Regulation 17;

(c) To disapprove area adjustments requested under section 11 (d) of Ceiling Price Regulation 17.

This redelegation of authority shall take effect as of August 31, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

SEPTEMBER 2, 1952.

[F. R. Doc. 52-9700; Filed, Sept. 2, 1952; 3:40 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27359]

SAND AND GRAVEL FROM ATTICA, IND., TO PHILO, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 2, 1952.

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

Filed by: R. G. Raasch, Agent, for the Wabash Railroad Company.

Commodities involved: Sand and gravel, carloads.

From: Attica, Ind.

To: Philo, Ill.

Grounds for relief: Wayside pit competition.

Schedules filed containing proposed rates: Wabash R. R. tariff I. C. C. No. 7324, Supp. 297. Wabash R. R. tariff I. C. C. No. 7685, Supp. 1.

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] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-9687; Filed, Sept. 4, 1952; 8:49 a. m.]

[4th Sec. Application 27360]

CRANBERRIES FROM POINTS IN WISCONSIN TO SPRINGFIELD, MO.

APPLICATION FOR RELIEF

SEPTEMBER 2, 1952.

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

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3366.

Commodities involved: Cranberries, carloads.

From: Eagle River, Lake Tomahawk, Manitowish, and Three Lakes, Wis.

To: Springfield, Mo.

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

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3366, Supp. 42.

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] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-9688; Filed, Sept. 4, 1952; 8:49 a. m.]

[4th Sec. Application 27361]

PIG IRON FROM POINTS IN TEXAS TO OFFICIAL TERRITORY AND CENTRALIA, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 2, 1952.

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

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

Commodities involved: Pig iron, carloads.

From: Daingerfield, Lone Star, and McCrossin, Tex.

To: Points in official territory and Centralia, Ill.

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

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3960, Supp. 22.

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] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-9689; Filed, Sept. 4, 1952; 8:49 a. m.]

[4th Sec. Application 27362]

CANCELLATION MINIMUM CHARGES IN CLASS RATES BETWEEN POINTS IN ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 2, 1952.

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

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3944.

Involving: Class rates governed by exceptions to the classification.

Between: Points in Illinois and western trunk-line territories.

Grounds for relief: Rail competition, circuity, grouping, and operation through higher-rated territory.

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

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-9690; Filed, Sept. 4, 1952; 8:50 a. m.]